



## Procedures for Reconsideration and Appeal of Adverse Accreditation Decisions

### A. RECONSIDERATION of an Adverse Action

1. An Accreditation Council for Continuing Medical Education (“ACCME”) decision to change the status of an accredited Provider to **Nonaccreditation or Probation** shall be sent to the provider as a Notice of Adverse Decision (“Notice”). The ACCME Notice will describe the basis for the decision and advise the provider of the provider’s opportunity to file a request for Reconsideration with the ACCME.
2. A provider’s request for **Reconsideration** (if any) must be submitted in writing to the ACCME by the provider (or the provider’s representative) within thirty (30) calendar days of the receipt of the Notice of Adverse Decision. Otherwise, the decision made by the ACCME becomes final.
3. The provider’s request for **Reconsideration** must include all documents, data and information in support of its request for **Reconsideration**, and all materials must be submitted in writing. The accreditation status of the institution, during the process of reconsideration, shall remain as it was prior to the adverse accreditation decision.
4. **Reconsideration** will be based upon the provider’s entire continuing medical education program as it existed at the time of the Notice of Adverse Decision.
5. ACCME will review the provider’s **Reconsideration** submission (as well as any other relevant data and information) and promptly render a written decision which either sustains, amends or reverses the adverse decision. The ACCME will issue a **Reconsideration** decision and send the provider Notice of the **Reconsideration** decision.

### B. APPEAL of an Adverse Reconsideration

1. If, following the **Reconsideration**, the ACCME sustains all or part of the Adverse Decision, the provider (“Appellant”) may request a hearing (an “**Appeal**”) within thirty (30) calendar days following the date of receipt of the Notice of **Adverse Reconsideration** decision before an Appeal Board. The request for a hearing shall include a statement of reasons for appealing the decision of the ACCME. Appeals may be based only on the grounds that the ACCME’s decision was: (1) arbitrary, capricious, or otherwise not in accordance with the accreditation standards and procedures of the ACCME, or (2) not supported by substantial evidence. If a written request for such a hearing is not received by the ACCME within thirty (30) calendar days following the date of receipt of the Notice of **Adverse Reconsideration** decision, the decision of the ACCME will be final.
2. The accreditation status of the Appellant, during the process of **Appeal**, shall remain as it was prior to the adverse accreditation decision.
3. The Appeal Board shall be composed of three members to be appointed by the Chair of the ACCME according to the following procedures:

A list of seven (7) individuals, qualified and willing to serve as members of the Appeal Board, shall be prepared under the direction of the ACCME. Within twenty (20) calendar days of receipt of notification of the **Appeal**, the list shall be sent by written communication that confirms receipt (e.g., email, USPS

certified mail, FEDEX-type courier) to the Appellant. The Appellant may eliminate up to two (2) names from the list to make up the Appeal Board and shall notify the Chair of the ACCME of its selection within ten (10) calendar days of its receipt of the list. The ACCME shall then select the three (3) individuals from the names still remaining on the list who shall constitute the Appeal Board, and shall notify the Appellant of the names of the persons selected.

4. Hearings, requested in conformity with these procedures, shall take place no later than ninety (90) calendar days following the appointment of an Appeal Board. The hearing shall take place in Chicago, Illinois, at a location determined by the ACCME.
5. At least forty-five (45) calendar days prior to the hearing, the Appellant shall be notified of the time and place of the hearing as determined by the ACCME. Upon payment of copying charges, the Appellant has the right to request and obtain copies of the Appellant's ACCME file as it existed at the time of the Notice of Adverse Decision. The record on appeal considered by the Appeal Board will be limited to documents and data which were considered as part of the Adverse Decision, the contents of the provider's file as of the Adverse Decision, and materials submitted by the provider as part of the **Reconsideration** process.
6. Written statements may be submitted to the Appeal Board prior to the hearing, at the hearing, or up to fourteen (14) calendar days following the hearing, provided that a formal request to submit such statements is made to the Appeal Board.
7. At any hearing before the Appeal Board, the representatives of the Appellant may be accompanied by counsel, make oral presentations, offer testimony, and present such information which is relevant to the record on appeal. The Appellant may request that a representative of the ACCME appear as a witness to be examined with respect to the subject of the appeal. The Appellant, at least thirty (30) calendar days prior to any such hearing, shall request in writing the presence of an ACCME representative.
8. The ACCME may appoint one or more representatives to attend the hearing and may examine the Appellant's representatives. The hearing need not be conducted according to the rules of law relating to the examination of witnesses or the presentation of evidence. The Chair of the Appeal Board shall make all determinations on procedural matters and all determinations on the admissibility of information sought to be presented.
9. The ACCME may appoint a non-voting Chair of the Appeal Board to act as a Hearing Officer; this person may be in addition to the three (3) member Appeal Board.
10. The Appeal Board shall submit a written recommendation on the accreditation status of the Appellant for consideration by the Board of Directors of the ACCME at its first meeting which occurs at least three (3) days following receipt of the recommendation of the Appeal Board. The resulting subsequent decision by the Board of Directors of the ACCME as to the accreditation status of the Appellant shall be final. If the recommendation of the Appeal Board is to uphold Nonaccreditation the decision shall be effective immediately upon ACCME Board action.
11. Expenses of the Appeal Board shall be shared equally by the Appellant and the ACCME, and the Appellant must submit payment for half the estimated Appeal costs at least thirty (30) calendar days prior to the hearing. If payment is not received by the due date: (a) the Appellant will have failed to comply with these Procedures; (b) no further action will be taken on the Appeal because of failure to comply with the Procedures; and (c) the adverse decision will not be modified. The expenses of witnesses requested by the Appellant shall be the responsibility of the Appellant. The expenses of the representatives of the ACCME, who appear at the request of the ACCME, shall be borne by the ACCME. Expenses of any representatives of the ACCME, who appear at the request of the Appellant, shall be the responsibility of the Appellant. The Appellant shall not have a right to appear in person at the meeting of the Board of Directors of the ACCME.

### **C. Manner of Communication**

Written communication to the ACCME must be sent in a manner that confirms receipt (e.g., email, USPS certified mail Return Receipt Requested, FEDEX-type courier), and addressed to: ACCME Chief Executive, Accreditation Council for Continuing Medical Education, Suite 1850, 401 N. Michigan Ave., Chicago, IL 60611. All letters sent by the ACCME relating to these matters shall be in a manner that confirms receipt (e.g., email, USPS certified mail Return Receipt Requested, FEDEX-type courier), and addressed to the ACCME contact specified by the provider in ACCME's records.