Call for Comment Regarding Complaints and Inquiries Process: Balancing Transparency and Confidentiality

Open for comment on: January 22, 2010
Closed on: August 8, 2010

The ACCME sought comment on a proposal for balancing transparency and confidentiality in the Complaints and Inquiries Process. This Call for Comment opened on January 22, 2010 and closed on March 8, 2010.

An audio commentary with ACCME Past President, Murray Kopelow, MD, explaining the call for comment is available here.

A report including the responses as well as the ACCME's analysis of the responses is available here.

The full text of the Call for Comment was as follows:

Call for Comment -- Complaints and Inquiries Process: Balancing Transparency and Confidentiality

The ACCME is seeking comment on a proposal for balancing transparency and confidentiality in the Complaints and Inquiries Process.

The ACCME has a process for responding to complaints or inquiries from the public or the CME enterprise about ACCME accredited providers and their compliance with the ACCME’s requirements during their term of accreditation. A wide range of issues are addressed. Increasingly, the ACCME is being asked to investigate if the issues are about commercial bias and/or content validation.

The ACCME asks the provider to explain how they ensure compliance in the area of concern and to supply a narrative and documentation that supports their compliance. If the issue relates to content validity or commercial bias, the ACCME asks an expert in the clinical or therapeutic area to offer an opinion to the ACCME. The provider is given the results of the Inquiry and, if there is a compliance issue, the provider is asked to demonstrate compliance through a Notice of Corrective Action and/or through a Monitoring Progress Report.

As part of its ongoing commitment to transparency, the ACCME updated the Complaints and Inquiries Process in January 2009, stating that the ACCME reserves the right to make public some information, including the nature of the complaint and the outcome of the ACCME’s inquiry.

The ACCME has received feedback from some stakeholders asking for more transparency, while others expressed concerns about providers' confidentiality. In considering the options, the ACCME took into account the best interests of the accredited CME system, physician learners and the public. To balance transparency with confidentiality, the ACCME determined that the Complaints and Inquiries Process should follow a model similar to that of the accreditation review process. The ACCME believes that a single activity review is useful for provider feedback, but does not rise to the level where making it public would be of value. Beginning in August 2009, the ACCME began publicly disclosing on its Web site CME providers' accreditation status, which is determined through the accreditation review process. Similarly, the ACCME is proposing that if a provider’s status changes due to the Complaints and Inquiries Process, the new status will be made public. All other results will remain confidential.

The ACCME is proposing changes to its Complaints and Inquiries Process and is seeking comment from the public and the CME enterprise about the following proposal.
1. The identity of providers who have an activity found in Non-compliance from the Complaints and Inquiries Process will remain confidential.

2. When the accreditation status of a provider is changed as a result of the Complaints and Inquiries Process, the new status will be public information, but the reason for the change in status will not be disclosed.

3. The ACCME will make public some of the facts, circumstances and findings of the Complaints and Inquiries Process in a form and manner that is instructive to providers and stakeholders without linking the information (e.g., the nature of the complaint, type of activity, the practices of the provider, the findings of the ACCME, and the changes made by the provider in response to the inquiry) to a particular accredited provider.

Audio Commentary

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Video of a5nj3i8hNJ8

Publications: Preliminary Analysis of the Call for Comment Regarding Complaints and Inquiries Process, January 2010

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