

ACGME PROCEDURES FOR APPEAL OF INSTITUTIONAL ADVERSE ACTIONS
EFFECTIVE DATE: JULY 1, 2005

1. If the IRC takes an adverse action, the institution may request a hearing before an appeals panel. If a written request for such a hearing is not received by the Chief Executive Officer of the ACGME within 30 days following receipt of the Letter of Notification, the action of an IRC will be deemed final and not subject to further appeal.
2. If a hearing is requested, the panel will be appointed according to the following procedures:
 - a. The ACGME shall maintain a list of qualified persons as potential appeals panel members to review institutions.
 - b. For a given hearing, the institution shall receive a copy of the list of potential appeals panel members and shall have an opportunity to delete a maximum of one third of the names from the list of potential appeals panel members. Within 15 days of receipt of the list, the institution shall submit its revised list to the Chief Executive Officer of the ACGME.
 - c. A three-member appeals panel will be constituted by the ACGME from among the remaining names on the list.
3. When a hearing is requested, the following policies and procedures shall apply:
 - a. When an institution requests a hearing before an appeals panel, the institution holds the accreditation status determined by the Review Committee with the term *under appeal* affixed to the status. For example, if the Review Committee determines probationary status for an institution, and the institution appeals the decision, the status of the institution shall be *probation, under appeal*. This accreditation status shall remain in effect until the ACGME makes a final determination on the accreditation status of the institution.

Residents and any candidates (applicants who have been invited to interview with the sponsoring institution) must be informed in writing as to the confirmed adverse action taken by the IRC on the accreditation status. A copy of the written notice must be sent to the Executive Director of the IRC within 50 days of receipt of the IRC's Letter of Notification.
 - b. Hearings conducted in conformity with these procedures will be held at a time and place to be determined by the ACGME. At least 25 days prior to the hearing the institution shall be notified of the time and place of the hearing.
 - c. The institution shall be given the documentation of the IRC action in confirming its adverse action.
 - d. The documents comprising the institutional file, the record of the IRC's action, together with oral and written presentations to the appeals panel, shall be the basis for the recommendations of the appeals panel.
 - e. The appeals panel shall meet and review the written record, and receive the presentations. The IRC shall be notified of the hearing and a representative of the IRC may attend the hearing in order to be available to the appeals panel to provide clarification of the record.
 - f. Proceedings before an appeals panel are not of an adversary nature as typical in a court of law, but rather, provide an administrative mechanism for peer review of an accreditation decision about an educational program. The appeals panel shall not be bound by technical rules of evidence usually employed in legal proceedings.

- g. The institution may not amend the statistical or narrative descriptions on which the decision of the IRC was based in preparing for an appeal hearing; the file is considered "frozen" at that time with respect to the addition of any information not previously presented to the IRC. The appeals procedures limit the appeals panel's jurisdiction to clarification of information as of the time when the adverse action was confirmed by the IRC. Information about the institution subsequent to that time cannot be considered in the appeal. Furthermore, the appeals panel shall not consider any changes in the institution or descriptions of the institution which were not in the record at the time when the IRC reviewed the institution and confirmed the adverse decision.
- h. When there has been substantial changes in a institution and/or correction of citations after the date of the confirmed action by the IRC, an institution may forego an appeal and request a new evaluation and accreditation decision. Such an evaluation will be done in accordance with the ACGME procedures including an on-site survey of the institution. The adverse status shall remain in effect until the IRC has re-evaluated the institution and has made an accreditation decision.
- i. Presentations shall be limited to clarifications of the record and arguments to address compliance by the institution with the published standards for accreditation and the review of the institution in the context of the administrative procedures governing accreditation of institutions. Presentations may include written and oral elements. The appellant may make oral presentation to the appeals panel, but the oral presentation shall be limited to two hours.
- j. The appellant shall communicate with the appeals panel only at the hearing or in writing through the Chief Executive Officer of the ACGME.
- k. The appeals panel shall make recommendations to the ACGME as to whether substantial, credible and relevant evidence exists to support the action taken by the IRC in the matter that is under appealed. The appeals panel, in addition, shall make recommendations as to whether there has been substantial compliance with the administrative procedures which govern the process of accreditation of institutions.
- l. The institution may submit additional written material within 15 days after the hearing. The intention to submit such material must be made known to the appeals panel at the hearing.
- m. The appeals panel shall submit its recommendations to the ACGME within 20 days after receipt of additional written material. The ACGME shall act on the appeal at its next regularly-scheduled meeting.
- n. The decision of the ACGME in this matter shall be final. There is no provision for further appeal.
- o. The Chief Executive Officer of the ACGME shall, within 15 days following the final ACGME decision, notify the institution under appeal of the decision of the ACGME.
- p. The appellant is fully responsible for the Appeal Fee as set yearly by the ACGME. In addition, expenses of the appeals panel members and the associated administrative costs shall be shared equally by the appellant and the ACGME.