144.4810 FINAL HEARING.

Subdivision 1. **Grounds for hearing.** After the preliminary hearing, the commissioner, carrier, or respondent may petition the court for relief from or enforcement of the court order issued pursuant to the preliminary hearing. The commissioner may petition the court for additional preventive measures if the carrier or respondent has not complied with the court order issued pursuant to the preliminary hearing. The petitioning party shall serve and file a petition and notice of hearing with the probate division of the district court. The court shall hold the final hearing no later than 15 days from the date of the filing and service of the petition for a final hearing.

Subd. 2. **Notice of hearing.** The notice of the final hearing must contain the same information as for the preliminary hearing in section 144.4809, subdivision 3 or 4.

Subd. 3. **Duty to communicate.** The parties have a duty to communicate and exchange information as provided in section 144.4809, subdivision 5.

Subd. 4. **Hearing room in treatment facility.** The hearing room for the final hearing is governed by section 144.4809, subdivision 6.

Subd. 5. **Standard of proof.** The commissioner must prove by clear and convincing evidence that the carrier is an endangerment to the public health.

Subd. 6. **Rules of evidence.** The rules of evidence are governed by section 144.4809, subdivision 8.

Subd. 7. **Sufficiency of evidence.** The sufficiency of evidence is governed by section 144.4809, subdivision 9.

Subd. 8. **Failure to appear at hearing.** The failure of the carrier or respondent to appear at the hearing is governed by section 144.4809, subdivision 10.

Subd. 9. **Right of appeal.** The commissioner, carrier, or respondent may appeal the decision of the district court. The court of appeals shall hear the appeal within 60 days after filing and service of the notice of appeal.

Subd. 10. **Right of commissioner to issue subsequent order.** Notwithstanding any ruling by the district court, the commissioner may issue a subsequent health order if the commissioner has probable cause to believe that a health order is necessary based on additional facts not known or present at the time of the district court hearing.

History: *1997 c 164 s 12*