

## Procedures for Reconsideration and Appeal of Adverse Accreditation Decisions

These Procedures are effective with respect to all requests for Reconsideration and Appeal which are received by ACCME on or after June 7, 2022. ACCME reserves the right to amend this Policy at any time.

### A. RECONSIDERATION of an Adverse Action

1. “Adverse Action” shall mean a reduction of a provider’s accreditation to Probation or Nonaccreditation. An Accreditation Council for Continuing Medical Education (“ACCME”) decision to take an Adverse Action against a provider shall be sent to the provider as a Notice of Adverse Action (“Notice of Adverse Action”). A notice sent by ACCME pursuant to the ACCME Policy Regarding Inquiries and Allegations of Noncompliance which contains the elements required by the following sentence shall constitute a Notice of Adverse Action. The ACCME Notice will describe the basis for the Adverse Action and advise the provider of the provider’s opportunity to file a request for reconsideration (a “Reconsideration”) with the ACCME; provided, however that a provider shall have no right to a Reconsideration or Appeal if ACCME takes an Adverse Action pursuant to the first paragraph of Section E of the ACCME Policy Regarding Inquiries and Allegations of Noncompliance, and a Provider shall only have a right to an Appeal, and not a right to Reconsideration, in the event of an Immediate Suspension implemented by ACCME pursuant to Section F of the ACCME Policy Regarding Inquiries and Allegations of Noncompliance (an “Immediate Suspension”).
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 Action. Otherwise, the Adverse Action decision made by the ACCME becomes final.
3. ACCME reserves the right to charge a fee for Reconsideration according to the ACCME’s current fee schedule posted on the ACCME [website here](#). If the result of the Reconsideration changes the findings and/or the decision, the fee will be refunded.
4. The provider’s request for Reconsideration must include payment of the Reconsideration fee, all documents, data and information in support of its request for Reconsideration, and all materials must be submitted in writing. Except for instances of an immediate suspension of a provider’s accreditation pursuant to Section F of the ACCME Policy Regarding Inquiries and Allegations of Noncompliance, which does not permit the provider to seek Reconsideration, the accreditation status of the provider, during the process of reconsideration, shall remain as it was prior to the Adverse Action decision.
5. A Reconsideration related to an accreditation review of a provider will be based upon the provider’s entire continuing medical education program as it existed at the time of the Notice of Adverse Action.
6. ACCME will review the provider’s Reconsideration submission (as well as any other relevant data and information) and will render a written decision which either sustains, amends or reverses the

Adverse Action 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 Action, the provider (“Appellant”) may request a hearing (an “Appeal”) within: thirty (30) calendar days following the date of receipt of the notice of Adverse Action Reconsideration decision before an Appeal Board. The provider also may request an Appeal if ACCME takes an Adverse Action consisting of an Immediate Suspension. The request for an Appeal 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 an Appeal is not received by the ACCME within thirty (30) calendar days following the date of provider’s receipt of the notice of Adverse Action Reconsideration decision, or within fifteen (15) calendar days of a notice of Immediate Suspension, the Adverse Action 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 Action decision; provided, however, that the accreditation status of a provider who is subject to an Immediate Suspension shall be nonaccreditation during the process of the Appeal.
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 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. No person who served on the Decision Committee or who took action regarding the matter under Appeal shall serve on the Appeal Board.
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 in its sole discretion. Upon payment of copying charges as determined by ACCME in its sole discretion, 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 Action; provided, however, that any reports from an independent reviewer shall be redacted so as to not reveal the identity of the independent reviewer. The record on appeal considered by the Appeal Board will be limited to documents and data which were considered as part of the Adverse Action, the contents of the provider’s file as of the Adverse Action, and any 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 on a schedule determined by the Appeal Board and at the hearing.
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, if the Appellant submits such request at least thirty (30) calendar days prior to any such hearing.

8. The ACCME may appoint one or more representatives to attend the hearing, and ACCME's representatives may be accompanied by counsel, make oral presentations, offer testimony, and present such information which is relevant to the record on Appeal. ACCME's representatives and/or ACCME's counsel 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, in its sole discretion, 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, and does not need to be an individual from the list described in Section B.3.
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 decision by the Board of Directors of the ACCME as to the accreditation status of the Appellant shall be final, and the decision shall be effective immediately upon delivery of notice to Appellant of the ACCME Board action. No person who served as a member of the Decision Committee or the Appeal Board regarding an Adverse Action shall participate in the deliberations or vote of the ACCME Board regarding such Adverse 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 as determined by ACCME in its sole discretion 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 these Procedures; and (c) the Adverse Action will not be modified and shall be final and not subject to further appeal. 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 related to these Procedures 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 written communications sent by the ACCME relating to these Procedures 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.