



TO: SDMC Panel Members

FROM: Greg Jones, Sr. Attorney
Counsel's Office

DATE:

SUBJECT: Treatment of MHLS Objections at SDMC Panel Hearings

It is not uncommon for an MHLS attorney to object to some element of or the entire testimony of a witness testifying at an SDMC hearing, or to object to the introduction of other evidence. MHLS is the legal representative of the patient, and as such, has the legal authority to be heard (MHL §80.07 (b) & (d)), and to represent and protect the interests of the patient ONLY, and do not represent CQC or the SDMC. As a result, MHLS attorneys may make objections during the hearing.

SDMC panels are administrative proceedings and as such, formal rules of evidence do not apply (MHL §80.07(d)).

SDMC panels are encouraged to accept all appropriate and relevant evidence presented at the hearing. Any objections to testimony or other evidence must be noted on the record, and no ruling by the panel in regard to the objection is required (New York SAPA §306 (1) & § (2)).

During its deliberative process, the panel has sole discretion as to the weight to be accorded to any evidence presented, including the credibility of witnesses, upon which its decisions are made.

For additional information or questions, panel members are encouraged to contact SDMC staff at 518-388-2820.