



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

Procedures for Reconsideration and Appeal of Adverse Accreditation Decisions

I Reconsideration of an Adverse Action

- A. The decision by the MMS Committee on Accreditation Review to deny or withdraw accreditation or to place or to continue an accredited Provider on probation, hereinafter referred to as an “adverse accreditation decision,” may be transmitted to the institution in a notification or decision letter which shall include the basis for the decision and advise the Provider of the Provider’s opportunity to file a request for reconsideration with the MMS.
- B. A written request for Reconsideration (if any) shall be submitted in writing to the Chair of the MMS Committee on Accreditation Review² by the Provider (or the Provider’s representative) within thirty (30) calendar days of receipt of the notification or decision letter of the adverse accreditation decision. Otherwise, the decision by MMS becomes final.
- C. The Provider’s request for Reconsideration must include all documents, data and information in support of its request for Reconsideration, and all materials must be submitted in writing. The accreditation status of the Provider during the process of reconsideration shall remain as it was prior to the adverse accreditation decision.
- D. Reconsideration will be based upon the Provider’s entire continuing medical education program as it existed at the time of the notification or decision letter. 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 MMS Committee on Accreditation Review. New information based on data subsequent to the survey and the initial review, and information representing changes in the program following an adverse decision, will not be considered by the MMS Committee on Accreditation Review. 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.
- E. The MMS Committee on Accreditation Review will review the Provider’s Reconsideration submission (as well as any other relevant data and information) within forty-five (45) days and promptly render a written decision which sustains, amends or reverses the adverse accreditation decision.

II Appeal Review

- A. If, following the Reconsideration, the MMS Committee on Accreditation Review sustains all or part of the adverse accreditation decision, the Provider (“Appellant”) may request a review by the MMS Committee on Medical Education. The request for a review shall include a statement of reasons for appealing the decision of the MMS Committee on Accreditation Review. Appeals may be based only on the grounds that the MMS’s decision was:
 - arbitrary, capricious or otherwise not in accordance with the accreditation standards and procedures of the Massachusetts Medical Society; or,
 - not supported by substantial evidence

If a written request for such a review is not received by the Chair of the MMS Committee on Medical Education³ within thirty (30) calendar days following the date of receipt of the letter of notification of the final adverse accreditation decision of the MMS Committee on Accreditation Review, the decision of the MMS will be final.

- B. The accreditation status of the Appellant, during the process of the appeal review, shall remain as it was prior to the adverse accreditation decision.
- C. The MMS Committee on Medical Education shall complete the appeal review no later than 45 calendar days after it receives the request for appeal. No member of the Committee on Accreditation Review (CAR) who was involved in the CAR's Reconsideration of the adverse accreditation decision may participate as a member of the Committee on Medical Education when it reviews the CAR's decision. Following the MMS Committee on Medical Education meeting at which the appeal review occurs, the institution will be promptly notified of the MMS Committee on Medical Education's decision and its right to appeal the adverse accreditation decision.

III Appeal Hearing

- A. If, following the appeal review, the MMS Committee on Medical Education sustains all or part of the adverse accreditation decision of the MMS Committee on Accreditation Review, the Provider may request a hearing (an "Appeal") in writing to the Chair of the MMS Committee on Medical Education within thirty (30) calendar days following the date of receipt of the letter of notification of the final adverse accreditation decision of the MMS Committee on Medical Education. That appeal and hearing will address only the adverse portions of the accreditation decision and will not re-examine any favorable findings. If the Provider does not request a hearing within thirty days, the decision of the MMS Committee on Medical Education will be final.
- B. The accreditation status of the Appellant during the process of Appeal shall remain as it was prior to the adverse accreditation decision.
- C. The Appeal Board shall be composed of three members to be appointed by the Chair of the MMS Committee on Medical Education according to the following procedures:

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 MMS Committee on Medical Education. No member of the Committee on Accreditation Review or the Committee on Medical Education who participated in the reconsideration or appeal review may be a member of the Appeal Board. Within twenty (20) calendar days of receipt of notification of the Appeal, the list shall be sent by written communication that confirms receipt (ex. Email, USPS certified mail, overnight courier) to the Appellant. The Appellant may eliminate up to two (2) names from the list to make up the Appeal Board and shall notify the Chair of the MMS Committee on Medical Education of its selection within ten (10) calendar days of its receipt of the list. The Chair of the MMS Committee on Medical Education 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 Appellant of the names of the persons selected.

- D. Hearings requested in conformity with these procedures, shall take place no later than ninety (90) calendar days following the appointment of an Appeal Board. The hearing shall take place at a location determined by the MMS Committee on Medical Education.
- D. 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 the MMS Committee on Medical Education. The Appellant has the right to request and obtain copies of the Appellant's accreditation file as it existed at the time of the adverse accreditation decision. The record on appeal considered by the Appeal Board will be limited to documents and data which were considered as part of the adverse accreditation decision, the content of the Provider's files as of the adverse accreditation decision, and materials submitted by the Provider as part of the Reconsideration process. Any additional information supplied by the appellant must be for purposes of clarification only and cannot describe new components of the institution /organization or changes made subsequent to the initial action (as described above under Section I).
- E. Written statements may be submitted to the Appeal Board prior to the hearing, at the hearing, or up to fourteen (14) calendar days following the hearing, provided that a formal request to submit such statements is made to the Appeal Board.

- F. 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 which is relevant to the record on appeal. The Appellant may request that a representative of the MMS Committee on Medical Education or the MMS Committee on Accreditation Review 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 hearing, shall request in writing the presence of either a representative from the MMS Committee on Medical Education or MMS Committee on Accreditation Review.
- G. The MMS Committee on Medical Education may appoint one or more 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 Chair of the Appeal Board shall make all determinations on procedural matters and all determinations on the admissibility of information sought to be presented.
- H. The Chair of the Committee on Medical Education may appoint a non-voting Chair of the Appeal Board to act as a Hearing Officer; this person may be in addition to the three (3) member Appeal Board.
- I. The following shall be the basis for the findings of the Appeal Board: all correspondence sent to the Appellant by the MMS regarding this accreditation process and adverse accreditation decision; the self-study report; any additional materials submitted to MMS by the Provider after the survey interviews; the surveyor report form; the MMS decision letter; the documentation files submitted by the Provider; the documentation review forms completed by the surveyors; minutes of the MMS Committee on Medical Education and MMS Committee on Accreditation Review that relate to the Appellant's initial decision and reconsideration as well as formal presentations at the hearing; and statements submitted under the provisions outlined above.
- J. Within 30 calendar days of the hearing, or the receipt of written statements whichever is later, the Appeal Board shall submit a recommendation on the accreditation status of the Appellant for consideration by the MMS Committee on Medical Education at its first meeting following receipt of recommendation of the Appeal Board. The resulting subsequent decision by the MMS Committee on Medical Education as to the accreditation status of the Provider shall be final. If the recommendation of the Appeal Board is to uphold non-accreditation, the decision shall be effective immediately upon MMS Committee on Medical Education action.
- K. Expenses of the Appeal Board shall be equally shared by the Appellant and MMS Committee on Medical Education, and the Appellant must submit payment for half the estimated Appeal costs at least thirty (30) calendar days prior to the hearing. If payment is not received by the due date: (1) the Appellant will have failed to comply with these Procedures; (2) no further action will be taken on the Appeal because of failure to comply with the Procedures; and (3) the adverse accreditation decision will not be modified. The expenses of witnesses requested by the Appellant, shall be the responsibility of the Appellant. The expenses of the representatives of the MMS, who appear at the request of the MMS Committee on Medical Education, shall be borne by the MMS. Expenses of any representatives of the MMS, who appear at the request of the Appellant, shall be the responsibility of the Appellant.

IV Waivers

The MMS Committee on Medical Education may, for good cause, waive any of these procedures, provided that such waiver does not unduly prejudice the institution.

Footnotes:

- 1. For purposes of these procedures the term Provider shall be used generically to refer to those institutions, organizations or associations accredited by the Massachusetts Medical Society (MMS).

2. Letters should be sent certified mail returned receipt requested and addressed to: Chair, Committee on Accreditation Review, c/o Jessica L. Vautour, Massachusetts Medical Society, 860 Winter Street, Waltham, MA 02451-1411.
3. Letters should be sent certified mail, return receipt requested to: Chair, Committee on Medical Education, c/o Caroline Carregal, Massachusetts Medical Society, 860 Winter Street, Waltham, MA 02451-1411.

MMS 2016