

53690 Burden of Proof

(a)

The provider shall bear the burden of proving, by a preponderance of the evidence, all facts supporting entitlement to relief.

(b)

The plan shall bear the burden of proving, by a preponderance of the evidence, all facts presented in defense against the claim.

(c)

The party bearing the burden of proof of a particular fact shall initially bear the burden of producing evidence of that fact.