**Section 2790.140 Hearings**

a) If the applicant or the institution requests a hearing at least five days before the proposed effective date of a suspension, limitation or termination, the Executive Director sets the date and place for the hearing. The date will be at least 15 days after the Executive Director receives the request.

b) A hearing officer appointed by the Executive Director or his or her designee, conducts the hearing on the record.

c) The hearing officer shall regulate the course of the proceeding, direct the conduct of the parties during the hearing, provide for the orderly presentation of arguments and evidence, and take all steps necessary to conduct a fair and impartial hearing.

d) The hearing officer shall take whatever measures are appropriate to expedite the proceeding which may include, but are not limited to:

1) scheduling of pre-hearing conferences;

2) restricting the number or length of submissions;

3) accepting stipulations as to facts and legal authorities;

4) setting time limits for hearings and submission of written documents; and

5) declaring any party who fails to comply with a valid order of the hearing officer to be in default, terminating the proceedings and issuing a decision against the non-complying party.

e) At the hearing, the appointed hearing officer shall consider any written material presented before the hearing, or any material or other evidence presented during the course of the hearing. The hearing shall be conducted in accordance with Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10].

f) The hearing officer shall not have authority to issue subpoenas. If requested by the hearing officer, ISAC, the applicant and/or the institution shall provide persons who have knowledge about the matter under review for oral or written examination.

g) The ISAC official has the burden of proof by a preponderance of the evidence in any suspension, limitation or termination hearing.

h) The hearing officer shall accept only evidence that is relevant to the proceedings and not unduly repetitious.

i) The hearing officer shall base findings of fact only on evidence considered at the hearing and on matters given judicial notice.

j) If, after considering the evidence, the appointed hearing officer concludes that a limitation, suspension, termination or penalty is warranted, the hearing officer will issue a decision that may limit, suspend, terminate or affect the applicant's or the institution's eligibility in whole or in part.

k) If a termination proceeding is brought against an applicant or an institution, the appointed hearing officer may, at his or her discretion, issue a decision to impose one or more limitations or penalties on an applicant or an institution rather than terminating its eligibility.

l) Expedited Hearing: With the approval of the hearing officer and the mutual consent of the parties, any time schedule specified in this Section may be shortened.

m) The applicant or the institution may be represented by legal counsel at a hearing, but ISAC is under no obligation to provide such counsel.

(Source: Amended at 22 Ill. Reg. 11123, effective July 1, 1998)