**Section 1001.530 Conduct of Medical Formal Hearings**

a) Due to the confidentiality of the evidence involved in these hearings, they are not open to the public and the evidence obtained and any order entered shall not be available to the public.

b) These hearings shall be conducted in Chicago or Springfield, depending upon the convenience of the hearing committee members and the Petitioner.

c) No board member shall be subject to depositions, interrogatories, or subpoena. All documents used by any board member in making a determination shall be made available, however, upon request by the Petitioner, if it is relevant to the issues to be decided at the formal medical hearing.

d) No prehearing conference will be allowed prior to the date of the hearing.

e) The burden of proof rests with the Petitioner to show by clear and convincing evidence that driving privileges should be granted.

f) Every hearing shall be conducted by a hearing committee which shall consist of:

1) A hearing officer who will preside over the hearing and perform the following duties:

A) Inform the Petitioner of the purpose of the hearing.

B) Inform the Petitioner of the scope of relevant medical issues which were determined by the medical review panel.

C) Read into the record the entries contained in the Petitioner's driving abstract.

D) Rule on motions, the admissibility of evidence, and determine all other nonmedical related issues pending before the hearing committee.

2) Three (3) members of the board, who shall be selected by the chairperson or his/her designee, based upon the member's expertise or specialty in the field of medicine at issue. These members shall determine all medical related issues pending before the committee, based upon the medical criteria found in 92 Ill. Adm. Code 1030.18.

g) The hearing shall proceed in the following manner:

1) The hearing officer will introduce the individual members of the hearing committee.

2) The hearing officer will explain the scope of the medical issues and read into the record the contents of the petitioner's driving abstract.

3) The Petitioner will be allowed to present evidence in the form of documents and/or testimony consistent with the scope of the hearing.

4) The hearing committee members will be allowed to ask questions of the petitioner and/or any witnesses regarding the medical evidence presented. The hearing officer may ask questions concerning procedural and other matters as he/she deems necessary.

5) At the conclusion of the Petitioner's evidence and questioning by the hearing committee, the Petitioner will be allowed to make a closing statement.

6) After any closing statement, the hearing committee shall render a decision regarding the issues presented, in whole or in part, except that the matter may be taken under advisement to review pertinent evidence.

h) After the hearing, the hearing committee shall prepare a written report which shall include findings of fact, conclusions of law, recommendations of the hearing committee, and the order of the Secretary.

1) The hearing officer shall, with the aid of the board members, prepare the findings of fact, conclusions of law, recommendations to the Secretary, and a proposed order of the Secretary, based upon the recommendations of the board members regarding the medical issues.

2) The Secretary will then enter an order following the majority recommendations of the board members selected pursuant to subsection (f)(2) above. This order will be a final, appealable administrative order within the meaning of the Administrative Review Law [735 ILCS 5/3-101 et seq.].

i) The Office shall send a copy of the written report to the Petitioner and any attorney of record.

(Source: Added at 17 Ill. Reg. 8528, effective June 1, 1993)