

**Sec. 17a-126-21. Conduct of the subsidy hearing**

(a) The subsidy hearing shall be conducted by a hearing officer designated by the commissioner or his designee.

(b) The hearing officer shall have the power to administer oaths and affirmations, subpoena witnesses and require the production of records, physical evidence, papers and documents to any hearing held in the case.

(c) The hearing officer has the final authority to limit witnesses and take any other necessary actions that will facilitate the hearing process.

(d) Each party shall be afforded the opportunity to:

(1) inspect and copy relevant and material records, papers and documents; and

(2) at a hearing, to respond, to cross-examine other parties, intervenors, and witnesses and to present evidence and argument on all issues involved.

(e) Any oral or documentary evidence may be received provided:

(1) the hearing officer shall limit or exclude any evidence which is irrelevant, immaterial or unduly repetitious;

(2) the hearing officer shall recognize the rules of privilege governing confidential, professional communications;

(3) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(4) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and, upon request, parties shall be given an opportunity to compare the copy with the original;

(5) notice may be taken of generally recognized technical or scientific facts within common knowledge or the agency's specialized knowledge;

(6) parties shall be notified in a timely manner of any material noticed, including any agency memoranda or data, and they shall be afforded an opportunity to contest the material so noticed;

(7) the agency's experience, technical compliance, and specialized knowledge may be used in the evaluation of the evidence;

(8) all parties and their attorneys shall be permitted to examine all records and documents introduced by the parties to the hearing. Should any record or document, which a party was not permitted to examine in advance of the hearing, be introduced, that party may request a continuance, which may be granted at the discretion of the hearing officer, to allow the requesting party an opportunity to prepare a response to the record or document; and

(9) a party may conduct cross-examinations as required for a full and true disclosure of the facts.

(f) The full proceedings of subsidy hearings shall be audio recorded.

(g) The subsidy hearing decision shall be entered as part of the licensing file of the relative caregiver and the child's case record.

(Adopted effective September 1, 1998)