

JUSTIA

Nebraska Administrative Code Topic - HEALTH AND HUMAN SERVICES SYSTEM Title 173 - CONTROL OF COMMUNICABLE DISEASE Chapter 6 - DIRECTED HEALTH MEASURES TO PREVENT OR LIMIT THE SPREAD OF COMMUNICABLE DISEASE, ILLNESS, OR POISONING Section 173-6-008 - HEARING PROCESS

Universal Citation: 173 NE Admin Rules and Regs ch 6 § 008

Current through September 20, 2023

008.01 Request for Hearing

Any person subject to an Order under 173 NAC 6 may request a contested case hearing to contest the validity of the Order, in accord with the Department's rules of practice and procedure adopted pursuant to the Administrative Procedure Act.

008.02 Scheduling of Hearing

Upon request, the Department will schedule a hearing to be held as soon as reasonably possible under the circumstances. Unless the person subject to an Order requests

otherwise, the hearing will be scheduled no sooner than three days after the request is received by the Department. The hearing will be conducted in accord with the Department's rules of practice and procedure adopted pursuant to the Administrative Procedure Act.

008.03 Parties to the Hearing

The parties to the hearing will be limited to the Department and the subject person unless:

1. One or more additional persons have requested contested case hearings on substantially identical issues;
2. The interests of administrative economy require that the matters be consolidated; and
3. No party would be prejudiced by consolidation.

The parties may be represented by counsel at their own expense.

008.04 Notice and Conduct of Hearing

Reasonable prior notice of the time and place for hearing will be given to the parties. The hearing may be conducted in whole or in part by telephone or videoconference.

008.05 Purpose and Decision

The purpose of the hearing is to determine if the factual bases for the Order exist and the reasonableness of the ordered measures. The Director may affirm, reverse or modify the Order by a written Findings of Fact, Conclusions of Law and Order to be issued as soon as reasonably possible after the hearing.

008.06 Appeal of Hearing Decision

An appeal to the District Court may be taken from the decision of the Director in accord with the Administrative Procedure Act.

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