

**RULES  
OF  
COMPOSITE STATE BOARD OF MEDICAL EXAMINERS**

**CHAPTER 360-19  
MOTIONS AND PRE-HEARING PROCEDURES**

**TABLE OF CONTENTS**

<b>360-19-01</b>	<b>Motions: Written and Oral</b>	<b>360-19-04</b>	<b>Witnesses, Respondent Statement, Witness Statements</b>
<b>360-19-02</b>	<b>More Definite Statement</b>	<b>360-19-05</b>	<b>Pre-Hearing Discovery</b>
<b>360-19-03</b>	<b>Pre-Hearing Procedures</b>		

**360-19-01 Motions: Written and Oral.**

(1) An application to the agency for an order to take any action or to enter any order shall be made by motion which, unless made during the hearing, shall be made in writing, shall state specifically the grounds therefor, and shall set forth the action or order sought. A copy of all written motions shall be served upon the parties in accordance with Chapter 360-20.

(2) A motion for a continuance or an extension of time shall be ruled upon by the presiding officer forthwith. All other motions shall be ruled upon by the presiding officer at the outset of the hearing, after an opportunity for argument by the parties; provided, however, that when the presiding officer is a duly appointed hearing officer, the presiding officer may establish a hearing schedule and dispose of motions at his discretion. The presiding officer may request briefs in support of or in opposition to any motion.

Authority O.C.G.A. Secs. 43-1-3, 43-34-24(c). History. Original Rule entitled "Motions: Written and Oral" adopted. F. Oct. 26, 1999; eff. Nov. 15, 1999.

**360-19-02 More Definite Statement.** A motion for more definite statement shall be filed and ruled upon pursuant to Rule 360-5-.01.

Authority O.C.G.A. Secs. 43-1-3, 43-34-24(c). History. Original Rule entitled "More Definite Statement" adopted. F. Oct. 26, 1999; eff. Nov. 15, 1999.

**360-19-03 Pre-Hearing Procedures.** Proceedings before the agency shall be conducted as expeditiously as possible, with due regard to the rights of the parties. In contested cases before the Composite State Board of Medical Examiners, upon issuance of a notice of hearing, the procedures set forth in this chapter and Chapter 360-8 shall enable the parties to obtain relevant information needed

for preparation of the case, to the extent that such disclosure is authorized by law.

Authority O.C.G.A. Secs. 43-1-3, 43-34-24(c). History. Original Rule entitled "Pre-Hearing Procedures" adopted. F. Oct. 26, 1999; eff. Nov. 15, 1999.

### **360-19-.04 Witnesses, Respondent Statement, Witness Statements.**

(1) The parties shall within a reasonable time prior to the commencement of the hearing, but at least ten (10) days prior to the hearing, exchange lists of the names, addresses, and phone numbers of witnesses, including experts, whom each party expects to call or may call on its behalf.

(2) The parties shall also, within a reasonable period of time prior to the hearing, exchange copies of documents, and designate documents already in the possession of the other party which are intended to be introduced as evidence at the hearing. The parties shall similarly, upon request, make available to each other for inspection, copying, testing or sampling any tangible item intended to be introduced as evidence.

(3) Respondent shall be furnished, within a reasonable time prior to the commencement of the hearing but at least ten (10) days prior to the hearing, any written statements or other record memorializing oral statement made by the Respondent during the course of the investigation.

(4) The parties shall be required to confer either in person or by telephone, in reasonable advance of a scheduled hearing date but at least seven (7) days prior to the hearing, in a good-faith attempt to reach an agreement as to the admissibility of any documents or tangible items intended to be offered in evidence for either side. The parties may stipulate as to any matter of fact and such stipulation will satisfy a party's burden of proving the fact alleged. The parties shall be encouraged to reach pre-hearing stipulations which could facilitate adjudication of the case. The hearing officer, upon his or her own motion or upon the request of either party, may schedule a pre-hearing conference to hear and rule on motions or other preliminary matters, or otherwise facilitate adjudication of the case.

Authority O.C.G.A. Secs. 43-1-3, 43-34-24(c). History. Original Rule entitled "Witnesses, Respondent Statement, Witness Statements" adopted. F. Oct. 26, 1999; eff. Nov. 15, 1999.

November 15, 1999

**360-19-.05 Pre-Hearing Discovery.** Except as may be expressly authorized by these rules or by statute, no other forms of pre-hearing discovery shall be authorized or permitted including, but not limited to the following: interrogatories; requests for production of documents and things; requests for physical or mental examination; and requests for admission.

Authority O.C.G.A. Secs. 43-1-3, 43-34-24(c). History. Original Rule entitled "Pre-Hearing Discovery" adopted. F. Oct. 26, 1999; eff. Nov. 15, 1999.