



PROCEDURES FOR RECONSIDERATION OF APPEAL OF ADVERSE ACCREDITATION DECISIONS

I. RECONSIDERATION

- a. The decision by the KMA Continuing Medical Education Committee (CMEC) to deny or withdraw accreditation, or to place or continue an institution on probation, referred to as an "adverse accreditation decision", shall be transmitted promptly to the institution in a notification letter, which shall include the basis for the decision and inform the institution of the right to request reconsideration. A written request for reconsideration, timely filed, shall automatically stay the adverse accreditation decision until the reconsideration is completed. The accreditation status of the institution, during the process of reconsideration, shall remain as it was prior to the adverse accreditation decision.
- b. A written request for reconsideration shall be submitted to the Chairman of the CMEC by an institution within thirty (30) calendar days of receipt of the letter of notification of the adverse decision and shall specify the reasons for requesting reconsideration. Otherwise, the decision becomes final.
- c. Reconsideration will be based upon the entire continuing medical education program as it existed at the time of the review. Only material that was made available to the reviewers at the time of the review will be considered as part of a reconsideration. If substantial changes have occurred subsequent to the initial survey and review, sponsors should submit these changes as part of a new application for accreditation rather than as part of a request for reconsideration.
- d. The CMEC shall complete the reconsideration no later than 150 calendar days after it receives the request for reconsideration. Following the CMEC meeting at which the reconsideration occurs, the institution will be promptly notified of the decision and of its right to appeal an adverse decision.

II. APPEAL HEARING

- a. If, following the reconsideration, the KMA sustains its initial action, the institution may request a hearing before an Appeal Board. If a written request for such a hearing is not received by the Chairman of the CMEC within thirty (30) calendar days following the date of receipt of the letter of notification of the adverse

accreditation decision, the decision will be final. The request for a hearing shall include a statement of reasons for appealing the decision. Appeals may be based only on the grounds that the decision was: (1) arbitrary, capricious, or otherwise not in accordance with the accreditation standards and procedures of the KMA, or (2) not supported by substantial evidence.

- b. The Appeal Board shall be composed of three members to be appointed by the Chairman of the CMEC 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 by the chairman of the CMEC. Within twenty (20) calendar days of receipt of notification of the appeal, the list shall be sent by Certified Mail to the institution requesting the appeal. The institution may eliminate up to two (2) names from the list to make up the Appeal Board and shall notify the Chairman of the CMEC of its selection within ten (10) calendar days of its receipt of the list. The Chairman of the CMEC shall then select the three (3) individuals from the names still remaining on the list that shall constitute the Appeal Board, and shall notify the institution of the names of the persons selected.

- c. Hearings, requested in conformity with these procedures, shall take place no later than sixty (60) calendar days following the appointment of an Appeal Board.

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 KMA. The appellant has the right to request and obtain the information in the appellant's application file on which the KMA actions were taken. Any additional information supplied by the appellant must be for purposes of clarification only and cannot describe new components of the institution or changes made subsequent to the initial action

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.

- d. At any hearing before the Appeal Board, representatives of the appellant may make oral presentations, offer testimony, and present such information as the appellant deems proper to support its appeal. The appellant may request that a representative of the CMEC or surveyors 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 a representative.
- e. The KMA may appoint 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 purpose of the hearing is to assemble as much information as practicable regarding all material aspects of the appeal and the Appeal Board shall be entitled to take into account any such information of the type normally relied

upon by individuals of reasonable prudence in the conduct of important personal matters. The Chairman of the Appeal Board shall make all determinations on procedural matters and all determinations on the admissibility of information sought to be presented.

The Chairman of the CMEC may appoint a non-voting Chairman of the Appeal Board to act as a Hearing Officer; this person may be in addition to the three (3) member Appeal Board.

- f. The record of survey and review, together with formal presentations at the hearing, and statements submitted under the provisions outlined above, shall be the basis for the findings of the Appeal Board.
- g. Within thirty (30) calendar days of the hearing, or the receipt of written statements, whichever is later, the Appeal Board shall submit a recommendation on the accreditation status of the appellant for consideration by the CMEC. If the recommendation of the Appeal Board is to uphold non-accreditation, the CMEC may meet by telephone conference to ratify the finding and the decision shall be effective immediately. If the recommendation is otherwise, the Appeal Board shall submit a recommendation for consideration by the CMEC at its first meeting following receipt of the report of the Appeal Board. The resulting subsequent decision by the CMEC as to the accreditation status of the institution shall be final. The accreditation status of the institution, during the process of appeal, shall remain as it was prior to the adverse accreditation decision.
- h. Expenses of the Appeal Board shall be shared equally by the appellant and the KMA. The expenses of witnesses requested by the appellant shall be the responsibility of the appellant. The expenses of the representatives of the KMA, who appear at the request of the KMA, shall be borne by the KMA. Expenses of any representatives of the KMA, who appear at the request of the appellant, shall be the responsibility of the appellant.

NOTE:

Letters to the KMA should be sent Certified Mail, Return Receipt Requested, and addressed to: Chair, Continuing Medical Education Committee, Kentucky Medical Association, 4965 U.S. Hwy. 42, Ste 2000, Louisville, KY 40222. All letters sent by the KMA relating to these matters shall be sent Certified Mail, Return Receipt Requested.