

§ 81.1

- 81.52 Answer to notice.
- 81.53 Amendment of notice or answer.
- 81.54 Request for hearing.
- 81.55 Consolidation.
- 81.56 Motions.
- 81.57 Responses to motions and petitions.
- 81.58 Disposition of motions and petitions.

Subpart G—Responsibilities and Duties of Presiding Officer

- 81.61 Who presides.
- 81.62 Designation of hearing examiner.
- 81.63 Authority of presiding officer.

Subpart H—Hearing Procedures

- 81.71 Statement of position and trial briefs.
- 81.72 Evidentiary purpose.
- 81.73 Testimony.
- 81.74 Exhibits.
- 81.75 Affidavits.
- 81.76 Depositions.
- 81.77 Admissions as to facts and documents.
- 81.78 Evidence.
- 81.79 Cross-examination.
- 81.80 Un-sponsored written material.
- 81.81 Objections.
- 81.82 Exceptions to rulings of presiding officer unnecessary.
- 81.83 Official notice.
- 81.84 Public document items.
- 81.85 Offer of proof.
- 81.86 Appeals from ruling of presiding officer.

Subpart I—The Record

- 81.91 Official transcript.
- 81.92 Record for decision.

Subpart J—Posthearing Procedures, Decisions

- 81.101 Posthearing briefs: Proposed findings and conclusions.
- 81.102 Decisions following hearing.
- 81.103 Exceptions to initial or recommended decisions.
- 81.104 Final decisions.
- 81.105 Oral argument to the reviewing authority.
- 81.106 Review by the Secretary.
- 81.107 Service on amici curiae.

Subpart K—Judicial Standards of Practice

- 81.111 Conduct.
- 81.112 Improper conduct.
- 81.113 Ex parte communications.
- 81.114 Expeditious treatment.
- 81.115 Matters not prohibited.
- 81.116 Filing of ex parte communications.

Subpart L—Posttermination Proceedings

- 81.121 Posttermination proceedings.

45 CFR Subtitle A (10–1–07 Edition)

Subpart M—Definitions

- 81.131 Definitions.

AUTHORITY: 5 U.S.C. 301 and 45 CFR 80.9(d).

SOURCE: 32 FR 15156, Nov. 2, 1967, unless otherwise noted.

Subpart A—General Information

§ 81.1 Scope of rules.

The rules of procedure in this part supplement §§ 80.9 and 80.10 of this subtitle and govern the practice for hearings, decisions, and administrative review conducted by the Department of Health and Human Services, pursuant to Title VI of the Civil Rights Act of 1964 (section 602, 78 Stat. 252) and Part 80 of this subtitle.

§ 81.2 Records to be public.

All pleadings, correspondence, exhibits, transcripts, of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Civil Rights hearing clerk. Inquiries may be made at the Central Information Center, Department of Health and Human Services, 330 Independence Avenue SW., Washington, DC 20201.

§ 81.3 Use of gender and number.

As used in this part, words importing the singular number may extend and be applied to several persons or things, and vice versa. Words importing the masculine gender may be applied to females or organizations.

§ 81.4 Suspension of rules.

Upon notice to all parties, the reviewing authority or the presiding officer, with respect to matters pending before them, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

Subpart B—Appearance and Practice

§ 81.11 Appearance.

A party may appear in person or by counsel and participate fully in any