144.4179 STANDARD OF PROOF; EVIDENCE.

Subdivision 1. **Clear and convincing.** The commissioner must prove the allegations in the petition by clear and convincing evidence.

Subd. 2. **All relevant evidence.** The court shall admit all reliable relevant evidence. Medical and epidemiologic data must be admitted if it otherwise comports with section 145.30, chapter 600, Minnesota Rules of Evidence 803(6), or other statutes or rules that permit reliable evidence to be admitted in civil cases.

Subd. 3. **Carrier status.** Upon a finding by the court that the commissioner's suspicion of carrier status is reasonable as established by presentation of facts justifying an inference that the respondent harbors a specific infectious agent, there shall exist a rebuttable presumption that the respondent is a carrier. This presumption may be rebutted if the respondent demonstrates noncarrier status after undergoing medically accepted tests.

Subd. 4. **Failure to appear.** If a party fails to appear at the hearing without prior court approval, the hearing may proceed without the absent party and the court may make its determination on the basis of all reliable evidence submitted at the hearing.

Subd. 5. **Records.** The court shall take and preserve an accurate stenographic record of the proceedings.

History: *1987 c 209 s 12*