

# AMERICAN BOARD OF MEDICAL GENETICS

## APPEAL PROCESS FOR ADVERSE DECISIONS AFFECTING CERTIFICATION

The following adverse decisions affecting certification by the American Board of Medical Genetics are subject to appeal:

- (1) Rejection of credentials for eligibility to sit for an ABMG examination or otherwise participate in an ABMG activity;
- (2) Denial of a request for extension of an eligibility period; or
- (3) Denial of certification or recertification.

NO APPEAL may be taken from an adverse decision based on an individual's receipt of a failing grade on an ABMG examination unless extraordinary circumstances exist as determined solely by the Board.

The procedures set forth below for the review and appeal of adverse decisions affecting certification or recertification may be subject to an expedited schedule when deemed necessary by the Board.

### Request for Reconsideration

An individual who has received an adverse decision shall be given prompt written notice of the decision. The notice shall state the reason(s) for the adverse decision and shall inform the individual that he or she has the right to seek review of the adverse decision by filing a timely written Request for Appeal with the Administrator of the Board.

To be valid, the Request for Appeal must be received by the Administrator within 30 calendar days after receipt by the individual of notice of the adverse decision. The request must contain a statement of why the individual believes that the adverse decision was improper and must include any supporting documentation that the individual wishes to have considered as part of the reconsideration. The request must be accompanied by a check or money order made payable to the American Board of Medical Genetics in the amount of \$100 to cover administrative costs associated with the appeal process. This fee shall not be refunded, regardless of the outcome of the appeal.

### Review By the Certification Committee

The adverse decision will be reviewed by the Certification Committee. The Certification Committee may review any information it deems pertinent and may request additional information from the individual. The Certification Committee may, at its discretion, take one of the following actions:

- (1) Affirm the adverse decision; or
- (2) Recommend that the Executive Committee\* reverse or modify the adverse decision.

The Chair of the Certification Committee shall notify the individual in writing of its action, including the reasons therefor, within 60 calendar days after receipt of the request for reconsideration.

If the Certification Committee determines that there is no reason to alter the adverse decision, it shall affirm that decision. An individual who has been notified that the adverse decision has been affirmed by the Certification Committee may further appeal the decision to the Executive Committee by filing a written Notice of Appeal with the Administrator of the Board. To be valid, the notice of appeal must be received by the Administrator within 30 calendar days after receipt by the individual of the notice affirming the adverse decision. If a Notice of Appeal is not received within said 30 days, the adverse decision shall constitute the final decision of the American Board of Medical Genetics on the matter.

If the Certification Committee determines that the adverse decision was improper, it shall recommend to the Executive Committee a reversal or modification of the decision and forward its recommendation to the Executive Committee.

#### Review By the Executive Committee

The Executive Committee shall review (1) an appeal by an individual from an adverse decision affirmed by the Certification Committee; or (2) a recommendation from the Certification Committee for reversal or modification of an adverse decision. Following such review, the Executive Committee may, at its discretion, take one of the following actions:

- (1) Adopt and affirm the decision or recommendation of the Certification Committee, in which event the decision of the Executive Committee shall constitute the final decision of the American Board of Medical Genetics on the matter;
- (2) Forward the matter to the Board of Directors for a final decision; or
- (3) Forward the matter to the Board of Directors with recommendation for a hearing pending final decision.

The Executive Committee shall notify the individual in writing of its decision within 60 calendar days after receipt of the matter from the Certification Committee.

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\* The Executive Committee consists of the officers of the American Board of Medical Genetics.

### Final Review By the Board of Directors

The Board may review any information it deems pertinent and may request additional information from the individual. The Board shall determine whether a hearing on the appeal may be useful to resolve the issues before it.

#### Review Without a Hearing

The Board shall determine by majority of those Board members voting whether to ratify, reverse, or modify the adverse decision. The Board shall notify the individual in writing of its decision, including the reasons therefor, within 60 days after receipt of the matter from the Executive Committee. Such decision by the Board shall constitute the final decision of the American Board of Medical Genetics on the matter.

#### Review With a Hearing

If the Board determines that a hearing on the appeal may be useful, it shall set a hearing for its next regularly scheduled meeting occurring more than 60 calendar days after receipt of the matter from the Executive Committee. Not less than 30 calendar days prior to the scheduled date of the hearing, the Board shall notify the individual in writing of the date, time, and place of the hearing. The notice also shall advise the individual that he or she:

- (1) may appear personally before the Board;
- (2) may be represented by legal counsel; and
- (3) may submit a written statement relating to the matter for the Board's consideration.

The individual's written intent to appear personally before the Board, stating whether it will be with or without legal counsel, and the individual's written statement must be received by the Administrator not later than 14 calendar days before the scheduled date of the hearing. If counsel will be present he/she should be identified in the statement.

An individual who chooses to appear before the Board shall be given the opportunity to make a statement summarizing the individual's position. The Board shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate. Any Member of the Review Committee or the Certification Committee that previously considered the adverse decision shall not participate in the hearing or vote on the matter.

A record of the proceedings shall be kept. A copy of the hearing record shall be made available to the individual upon payment of the cost of reproduction. All expenses of the individual incurred in connection with the hearing shall be borne by the individual. If the individual requests to appear personally at the hearing and without good cause fails to appear or fails to advise the Administrator in writing more than 7 calendar days before the scheduled date of the hearing that he or she will not appear at the hearing, the Board may elect to notify the individual in writing that no other opportunity for a personal appearance shall be provided.

Following the hearing, the Board shall determine by majority of those Board members voting whether to ratify, reverse, or modify the adverse decision. The Board shall notify the individual in writing of its decision, including the reasons therefor, within 30 calendar days after the hearing. Such decision by the Board shall constitute the final decision of the American Board of Medical Genetics on the matter.