

## **Reconsideration and Appeals Policy**

### **Policy**

Any aggrieved individual may appeal a decision by the Hospice Medical Director Certification Board (HMDCB) to deny eligibility to take the certification examination or renew certification or to revoke certification, but not challenge the requirements themselves. Failure of an examination is not grounds for appeal. The HMDCB reconsideration and appeal procedures are not available for challenges to the content specifications of the examination, the methodology used to establish the scores reported to the candidate, or the methodology used to establish or apply minimum passing standard for the examination.

### **Process**

The first step in the appeals process is a reconsideration of the decision by the HMDCB. If an adverse decision is reaffirmed in the reconsideration process, or the issue is not otherwise resolved to the satisfaction of the aggrieved individual, he or she may file an appeal.

The second step in the appeals process is handled by an Appeals Committee that is appointed by the President of the HMDCB for this purpose. The committee is composed of three (3) individuals. The Appeals Committee shall elect a Chair from among its members. No member of this committee may have any current or prior relationship with the appellant or any other conflict of interest.

### **Reconsideration Procedure**

A request for reconsideration may be filed by an aggrieved individual within thirty (30) days of HMDCB's decision by submitting a written request to the HMDCB Executive Director by a traceable mailing service. Requests for reconsideration must include the reasons that the action or decision is alleged to be improper, inappropriate, or erroneous; copies of all relevant material supporting the reconsideration request; and a description of the corrective action sought. Failure to request reconsideration within 30 days nullifies the right to reconsideration or appeal.

The HMDCB Board of Directors shall confirm, modify, or reverse its previous decision by a simple majority vote. The HMDCB shall send prompt notification by a traceable mailing service of its decision and the reason(s) for the decision and the right to appeal.

### **Appeals Procedure**

An appeal may be filed by an aggrieved individual within thirty (30) days of receipt of HMDCB's reconsideration decision by submitting a written request by traceable mailing service to the HMDCB Executive Director. Requests for appeal must include a description of the action or decision being appealed and specific reasons supporting the appeal. No new evidence may be presented by the appellant or heard by the Appeals

Committee unless the appellant shows good cause why such evidence was not previously submitted. Failure to request appeal within 30 days nullifies the right to appeal.

The Appeals Committee will consider the request for review and appeal. The Appeals Committee will send written notice to the appellant by traceable mailing service not less than 30 days prior to the meeting of the Appeals Committee. Such notice will set forth the date, time, and place of the meeting. The Appeals Committee may meet by telephone conference call or in person, at which the matter will be considered.

The appellant shall have the opportunity to present oral testimony in his or her defense to the Appeals Committee at their scheduled meeting or conference call. The President of the HMDCB Board of Directors or his or her designee shall have the opportunity to respond to the appeal petition by presenting an oral or written statement to the HMDCB Appeals Committee. Both the appellant and the Appeals Committee shall have the right to be represented by counsel at such meeting.

The HMDCB Appeals Committee shall consider the appellant's petition and any statement of the HMDCB Board of Directors, and may confirm, modify, or reverse the HMDCB's decision to take disciplinary action by a simple majority vote.

The Appeals Committee Chair shall send prompt notification of the Appeals Committee's decision, including the reason(s) for the decision, in writing by traceable mailing service to the appellant, with a copy to the President of the HMDCB Board of Directors.

The decision of the Appeals Committee is final and is not subject to reconsideration or reversal.