



## **ISMA PROCEDURES FOR RECONSIDERATION AND APPEAL OF ADVERSE ACCREDITATION DECISIONS**

### **I. RECONSIDERATION PROCEDURE**

A. An "adverse accreditation decision" occurs any time the ISMA Commission on Medical Education (herein and after referred to as Commission) denies or withdraws accreditation, or continues an organization on probation. The "adverse accreditation decision" shall be communicated promptly to the organization via a notification letter that shall include the reason for the decision and inform the organization of the right to request reconsideration. In such instances, the organization may request in writing an interview with the Commission to exchange information and further clarify the findings pertinent to its decision. The written "Request for Reconsideration shall automatically stay the adverse accreditation decision until the organization's reconsideration is completed. During the reconsideration process, the accreditation status will remain as it existed at the time the reconsideration was initiated.

B. The organization's written request must specify the reasons for requesting reconsideration and, if the request for an interview is not received within 30 days after mailing the notification of the adverse action, the Commission's decision is final.

C. All material and documentation made available to the reviewers at the time of the survey will be reviewed and considered as part of a reconsideration. Reconsideration will be based upon the entire continuing medical education program as it existed at the time of the survey. If substantial changes 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 reconsideration shall be completed by the Commission no later than 150 calendar days after the ISMA receives the request for reconsideration. At least 10 days before the interview, the organization shall be notified of the time and place of the interview. The Commission shall issue its final decision within 30 days of the reconsideration review and notify the organization of its right to appeal an adverse decision. All notices and requests will be sent by certified mail with return receipt requested.

## **II. APPEAL HEARING PROCEDURE**

A. If, following the reconsideration, the ISMA maintains its initial action, the organization may make a written "Request for an Appeal Hearing" before an Appeal Board. The organization's written request for a hearing shall contain a concise statement about the basis for contesting the adverse accreditation decision and must be reviewed by the chairman of the Commission within (30) calendar days after mailing the notice of the Commission's action to the organization. Appeals may be based only on the grounds that the action was: 1) arbitrary, capricious or otherwise not in accordance with the standards and procedures of the Commission; or 2) not supported by substantial evidence contained in the initial application or reaccreditation application or survey.

B. The Appeal Board shall be composed of three members of the ISMA Board of Trustees to be appointed by the Chairman of the Commission according to the following Procedures:

A list of seven (7) individuals from the ISMA Board of Trustees, not previously involved in the process and willing to serve as members of the Appeal Board, shall be prepared under the direction of the Commission. Within twenty (20) calendar days of receipt of notification of the appeal, the list shall be sent by certified mail to the organization requesting the appeal. The organization may eliminate up to two (2) names from the list making up the Appeal Board and shall notify the chairman of the Commission of its selection within ten (10) calendar days of its receipt of the list. The chairman of the Commission shall then select three (3) individuals from the names still remaining on the list who shall constitute the Appeal Board, and shall notify the organization of the names of the persons selected within twenty (20) calendar days.

C. The hearing shall take place no later than sixty (60) calendar days following the appointment of the Appeal Board.

At least forty-five (45) calendar days prior to the hearing, the appellant shall be notified of the time of the hearing. Unless otherwise stated, the hearing shall be conducted at the ISMA headquarters. The appellant has the right to request and obtain the information in the appellant's application file on which the Commission's actions were based. All material and documentation that was made available to the reviewers at the time of the survey will be reviewed and considered; and the action of the Appeal Board shall be

based on the evidence presented relative to conditions existing at the time of the organization's survey, not on changes or corrective actions subsequent to the survey. The accreditation status of the organization during the process of appeal shall remain as it was prior to the adverse accreditation decision.

D. The record of the survey and review, together with formal presentations at the hearing, the transcript of proceedings of the hearing, and statements submitted under the provisions outlined above shall be the basis for the findings of the Appeal Board.

E. Within thirty (30) calendar days of the hearing, the Commission shall submit a decision to the appellant by certified mail, and there will be no further mechanism for appeal. The appellant may apply in one year for provisional accreditation.

F. Each party to the appeal shall pay its own expenses involved in the development and presentation of the appeal. If the organization or the Appeal Board requests a transcript of the hearing, the expense shall be divided equally between the Commission and the organization.

Under circumstances in which there is mutual consent by the organization and the Appeal Board, the time limits specified above may be extended. All notices and requests will be sent by certified mail with return receipt requested.

Documentation of all appeals will be thorough and complete.

Date Reviewed 12/02/07, ISMA Commission on Medical Education