
42 C.F.R. § 1005.15

The hearing and burden of proof.

- (a) The ALJ will conduct a hearing on the record in order to determine whether the petitioner or respondent should be found liable under this part.
- (b) With regard to the burden of proof in civil money penalty cases under part 1003, in Quality Improvement Organization exclusion cases under part 1004, and in exclusion cases under §§ 1001.701, 1001.901 and 1001.951 of this chapter —
- (1) The respondent or petitioner, as applicable, bears the burden of going forward and the burden of persuasion with respect to affirmative defenses and any mitigating circumstances; and

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