

MANITOBA HEALTH APPEAL BOARD

RULES OF PROCEDURE

The Manitoba Health Appeal Board has adopted the following Rules of Procedure for the orderly conduct of Appeal hearings. Appeal hearings will be conducted in an informal, friendly and relaxed manner.

1. The Board will follow the rules of natural justice, fairness and due process.
2. The Board will receive and accept such evidence and information verbally, by affidavit or otherwise as the Board in its discretion sees fit, whether admissible in a court of law or not.
3. All parties have a right to file a brief and evidence for the hearing. This material is to be submitted to the Board office in accordance with the filing dates established by the Board Administrator, which will be provided to the parties at the time a hearing date is scheduled. The Board Administrator has the authority to consider and grant a request for the extension of the filing dates up to two (2) additional business days.

If further evidence becomes available after the filing or extended filing date, the Board will consider a request to file additional evidence at the commencement of the hearing. However, the party who has the additional evidence must provide the other party with a copy of the material prior to the hearing date or, if that is not possible, before the start of proceedings on the day of the hearing.

All parties involved in the appeal will have access to the same information. No additional information will be accepted by the Board following the completion of the hearing unless specifically requested or agreed to by the Board.

4. There will be a recording of the hearing only by the Manitoba Health Appeal Board. Parties in attendance are entitled to take their own notes during the hearing.
5. Documents received in evidence at a hearing will be marked "Exhibit" and numbered and dated.

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6. Parties to a hearing have a right to attend the hearing and/or be represented by legal counsel or by another person who has the appropriate legal authority or who the parties have designated in writing as their representative. Requests for the attendance of an individual(s) whose only purpose is to provide support to a party during a hearing will be considered by the Board at the commencement of the hearing.

Parties also have a right to call and question witnesses at the hearing. Witnesses must be individuals who have first-hand knowledge and can provide relevant information regarding the issues under appeal. At the time of the hearing, the Board will determine whether witnesses will be allowed to be present for the whole hearing or only during the period required for their testimony.

Requests from parties to a hearing who, because of a special need based on their disability, require the attendance of additional persons such as a note-taker and/or attendant or support person, will be reasonably accommodated.

Note: The Board will not be responsible for any costs associated to a party's attendance and/or representation at the hearing or any costs associated to the attendance of any witnesses or support persons for the parties.

7. Communication during the Appeal Hearing:
 - The Chairperson of the Board will request that each person present at the hearing introduce himself/herself;
 - The appellant (or his/her counsel or representative) will be heard first;
 - The respondent (or its counsel or representative) will be heard second;
 - Both appellants and respondents are required to direct their comments to the Chair and Board members;
 - The Board may ask questions for clarification at any time.
8. The Board's written decision will be provided to both the appellant and the respondent in due course.
9. Where an appellant has failed to advance his/her appeal within six months after the initial filing date, the Board's Administrator has the discretion to strike off the appeal. Thereafter, requests to revive the appeal require the Board's approval.