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Title 22@ Social Security

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Division 7@ Health Planning and Facility Construction

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Chapter 12@ Postsurgical Recovery Care Demonstration Project

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Article 7@ Monitoring and Compliance

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Section 97560.19@ Hearing Procedures

97560.19 Hearing Procedures

(a)

The hearing shall be held by an employee of the Office delegated the responsibility to conduct the hearing by the Director. The formal rules of evidence shall not apply. A facility may but need not be represented by counsel. The hearing will be tape recorded by the Office. The facility may bring a certified shorthand reporter instead, if it agrees to provide the Office with a copy of the transcript at no charge. The hearing shall proceed as follows: (1) One or more representatives of the Office shall present the evidence that was the basis for the accusation. (2) The facility through its authorized representatives shall be given its opportunity to present its side of the case. (3) Both parties shall summarize their respective positions. (4) The case shall then be submitted to the hearing officer for a Proposed Decision.

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The facility through its authorized representatives shall be given its opportunity to present its side of the case.

(3)

Both parties shall summarize their respective positions.

(4)

The case shall then be submitted to the hearing officer for a Proposed Decision.

(b)

The hearing officer shall prepare a Proposed Decision with findings of fact and conclusions of law for submittal to the Director within 10 calendar days of the conclusion of the hearing.

(c)

The Director shall then have 10 calendar days to adopt or reject the Proposed Decision.

(d)

If the Director does not adopt the Proposed Decision, he or she will furnish a Notice of Rejection of Proposed Decision along with a copy of the Proposed Decision to the facility through the facility's authorized representative. The Director will provide the facility the opportunity to present written arguments to the Office within a reasonable period of time. The Director may also provide the facility an opportunity to present additional oral arguments before the Office. The decision of the Director will be based on the record, including the hearing record and such additional information as is provided by the facility. The decision of the Director shall be made within 30 calendar days of the rejection of the Proposed Decision.

(e)

Nothing in this section or section 97560.15 or 97560.17 shall be construed as preventing the Office from informally settling the issues surrounding the proposed suspension or withdrawal of designation either before, during or after the hearing.

(f)

The decision of the Director shall be final upon service of a copy of the decision on

an authorized representative of the facility.