H 1.14 Conduct of hearings; continuances; appearances; examination of witnesses. Unless otherwise ordered by the board, all hearings shall be conducted on behalf of the board by the state health officer or some other member of the board designated by him, except that when permitted by law he may designate an employe of the board for that purpose. Continuances and adjournments may be granted by such presiding officer for cause shown. The respondent may appear in person or by any officer, regular employe or attorney. The complainant may likewise so appear but shall not be deemed a party. Witnesses competent to take an oath shall be sworn by the presiding officer and may be examined on behalf of the board by the presiding officer or by a representative of the attorney general acting as counsel for the board, or, with the permission of the presiding officer, by any employe of the board or by the complainant or his attorney. The respondent or any of his agents, officers or employes may be examined adversely as prescribed by statute.

History: 1–2–56; am. Register, December, 1966, No. 132, eff. 1–1–67.

H 1.15 Subpoenas. Any member of the board may sign and issue subpoenas, whether he is to conduct the hearing or not.

H 1.16 Prehearing conferences. Prehearing conferences may be held at the convenience of the parties and shall be conducted by the state health officer or other member or employe of the board designated by him, who shall keep and preserve a record of any agreement as to the issues or 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.

H 1.17 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 state health officer, who shall forthwith send a copy to each member of the board, unless the decision is to be made by the state health officer under section 140.05 (1), Wis. Stats. The time for filing arguments shall be fixed by the officer presiding at the hearing.

H 1.18 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.

Appeals to the Board and Applications for Hearings

H 1.21 Form of notice of appeal or application for hearing. Any person aggrieved by an order of the state health officer, made under section 140.05 (1), Wis. Stats., or any other statute, or of the board, made under any other statute under which the board may act without a previous hearing, or any person aggrieved by the denial by the board of his application for federal aid in hospital construction, may file an original and 8 copies of a notice of appeal or application for a hearing in the manner prescribed by section H 1.13, in the following form:

"To the Wisconsin State Board of Health:

"The undersigned hereby appeals from the order of the state health officer (or 'applies for a hearing in respect to the matters determined in the order of the board') dated _____, 19____, whereby it was ordered that (here set forth the substance of the order).

"The grounds of appeal (or 'of this application') are the following:

(Here set forth the exceptions or objections relied on, and if no answer has been filed, then also an answer to the findings of fact in the order, in the manner prescribed by section H 1.09).

"Dated _____, 19 ____.

_____"

History: 1–2–56; am. Register, December, 1966, No. 132, eff. 1–1–67.

H 1.22 Procedure. Upon the filing of said notice or application the state health officer shall, unless a hearing has already been held under these rules, fix a time for hearing (within the time prescribed by law, if any) and give notice thereof in as nearly as possible the form prescribed by H 1.08 stating the issues to be considered. If hearing has not been set prior to the next regular meeting of the board, then the board shall set a date and direct the giving of notice. Thereafter proceedings shall be had as prescribed in Wis. Adm. Code sections H 1.02 to 1.18 and chapter 228, Wis. Stats. If hearing has already been held, or is waived, the matter shall be considered by the board at its next regular meeting.

H 1.23 Procedure for applications for aid in hospital construction. Every hearing upon an application for federal aid in hospital construction shall be held at a place convenient to the applicant and may not be adjourned to any other place. A stenographic record of the hearing shall be made, and upon request of the applicant, be transcribed and made available for examination. Decision upon such application shall be made in writing within 90 days from the date of the last day of the hearing. All proceedings upon such application shall be as prescribed in Wis. Adm. Code sections H 1.02 to 1.23 and chapter 227, Wis. Stats.

History: 1–2–56; am. Register, July, 1966, No. 127, eff. 8–1–66.

Tuberculosis Charges, Section 50.11, Wis. Stats.

H 1.26 Designation of parties. In proceedings under section 50.11 (4), Wis. Stats., the party applying for relief shall be known as the "applicant" and the party claimed to be chargeable shall be known as the "respondent."

H 1.27 Form of application. The application for relief from charges shall be captioned as prescribed in H 1.04 and entitled "In the matter of the application of _____ for relief from charges for _____ at
(name of patient)
_____." It shall be in substantially the
(name of sanatorium)
following form:

"The application of _____ county (or the State of Wisconsin) by _____, District Attorney (or the Attorney General) respectfully alleges:

"(1) That _____ was admitted to _____ _____ sanatorium on or about _____, 19____, as a charge (in part) of said county (or the state at large) by order of the county judge of _____ county dated _____, 19 ____.