

N 6.07 Default; relief therefrom. In case the respondent fails to submit an answer as required by section N 6.05, or fails to appear at the hearing at the time fixed therefor, the charges specified may be taken as true and the board may make findings and enter its order on the basis of the facts revealed by its investigation. But the director, executive committee or board may, for good cause shown, relieve the respondent from the effect of such default and permit him to answer and defend the proceeding, at any time before the board enters its order or within 60 days thereafter.

N 6.08 Service and filing of papers. Unless otherwise provided by law, all orders, notices and other papers may be served by the director or the board by first class or registered mail addressed to the party at the last postoffice address, shown on the records of the board, or to his attorney of record. Papers required to be filed with the director or board may be mailed to the following address:

Room 607, 119 Monona Avenue
Madison 3, Wisconsin

*48 or Shelby Ave
Madison, Wis 53702*

N 6.09 Conduct of hearings; continuances; appearances; examinations of witnesses. Unless otherwise ordered by the board, all hearings shall be conducted on behalf of the board by the executive committee or any member thereof and shall be presided over by the director or a deputy director, who shall swear all witnesses competent to take an oath. Continuances and adjournments may be granted by the executive committee for cause shown. The respondent may appear in person or by any officer, regular employee or attorney. Witnesses may be examined on behalf of the board by any member of the executive committee or by a representative of the attorney general acting as counsel for committee. The respondent or any of its agents, officers or employees may be examined adversely as prescribed by section 325.14 Wis. Stats.

History: 1-2-56; am. Register, June, 1963, No. 90, eff. 7-1-63.

N 6.10 Subpoenas; witness fees. Subpoenas may be signed and issued by the director, any member of the board or the clerk of any court of record. Witness fees and mileage of witnesses subpoenaed on behalf of the board shall be paid at the rate prescribed for witnesses in circuit court, upon filing with the director their affidavits of attendance and travel, and shall be charged to the appropriation for the administration of chapter 149, Wis. Stats.

N 6.11 Prehearing conferences. Prehearing conferences may be held at the convenience of the parties and shall be conducted by the director, who shall keep and preserve a record of any agreement as to the issues of stipulation or admission of fact which may be made at such conference. Such record shall be attached to the file and constitute a part of the official record of the case.

N 6.12 Arguments. Except as provided in section 227.12 Wis. Stats., arguments shall be submitted to the board in writing unless otherwise ordered. Ten copies of such written arguments shall be filed with the director within such time as may be fixed at the hearing, by the executive committee. The director shall forthwith send a copy to each member of the board.

N 6.13 Variances. The provisions of section 263.28, Wis. Stats., with reference to variances between the allegations and the proof, shall apply to proceedings under these rules.

N 6.14 Petition for rules or declaratory rulings. Petitions for the adoption, repeal or amendment of rules and for declaratory rulings shall be governed by sections 227.015 through 227.022, and section 227.06 Wis. Stats., and by sections H 1.41—H 1.55 Wisconsin Administrative Code of the Rules of the State Board of Health Relating to Pleading, Practice and Procedure, so far as applicable, with the following exceptions: (1) Petitions shall be captioned, "Before the Wisconsin State Board of Nursing."

(2) The duties with reference to investigation, filing of papers, giving of notices, etc., therein imposed on the state health officer shall be performed by the director.

(3) Hearings shall be conducted by the executive committee unless otherwise ordered by the board.

(4) All final determinations shall be made by the board.