

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

**CHAPTER 360-22  
EVIDENCE; SUBPOENAS**

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**360-22-.01 Evidence on Hearings.** In all hearings the testimony of witnesses shall be taken orally before the agency or hearing officer, unless otherwise provided by these rules.

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

**360-22-.02 Evidence on Motions.** When a motion is based on facts not appearing of record the presiding officer may hear the matter on affidavits presented by the respective parties, but the presiding officer may direct that the matter be heard, wholly or partly on oral testimony.

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

**360-22-.03 Objections and Exceptions.** Formal exceptions to rulings on evidence are unnecessary. It is sufficient that a party, at the time that a ruling of the presiding officer is made or sought, makes known to the presiding officer the action which he desires taken or his objections to such action and his grounds therefor.

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

**360-22-.04 Subpoenas.**

(1) In contested cases, subpoenas shall be issued without discrimination between public and private parties. At any time after issuance of the Notice of Hearing, and prior to the scheduled date for the hearing, the parties may request the issuance of subpoenas by filing a written request with the Composite State Board of Medical Examiners, in accordance with Rule 360-17-.01, with appropriate service on the opposing party or counsel. Subpoena requests shall state the name and complete address of the person to whom it is directed.

(2) Subpoenas issued pursuant to a request in accordance with Rule 360-22-.04(1) shall not be issued in blank. Every subpoena issued by the Composite State Board of Medical Examiners shall state the name of the agency and the title of the action, and shall command each person to whom it is directed to attend and give testimony at the hearing at a time and place therein specified, or to produce documents for examination at the hearing, or both. If such a subpoena is directed to any member, investigator, employee, or other agent or representative of the agency, including experts retained by the agency for purposes of the particular case, production of documentary evidence from the agency or investigative file of the applicant or licensee and the taking of testimony at the hearing from such a person or persons shall be governed by applicable provisions in the practice act regulating the business or profession, and by O.C.G.A. 43-1-19(h)(2).

(3) The party requesting the issuance of the subpoena shall be responsible for serving the same and paying the cost of securing the attendance of witnesses, in the same manner as prescribed by law in civil cases in superior court.

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