

96051.34 Prehearing Provisions

(a)

The hearing officer will notify the hospital, the patient who filed the complaint, and the Department of the hearing date and time at least 60 calendar days in advance.

(b)

The hospital and the Department shall provide copies of all proposed exhibits and list of witnesses to the hearing officer and to the other party no later than 45 calendar days prior to the hearing date.

(c)

The hearing officer shall provide a copy of all proposed exhibits and list of witnesses to the patient who filed the complaint and allow the patient 30 calendar days to submit a response, including additional evidence in support of the complaint.

(d)

Upon receipt of any response or additional evidence from the patient, the hearing officer shall provide copies of the response and evidence to the hospital and the Department.

(e)

Request to Change Hearing Date. Either party may request a change of hearing date, if necessary. Requests for rescheduling shall be submitted to the hearing

officer at least 10 calendar days before the scheduled hearing. Requests for rescheduling must be based upon good cause, as determined by the hearing officer, and will only be granted if the change would not prejudice the other party.

(f)

Request to Change Hearing Method. All hearings will be held in-person as specified by the hearing officer; however, the hearing officer may schedule a hearing to be conducted by telephone or other electronic means. If so, either party may object; upon receipt of such an objection, the hearing officer will schedule an in-person hearing. If the hearing officer does not initially plan to conduct a hearing by telephone or other electronic means, either party may so request; if the hospital and the Department consent, the hearing officer may, but is not required to, conduct the hearing by telephone or other electronic means. The hospital and the Department will be notified of the hearing officer's decision.

(g)

Request for Consolidation. The hearing officer may, on their own determination or upon written request of one of the parties, consolidate for hearing or decision any number of appeals when the facts and circumstances are similar, and no substantial right of any party will be prejudiced. The hearing officer shall notify both the hospital and the Department if consolidation is occurring. Either party may request consolidation by filing a request with the hearing officer containing the following information: (1) Identification of the appeals to be consolidated. (2) A statement of the basis for consolidation.

(1)

Identification of the appeals to be consolidated.

(2)

A statement of the basis for consolidation.

(h)

Request for Interpreter. If a party or a witness of a party does not speak or understand English proficiently, or is deaf or hard-of-hearing, the party may request interpretation services and the Department will provide an interpreter. Such a request must be received by the hearing officer at least 10 working days before the hearing.

(i)

Request for Court Reporter. Hearings will be recorded electronically; however, either party may provide a court reporter at that party's expense. If a party chooses to provide a court reporter, that party shall notify the hearing officer in advance and make all necessary arrangements. The original transcript shall be provided directly to the Department. The non-appearance of a court reporter will not be considered adequate grounds for canceling or rescheduling a hearing.