

**Sec. 17-311-112. Scope of review**

The arbitration board shall confine itself to a review of the record. The arbitration board shall not substitute its judgment for that of the department as to the weight of the evidence on questions of fact. The arbitration board may affirm the decision of the department or remand the case to the department to reopen the rehearing. The arbitration board may reverse the department's rehearing decision and remand it to the department for a new rehearing if substantial rights of the provider have been prejudiced because the administrative findings, inferences, conclusions, or decisions are: 1. In violation of constitutional or statutory provisions; 2. In excess of the statutory authority of the agency; 3. Made upon unlawful procedure; 4. Affected by other error of law; 5. Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; 6. Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(Effective June 2, 1986)