



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

### **A. Reconsideration**

1. The decision by the Nebraska Medical Association Continuing Medical Education Committee (hereafter referred to as committee) to deny or withdraw accreditation, or to place or continue a provider on probation, hereinafter referred to as an "adverse accreditation decision", shall be transmitted promptly to the provider in a notification letter, which shall include the basis for the decision and inform the provider of the right to request reconsideration. A written request for reconsideration, timely filed, shall automatically stay the adverse accreditation decision until the reconsideration is completed. The accreditation status of the provider, during the process of reconsideration, shall remain as it was prior to the adverse accreditation decision.
2. A written request for reconsideration shall be submitted to the chair of the committee within 30 days of receipt of the adverse decision notification and shall specify the reasons for requesting reconsideration. Otherwise, the decision made by the committee becomes final.
3. Reconsideration will be based upon the entire continuing medical education program as it existed at the time of the review. Only material that was made available to the reviewers at the time of the review will be considered as part of reconsideration. If substantial changes have occurred subsequent to the initial survey and review, provider should submit these changes as part of a new application for accreditation rather than as part of a request for reconsideration.
4. The committee shall complete the reconsideration no later than 60 days after it receives the request for reconsideration. Following the committee's meeting at which the reconsideration occurs, the provider will be promptly notified of the committee's decision and of its right to appeal an adverse decision.

### **B. Appeal Hearing**

1. If following the reconsideration the committee sustains its initial action, the provider may request a hearing before an Appeal Board. If a written request for such a hearing is not received by the chair of the committee within 30 days of receipt of the adverse decision notification, the decision of committee will be final. The request for a hearing shall include a statement of reasons for appealing the decision of the committee. Appeals may be based only on the grounds that the committee's decision was: 1) arbitrary, capricious, or otherwise not in accordance with the

accreditation standards and procedures of the NMA, or 2) not supported by substantial evidence.

2. The Appeal Board shall be composed of three (3) members to be appointed by the NMA according to the following procedures:
  - a) A list of seven (7) individuals, qualified and willing to serve as members of the Appeal Board, shall be prepared under the direction of the NMA. Within 20 days of receipt of notification of the appeal, the list shall be sent to the provider requesting the appeal. The provider may eliminate up to two (2) names from the list to make up the Appeal Board and shall notify the NMA of its selection within 10 days of its receipt of the list. The NMA shall then select the three (3) individuals from the names still remaining on the list that shall constitute the Appeal Board and shall notify the provider of the names of the persons selected within 20 days of receipt of exclusions.
3. Hearings, requested in conformity with these procedures, shall take place no later than 60 days following the appointment of an Appeal Board.
  - a) At least 45 days prior to the hearing, the appellant shall be notified of the time and place of the hearing as determined by the NMA. The appellant has the right to request and obtain the information in the appellant's application file on which the committee's actions were taken. Any additional information supplied by the appellant must be for purposes of clarification only and cannot describe new components of the organization or changes made subsequent to the initial action (as described under paragraph A.3.). Written statements may be submitted to the Appeal Board prior to the hearing, at the hearing, or up to 14 days following the hearing, provided that a formal request to submit such statements is made to the Appeal Board.
4. At any hearing before the Appeal Board, the representatives of the appellant may be accompanied by counsel, make oral presentations, offer testimony, and present such information as the appellant deems proper to support its appeal. The appellant may request that a representative of the NMA appear as a witness to be examined with respect to the subject of the appeal, and any such request shall be received at least 30 days prior to any such hearing.
5. The NMA may appoint representatives to attend the hearing (one (1) appointee shall be a member of the committee) and may examine the appellant's representatives. The hearing need not be conducted according to the rules of law relating to the examination of witnesses or the presentation of evidence. The purpose of the hearing is to assemble as much information as practicable regarding all material aspects of the appeal, and the Appeal Board shall be entitled to take into account any such information of the type normally relied upon by individuals of reasonable prudence in the conduct of important personal matters. The chair of the Appeal Board shall make all determinations on procedural matters and all determinations on the admissibility of information sought to be presented.
6. The chair of the committee may appoint a non-voting chairman of the Appeal Board to act as a Hearing Officer. This person may be in addition to the three (3) member Appeal Board.
7. The record of 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.

8. Within 30 days of the hearing, or the receipt of written statements, whichever is later, the Appeal Board shall submit their recommendation to the NMA. If the recommendation of the Appeal Board is to uphold the adverse decision, the NMA may meet by telephone conference to ratify the finding and the decision shall be effective immediately. If the recommendation is otherwise, the Appeal Board shall submit a recommendation for consideration by the NMA at its first meeting following receipt of the report of the Appeal Board. The resulting decision by the Appeal Board as to the accreditation status of the provider shall be final. The accreditation status of the provider during the process of appeal shall remain as it was prior to the adverse accreditation decision.
9. Expenses of the Appeal Board shall be shared equally by the appellant and the NMA. The expenses of witnesses requested by the appellant shall be the responsibility of the appellant. The expenses of the representatives of the committee, who appear at the request of the NMA, shall be borne by the NMA. Expenses of any representatives of the committee, who appear at the request of the appellant, shall be the responsibility of the appellant.

### **C. Contact Information**

1. Letters to the NMA should be sent Certified Mail, Return Receipt Requested, and addressed to:

Nebraska Medical Association  
1045 Lincoln Mall, Suite 200  
Lincoln, NE 68508

2. All letters sent by the NMA relating to these matters shall be sent Certified Mail, Return Receipt Requested.