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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 4@ Prepaid Health Plans

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Article 5@ APPLICATIONS, CONTRACTS AND PUBLIC HEARINGS

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Section 53522@ Public Hearing Process

## **53522 Public Hearing Process**

### **(a)**

The Department shall prepare the agenda for the hearing and an informational attachment to the agenda, translated into languages appropriate to the plan's actual or potential membership. The informational summary shall serve to provide the public hearing audience with background material on the plan.

### **(b)**

Each public hearing shall be presided over by a duly authorized hearing officer.

### **(c)**

The hearing officer shall present an oral statement designed to inform the public of the authority and purpose for holding the hearing, to explain how the hearing will be conducted, to provide the public with directions on presenting testimony and to solicit testimony from the public.

### **(d)**

Departmental management, fiscal and medical audit information on the plan shall be introduced at the hearing. A representative from the Department shall introduce and summarize all of the documents to be entered into the public hearing record by the Department.

### **(e)**

The plan's representative shall introduce and summarize any documentation which it desires to have entered into the public hearing record. All charts and other

presentation material shall be in a size or format specified by the Department.

**(f)**

Public input from the audience shall be made on the basis of the order in which an identification card for persons wishing to make a presentation is received by the hearing officer. All persons wishing to testify or ask questions shall be afforded that opportunity. The plan and the Department shall have a sufficiently broad representation of personnel in attendance to answer questions asked by interested parties.

**(g)**

Witnesses at the hearing shall not be subject to questioning except under the following conditions: (1) Representatives of the plan shall be subject to questioning by representatives of the Department. In addition, members of the public may direct questions to representatives of the plan under such conditions and pursuant to such procedures as may be determined by the hearing officer. (2)

Representatives of the Department shall be subject to questioning by representatives of the plan. In addition, members of the public may direct questions to representatives of the Department under such conditions and pursuant to such procedures as may be determined by the hearing officer. (3)

Expert witnesses giving testimony either favorable or unfavorable to the plan may be subject to questioning under such conditions and pursuant to such procedures as may be determined by the hearing officer. (4) The hearing officer may ask questions of any person giving testimony.

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Representatives of the plan shall be subject to questioning by representatives of the Department. In addition, members of the public may direct questions to representatives of the plan under such conditions and pursuant to such procedures as may be

determined by the hearing officer.

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Representatives of the Department shall be subject to questioning by representatives of the plan. In addition, members of the public may direct questions to representatives of the Department under such conditions and pursuant to such procedures as may be determined by the hearing officer.

**(3)**

Expert witnesses giving testimony either favorable or unfavorable to the plan may be subject to questioning under such conditions and pursuant to such procedures as may be determined by the hearing officer.

**(4)**

The hearing officer may ask questions of any person giving testimony.

**(h)**

Testimony at the hearing shall not be given under oath.

**(i)**

The hearing officer shall close the public hearing when there are no more requests to present oral statements or questions. In the event that there is relevant evidence, which in the exercise of reasonable diligence could not have been produced at the public hearing, the hearing officer may in his discretion continue the hearing for the submission of such evidence or may provide for the submission of such evidence pursuant to such procedures as he deems appropriate.

**(j)**

The hearing officer shall make a proposed finding of fact, based only upon such evidence as is contained in the public hearing record, regarding the plan's compliance with its previous contract obligations, when applicable, and its ability to comply with its proposed contract obligations.

**(k)**

The proposed finding of fact by the hearing officer shall be utilized by the Department in its decision process for contract approval or denial.