

***MEDICAL SOCIETY OF THE STATE OF NEW YORK***  
***Policy 2000.9 - Accreditation Decision and Appeal***  
***Procedures for Reconsideration and Appeal***  
***of Adverse Accreditation Decision***

I. **Reconsideration:**

- a) A decision by the Continuing Medical Education Committee of the Medical Society of the State of New York (hereinafter called the CME Committee) to deny or withdraw accreditation, or to place or continue an institution on probation, (hereinafter referred to as an adverse accreditation decision) shall be transmitted promptly to the institution in a notification letter, which shall include the basis for the decision and information concerning the institutions' right to request reconsideration.
- b) A written request for reconsideration shall be submitted to the Chairman of the CME Committee by an institution within thirty (30) calendar days of receipt of the letter of notification of the adverse decision, and shall specify the reasons for requesting reconsideration. Otherwise, the decision made by the MSSNY's CME Committee becomes final. A written request for reconsideration, timely filed, shall automatically stay the adverse accreditation decision until the reconsideration is completed. The accreditation status of the institution during the process of reconsideration shall remain as it was prior to the adverse accreditation decision.
- c) The information upon which reconsideration is based must be that which pertained to the institution at the time of the survey and the initial consideration of the application by the MSSNY's CME Committee Survey Team. New information, based upon data subsequent to the survey and initial review, and information representing changes in the program following an adverse decision, will not be considered by the CME Committee. If substantial changes have occurred subsequent to the initial survey and review, sponsors should submit these changes as part of a new application for accreditation rather than as part of a request for reconsideration.
- d) Reconsideration shall be completed no later than 150 calendar days after the written request is received. Following the CME Committee meeting at which the request for reconsideration is considered, the institution will be promptly notified of the Committee's decision and of its right to appeal an adverse reconsideration decision to a CME Accreditation Appeals Committee.

II. **Appeal Hearing:**

- a) If, following reconsideration, the CME Committee affirms its original decision, the institution may request a hearing before a CME Accreditation Appeals Committee. If a written request for such a hearing is not received by the Chairman of the CME Committee within thirty (30) calendar days following the date of receipt of the letter of notification of the Committee's affirmation of the adverse accreditation decision, the decision of the Committee will be final. The request for a hearing before a CME Accreditation Appeals Committee shall include a statement of reasons for appealing the decision of the CME Committee. Appeals may be based only on the grounds that the CME Committee's decision was arbitrary, capricious, or otherwise not in accordance with the accreditation standards and procedures of MSSNY, or not supported by substantial evidence.

- b) The CME Accreditation Appeals Committee shall be composed of three members appointed by the President of MSSNY.
- c) Hearings, requested in conformity with these procedures, shall take place no later than sixty (60) calendar days following the receipt by the Chairman of the CME Committee of a request for a hearing.

At least forty-five (45) calendar days prior to the hearing, the appellant shall be notified of the time and place of the hearing as determined by MSSNY. The appellant has the right to request and obtain the information in the appellant's application file on which the adverse accreditation decision was based. Any additional information supplied by the appellant must be for purposes of clarification only and cannot describe new components of the institution or changes made subsequent to the initial action as described under 1.c. above.

- d) At any hearing before the CME Accreditation Appeals Committee, 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 MSSNY representative appear as a witness to be examined with respect to the subject of the appeal. The appellant, at least thirty (30) calendar days prior to any such hearing, shall request in writing the presence of a representative.
- e) MSSNY may appoint representatives to attend the hearing 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 CME Accreditation Appeals Committee 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 Chairman of the CME Accreditation Appeals Committee shall make all determinations on procedural matters and all determinations on the admissibility of information sought to be presented.
- f) The record of survey and review, together with formal presentations as the hearing, the Transcript of proceeding of the hearing, and statements submitted under the provisions outlined above, shall be the basis for the findings of the CME Accreditation Appeals Committee.
- g) Within thirty (30) calendar days of the hearing, the CME Accreditation Appeals Committee shall submit a recommendation on the accreditation status of the appellant to the CME Committee for consideration. If the recommendation of the CME Accreditation Appeals Committee is to affirm the CME Committee's original adverse accreditation decision, the CME Committee may meet by telephone conference to ratify the finding and the decision shall be effective immediately. If the decision is otherwise, the CME Accreditation Appeals Committee shall submit a recommendation for consideration by the CME Committee at its first meeting following receipt of the report of the CME Accreditation Appeals Committee. The resulting and subsequent decision by the CME Committee as to the accreditation status of the institution shall be final.

The accreditation status of the institution during the process of appeal shall remain as it was prior to the adverse accreditation decision.

- h) Expenses of the CME Accreditation Appeals Committee shall be shared equally by the Appellant and MSSNY. The expenses of witnesses requested by the appellant shall be the responsibility of the appellant. The expenses of the representatives of MSSNY who appear at the request of MSSNY shall be borne by MSSNY. Expenses of any representatives of MSSNY who appear at the request of the appellant shall be the responsibility of the appellant.

NOTE:

All correspondence, notes, memoranda, etc. should be sent Certified Mail, Return Receipt Requested, and addressed to:

JEFFREY G. ROTHMAN, M.D. , Chairman  
CME Committee  
Medical Society of the State of New York  
1 Commerce Plaza  
99 Washington Avenue  
Suite 1103  
Albany, New York 12210

All correspondence, notes, memoranda, etc. sent by MSSNY relating to these matters shall be sent Certified Mail, Return Receipt Requested.

Reviewed 2004