

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

1. If the Review Committee takes an adverse action, the program 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 the Review Committee will be deemed final and not subject to further appeal.
2. If a hearing is requested, a panel shall be appointed according to the following procedures:
 - a. The ACGME shall maintain a list of qualified persons in each specialty as potential appeals panel members to review programs.
 - b. For a given hearing, the program 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 program 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 a program requests a hearing before an appeals panel, the program 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 a program, and the program appeals the decision, the status of the program 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 program.

Nonetheless, at this time 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 Review Committee on the accreditation status. A copy of the written notice must be sent to the Executive Director of the Review Committee within 50 days of receipt of the Review Committee's Letter of Notification.
 - b. Hearings conducted in conformity with these procedures shall be held at a time and place to be determined by the ACGME. At least 25 days prior to the hearing, the program shall be notified of the time and place of the hearing.
 - c. The program shall be given the documents before the Review Committee at its confirming the adverse action.
 - d. The documents comprising the program file, the record of the Review Committee'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 to review the written record and receive the presentations. The appropriate Review Committee shall be notified of the hearing, and a representative of the Review Committee 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 program may not amend the statistical or narrative descriptions on which the decision of the RRC 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 Review Committee. The appeals procedures limit the appeals panel’s jurisdiction to clarification of information at the time when the adverse action was confirmed by the Review Committee. Information about the program subsequent to that time may not be considered in the appeal. Furthermore, the appeals panel shall not consider any changes in the program or descriptions of the program that were not in the record at the time when the Review Committee reviewed the program and confirmed the adverse action.
- h. When there have been substantial changes in a program and/or correction of citations after the date of the confirmed action by the Review Committee, a program should forego an appeal and request a new evaluation and accreditation decision. Such an evaluation shall be conducted in accordance with ACGME procedures, including an on-site survey of the program. The adverse status shall remain in effect until a re-evaluation and an accreditation decision has been made by the Review Committee.
- i. Presentations shall be limited to clarifications of the record and to arguments which address compliance by the program with the published standards for accreditation and the review of the program according to the administrative procedures which govern accreditation of GME programs. Presentations may include written and oral elements. The appellant may make an oral presentation to the appeals panel, but the this 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 Review Committee in the matter that is under appeal. The appeals panel, shall, in addition, will make recommendations as to whether there has been substantial compliance with the administrative procedures which govern the process of accreditation of GME programs.
- l. The program 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 recommendation to the ACGME Board of Directors 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 fifteen (15) days following the final ACGME decision, notify the program 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.