

AMERICAN BOARD OF MEDICAL GENETICS

APPEAL PROCESS FOR ADVERSE ACCREDITATION DECISIONS

The following decisions affecting accreditation by the American Board of Medical Genetics (ABMG) are subject to appeal:

- (1) Full accreditation with restrictions
- (2) Probationary accreditation
- (3) Revocation of accreditation

REVIEW BODIES

No Conflicts

Each member of the Review Committee or Board of Directors reviewing a program:

- (1) shall not have participated in the most recent site visit or Review Committee review of that program;
- (2) shall not have or have had any close personal relationship or professional association with the program or the program director; and
- (3) shall declare any potential conflict of interest and sign a confidentiality statement.

Any questions regarding a potential conflict shall be resolved by the President of the ABMG.

Review Committee

The Review Committee shall be appointed by the President of the ABMG. The Review Committee shall consist of one current Board member, a former Board member and a former site visit team leader. The following requirements apply to each of these members:

- (1) The current Board member shall not currently serve on the Accreditation Committee;

- (2) The former Board member must have served on the Accreditation Committee during his/her tenure on the Board, and shall serve as the Chair of the Review Committee; and
- (3) No more than one member of the Review Committee shall be a current program director.

Board of Directors

The Board of Directors refers to members of the Board of Directors of the American Board of Medical Genetics who have been duly elected and are currently serving their terms of office. In the event that there is an inadequate number of eligible Board members to comply with the procedures described herein, the President will appoint individuals who are not currently members of the Board, each of whom will have had past Board experience, and/or have served as an ABMG site visitor.

REQUEST FOR REVIEW

A program that has received an adverse accreditation decision shall be given prompt notice of the decision. The Administrator shall also furnish the program director with a copy of the *ABMG Appeal Process for Adverse Accreditation Decisions*. This notice shall be delivered by Federal Express or other overnight/traceable carrier by the deadline stated by the Board for notification. The notice shall state the reason/s for the adverse decision and shall inform the program director that he or she has the right to seek review of the adverse decision by filing a written request for reconsideration of this decision with the Administrator of the Board. In order for the request for review to be valid, it must be received by the Administrator no more than thirty (30) calendar days after receipt by the program director of the notice of the adverse decision.

The request must contain a statement of why the program director believes that the adverse decision was improper and must include any supporting documentation that the program director wishes to have considered during the review. Information contained in the request for review must be limited to the time and circumstances that triggered the adverse decision (e.g., a survey visit, progress report, etc). Descriptions of changes made since that time will not be considered.

The request must be accompanied by a check or money order made payable to the American Board of Medical Genetics in the amount of \$500 to partially cover administrative costs associated with the appeal process. This fee shall not be refunded irrespective of the final outcome of the review.

REVIEW BY REVIEW COMMITTEE

The Administrator shall forward to each member of the Review Committee the complete file of all documents concerning the program that were available to the Accreditation Committee and upon which the Committee relied in making the

adverse decision, and the request for review submitted by the program (the “Review Record”). No additional material shall be available to or considered by the Review Committee.

The Review Committee shall make one of the following recommendations to the Board of Directors:

- (1) Affirm the adverse decision; or
- (2) Modify or reverse the adverse decision.

If the Review Committee determines that there is no reason to alter the adverse decision, it shall recommend that the decision be affirmed. If the Review Committee determines that the adverse decision is not supported by the evidence, it shall recommend modification or reversal of the decision.

The Chair of the Review Committee shall be responsible for notifying the President of the Board in writing of its recommendation together with the justification for this recommendation. This notification shall be sent by Federal Express or other overnight/traceable carrier within 60 calendar days after the receipt of the request for reconsideration.

FINAL REVIEW BY THE BOARD OF DIRECTORS

The Board of Directors shall review the Review Record and the recommendation from the Review Committee. No additional material shall be available to or considered by the Review Committee. The President, at his or her discretion, shall determine whether a hearing would be useful to resolve the matter. A program appealing a decision of "Full Accreditation with Restrictions" will not be eligible for a hearing.

Review Without a Hearing

Based upon its review of the Review Record and the Review Committee recommendation, the Board of Directors shall determine by a majority of those directors voting whether to ratify, reverse, or modify the adverse decision. The Board of Directors shall notify the program director in writing of its decision, including the reasons for this decision, within 60 days after the recorded date of receipt of the notice from the Review Committee. This decision shall be sent to the program director by Federal Express or other overnight/traceable carrier. This decision by the Board of Directors shall constitute the final decision of the American Board of Medical Genetics on the matter.

Review with a Hearing

If the President determines that a hearing on the appeal may be useful, the hearing shall be scheduled for the next regularly scheduled Board meeting occurring more than 60 days after the receipt of the notice from the Review Committee.

Not less than 30 calendar days prior to the scheduled date of the hearing, the Administrator shall notify the program director in writing of the date, time, and place of the hearing. The notice shall also advise the program director that he/she may:

- (1) Appear personally before the Board of Directors;
- (2) Be represented by legal counsel; and
- (3) Submit a written statement relating to the matter for the Board of Directors' consideration.

Information submitted in the written statement or presented at the hearing must be limited to the time and circumstances that triggered the adverse action (e.g., a survey visit, progress report, etc). Descriptions of changes made since that time will not be considered.

The program director's written intent to appear personally before the Board of Directors, stating whether it will be with or without legal counsel, and the program director's written statement must be received by the Administrator no less than 14 calendar days before the scheduled date of the hearing. If legal counsel will be present, he/she must be identified in the statement.

All expenses incurred by the program director and his/her legal counsel in connection with the hearing shall be borne by the program director and/or his/her institution. If the program director requests the opportunity to appear personally at the hearing and, without good cause, fails to appear or fails to advise the Administrator in writing no less than 7 days prior to the scheduled date of the hearing that he/she will not attend the hearing, the Board of Directors may determine by a majority vote that there will be no other opportunity for the program director to make a personal appearance or file another appeal.

A record of the proceedings shall be kept in the administrative office as a permanent part of the archives of the Board of Directors. A copy of the hearing record shall be made available to the program director upon payment of the cost of reproduction.

At the hearing, the program director shall be given the opportunity to make a statement summarizing the program's position. The Board of Directors shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate. The Board may question the program director about any issues that require clarification.

Following the hearing, the Board of Directors shall determine by a majority of the voting members whether to ratify, reverse, or modify the adverse action. The Board of Directors shall notify the program director in writing within 30 calendar day after the hearing of its decision, including the reasons for the decision. This decision by the Board of Directors shall constitute the final decision of the American Board of Medical Genetics on the matter.