

Rule 616

PROCEDURES OF A HEARING PANEL

- (a) **Generally.** In addition to the powers expressly granted by these rules, a Hearing Panel has all powers necessary to institute, conduct, and dispose of proceedings.
- (b) **Chair.** The chair of the assigned panel chairs the Hearing Panel or designates a panel member to serve as chair of the Hearing Panel. The Hearing Panel chair, acting under these rules, may administer oaths and affirmations and has the authority to rule on motions and evidentiary objections.
- (c) **Computation and Extension of Time.** The provisions of K.S.A. 60-206 apply to the computation of any time period specified by these rules. At the respondent's request, a Hearing Panel may extend for periods not to exceed 30 days the time for filing an answer and the commencement of a hearing. A request for continuance of the hearing must be filed at least 7 days before the hearing date.
- (d) **Answer.** The respondent's answer is due 20 days after service of the formal complaint.
- (e) **Prehearing Conference.** After the time for filing an answer has expired, the Hearing Panel chair will conduct a prehearing conference. The conference may be conducted in person, by telephone, or by other electronic means. A written order reflecting the matters determined at the conference must be entered. The purpose of the conference is to address the following matters:
 - (1) identify and state the issues of fact or law in controversy;
 - (2) establish a deadline and procedure for the exchange of information required to be disclosed by the parties under subsection (f);
 - (3) establish of record the admission of any facts or stipulations between the parties;
 - (4) determine requests for discovery under subsection (g);
 - (5) establish the time, place, and estimated duration of the formal hearing; and
 - (6) determine any other matters the panel chair deems necessary to ensure the fair and orderly resolution of the hearing.
- (f) **Disclosure.** Upon request, the Examiner must disclose to the respondent or the respondent's attorney all statements, including those in writing and stenographically or electronically recorded. Both the Examiner and the respondent or the respondent's attorney must disclose and serve the following information:
 - (1) the name, address, and a brief summary of the testimony for each proposed witness at the hearing; and

- (2) the documents and/or other exhibits proposed for use or as evidence at the hearing.
- (g) **Discovery.** Requests for authority to conduct discovery allowed by the Kansas Code of Civil Procedure must be presented and determined at the Prehearing Conference.
- (h) **Setting for Hearing.** A time and place for hearing will be set at the Prehearing Conference, after consultation with the Hearing Panel members to determine availability. If the respondent or the respondent's attorney does not appear or participate in the Prehearing Conference, the Secretary will provide notice of the date, time, and place of hearing. This notice must be given at least 20 days prior to the hearing.
- (i) **Service.** Unless otherwise provided in these rules, K.S.A. 60-205 controls service of any papers or notices required by these rules.
- (j) **Amendments to Complaint or Answer.** At any time before disposition, a Hearing Panel may allow or require amendments to the formal complaint and may allow amendments to the answer. The formal complaint may be amended to set forth additional facts or charges that were unknown either at the time the formal complaint was filed or before the commencement of the hearing or to conform to the evidence presented at the hearing. If the formal complaint is amended, a respondent must be given reasonable time to answer the amendment and to prepare and present a defense against the matters charged.
- (k) **Record of Proceedings.** A Hearing Panel must keep a record of all proceedings.

[**History:** New rule adopted effective May 1, 2019.]