

IC 16-28-10

Chapter 10. Hearings and Appeals

IC 16-28-10-1

Hearings; qualifications of administrative law judges; costs

Sec. 1. (a) Hearings under this article shall be conducted in accordance with IC 4-21.5. Except for hearings held on the adoption of rules, an administrative law judge must meet the following conditions:

- (1) Be admitted to the practice of law in Indiana.
- (2) Not be a member of the council or an employee of the state.

(b) A health facility shall pay the costs of appointing an administrative law judge if the administrative law judge finds in favor of the state. However, if the administrative law judge finds in favor of the health facility, the state shall pay the costs of appointing the administrative law judge.

As added by P.L.2-1993, SEC.11.

IC 16-28-10-2

Appeals panel; members; proceedings; costs

Sec. 2. (a) The executive board shall appoint an appeals panel consisting of three (3) members as follows:

- (1) One (1) member of the executive board.
- (2) One (1) attorney admitted to the practice of law in Indiana.
- (3) One (1) individual with qualifications determined by the executive board.

(b) An employee of the state may not be a member of the panel.

(c) An appeals panel shall conduct proceedings for review of an order issued by an administrative law judge under this chapter. The panel is the ultimate authority under IC 4-21.5.

(d) The cost of the proceedings, including the fees of the appeals panel, shall be paid as follows:

- (1) By the health facility if the panel finds in favor of the state.
- (2) By the state if the panel finds in favor of the health facility.

As added by P.L.2-1993, SEC.11.

IC 16-28-10-3

Judicial review

Sec. 3. Judicial review of an administrative order issued under this chapter may be sought by either the facility or the state under IC 4-21.5.

As added by P.L.2-1993, SEC.11.