



# EUFAC

EMERGENCY ULTRASOUND  
FELLOWSHIP ACCREDITATION COUNCIL

<b>Policy Title: Appeals Policy</b>
Policy Number: EUFAC – AC 1.5
Effective Date: 03/23/2023
Purpose: Outlines appealable accreditation decisions, the composition, qualifications and formation of an appeals panel, the process of requesting a hearing, and the binding nature of the appeals decision.

## Policy

The EUFAC makes decisions on accreditation based on submitted data. In an effort to support due process, a pathway exists for programs or individuals to appeal adverse action decisions (appellant) made by EUFAC. This process involves a review by a panel of neutral individuals to review the decision, data supporting the decision and reason for the appeal. Decisions by the Appeals Panel are binding by both EUFAC and the appellant.

## Unappealable Decisions

The EUFAC does not allow for appeals of the following accreditation decisions:

- a) EUFAC is unable to reconsider applications with submission errors or data that may have changed since an application was submitted. Applications are reviewed based on the reliance on the accuracy of answers provided by the program fellowship directors and verified by the program's department chair. It is the responsibility of the programs to ensure all data submitted reflects the current workings of the fellowship program and allows the EUFAC to accurately assess a program's compliance with Advanced Emergency Medicine Ultrasonography (AEMUS) program requirements.
- b) Institutions and programs may not appeal initial accreditation actions, including citations issued.

Continuing accreditation with warning decisions may not be appealed, unless they constitute an Adverse Action as outlined below.

## Procedure

### 1. Appeals of Adverse Accreditation Decisions

Programs that were previously accredited and receive an adverse action decision may appeal those decisions.

The following are considered "Adverse Actions", which are appealable:

- a) Reduction in Accreditation Length
- b) Withdrawal of Accreditation or Accreditation Withheld decision of a previously accredited program
- c) Reduction in fellow complement

The above Adverse Actions may be appealed under this section with the exception of an adverse

action resulting from reconsideration by the EUFAC for an [Alleged Egregious Event](#).

## **2. Notification of an Adverse Accreditation Decision**

- a) When EUFAC confers an Adverse Action, it shall give notice of the Adverse Action to the program director and department chair of the Sponsoring Institution. This notice of Adverse Action shall include the citations that form the basis for the Adverse Action.
- b) The program director may appeal an Adverse Action; otherwise, the Adverse Action is final.
- c) Upon receipt of notification of an Adverse Action, the program director must inform, in writing, the fellows and any candidates (applicants who have been invited to interview with the program). The program director must inform fellows and candidates, regardless of whether or not the action is appealed. A copy of this written notice must be sent to the Executive Director of the EUFAC within 50 days of receipt of the EUFAC's Letter of Notification.

## **3. Procedure for Appeal of an Adverse Action Decision**

- a) If EUFAC confers an Adverse Action, the program may request a hearing before an Appeals Panel. If a written request for such a hearing is not received by the EUFAC Chair and/or Executive Director within 30 days following receipt by the Sponsoring Institution or program of the notice of Adverse Action, the action of the EUFAC shall be deemed final and not subject to further appeal.
- b) If a hearing is requested, a panel shall be appointed that will review all information and documentation regarding the Adverse Action decision, conduct a hearing, and make a recommendation that results in a binding decision for all parties involved.

## **4. Active Appeals Panel Composition**

An active appeals panel (the "Appeals Panel") will comprise five individuals:

- a) 2-3 panel members are chosen from a list of candidates maintained by EUFAC for the purpose of serving on the Appeals Panel. The list of candidates will be determined by EUFAC based on nominations from the Nominating Organizations for EUFAC, and any such candidate, in order to be eligible to serve in any particular case, shall have had no previous involvement in the initial Adverse Action decision.
- b) 1 panel member will be a previous Council member of the EUFAC. Names of past Council member will be kept as part of the Appeals Panel list and marked as past Council members, and any such candidate, in order to be eligible to serve in any particular case, shall have had no previous involvement in the initial Adverse Action decision.
- c) 2 panel members are the Chair and Vice Chair of the EUFAC (unless a COI exists pursuant to the EUFAC's written conflict of interest policy, or if such person(s) shall have had previous involvement as primary reviewer in the initial Adverse Action decision, in which event a substitute shall be selected pursuant to sub. 4.a), above).

## **5. Appeals Panel List Qualifications**

Individuals who are included in the list of candidates should demonstrate seniority in at least one Emergency Medicine Sub-specialty or equivalent experience in another medical specialty or subspecialty. They must be willing to serve as possible appeals panel members and fulfil the duties of an appeals panel member and be free of any conflict of interest for parties involved in the appeals process. Individuals included on the list of candidates for the Appeals Panel should have at least 5 years of experience in Graduate Medical Education or equivalent. Specific examples include:

- a) Current or Prior Fellowship Director for Toxicology

- b) Current or Prior Fellowship Director for Emergency Medical Services
- c) Prior Fellowship Director for Advanced Emergency Medicine Ultrasonography
- d) Current or Prior Fellowship Director for Pediatric Emergency Medicine
- e) Senior Leadership position in Emergency Medicine with experience
- f) Other with skills comparable to above

## **6. Appeals Panel List Formation**

Candidates for consideration to be included on a EUFAC Appeals Panel list will be solicited from all EUFAC nominating organizations. Nominating organizations will be given a written request to submit names, qualifications and a letter of interest to EUFAC for consideration. EUFAC will choose from all nominations to create and maintain a list of 8 individuals as potential appeals panel members when needed. Additionally, past Council members will be kept on the Appeals Panel list and marked to indicate their past Council status. Appeals Panel Members will respond in writing annually of a willingness to participate in the Appeals Panel and submit their most current CV. Appeals Panels will complete a COI form annually as well as prior to formation of an active appeals panel.

## **7. Appeals Panel Expense Reimbursement**

In the event of the formation of an appeals panel and in instances where the appeals process requires travel to the fellowship program requesting the appeal, members chosen to partake in the appeals panel will be able to receive reimbursements for their expenses according to the EUFAC Travel and Reimbursement policy.

## **8. Formation of Active Appeals Panel**

In the event of a formal request for appeal, EUFAC will constitute an active Appeals Panel to adjudicate the request. The Appeals Panel consists of the panel member types and numbers as outlined above (Section 5, Active Appeals Panel Composition). Conflicts of interest are reviewed pursuant to such written conflict of interest policy as shall be in effect at the time of such request, to ensure no active panel member has a conflict with the program requesting appeal. After COIs have been confirmed, EUFAC will select 5 individuals to serve on the active appeals panel. The names of the selected active appeals panel shall be given to the program requesting the appeal, and the program shall have the right to request an exchange of up to 2 panel members. A request for panel member deletion will need to be received by the EUFAC Executive Director no later than 15 days after the program is informed of the active appeals panel names. EUFAC will replace any deleted panel member with individuals from the appeals panel list to ensure an active appeals panel of 5 individuals.

The Appeals Panel is charged with a mandate to oversee all of the appeals procedures and to provide a formal decision on the outcome of the appeal in any particular case brought before it. Promptly after the Appeals Panel is composed in any particular instance, its members shall elect a Chairperson. Action by the Appeals Panel shall be determined by the vote of a majority of all of the members of the Appeals Panel.

## **9. Appeals Process**

When a hearing is requested, the following policies and procedures shall apply:

- a) When a program requests a hearing before an Appeals Panel, the program is granted the status of probationary accreditation. This accreditation status shall remain in effect until the

EUFAC makes a final determination on the accreditation status of the program following the appeal process. Nonetheless, upon receipt of notice of Adverse Action, fellows and any applicants who have been invited to interview with the program must be informed in writing as to the Adverse Action conferred by the EUFAC.

- b)** Hearings conducted in conformity with these procedures shall be held at a time and place to be determined by the EUFAC. At least 25 days prior to its hearing, a program shall be notified of the time and place of the hearing. This hearing may be in person or virtual with the virtual option being utilized whenever possible.
  - c)** The program shall be given the documents comprising the program file and the record of the EUFAC's action.
  - d)** The documents comprising the program file and the record of the EUFAC's action, together with oral and written presentations to the Appeals Panel, shall be the basis for the final recommendations of the Appeals Panel.
  - e)** The Appeals Panel shall meet to review the written record and receive the presentations. The EUFAC shall be notified of the hearing.
  - f)** The Appeals Panel shall not consider any changes in the program or descriptions of the program that were not in the record at the time when the EUFAC reviewed it and conferred the Adverse Action.
  - g)** Presentations shall be limited to clarifications of the record and to information that addresses compliance by the program with the applicable published requirements for accreditation and the review of the program according to the administrative procedures that govern accreditation of programs. Presentations may include written and oral elements. The order of presentations shall be:
    - i. The appellant shall make an initial presentation to the Appeals Panel, which shall be limited to 30 min.
    - ii. The EUFAC shall make a presentation to the Appeals Panel, which shall be limited to 30 min.
    - iii. The appellant may be given 30 minutes or less to address the Appeals Panel in response to the points outlined in the EUFAC presentation.
    - iv. The Appeals Panel may ask questions of the appellant and/or the EUFAC for up to 30 min.
    - v. The appellant may make a closing statement, which shall be limited to fifteen minutes.
- Any information, including presentations and audio-visual and written materials, must be provided to the EUFAC within 10 business days prior to the hearing.
- h)** Proceedings before an Appeals Panel are not of an adversarial nature as typical in a court of law, but rather provide an administrative mechanism for peer review of an accreditation decision for an educational program. The Appeals Panel shall not be bound by technical rules of evidence usually employed in legal proceedings.
  - i)** The appellant shall communicate with the Appeals Panel only at the hearing or in writing through the EUFAC Executive Director.
  - j)** The Appeals Panel shall make one of the following findings with respect to the Adverse Action which is the subject of the appeal:
    - i. that there is substantial, credible, and relevant evidence to support such Adverse Action, in which event the Adverse Action shall be considered final (which finding shall be delivered to the EUFAC as recommendation for its consideration of approval pursuant to sub. k), below) ;

- ii. That there is not substantial, credible, and relevant evidence to support such Adverse Action, in which event the program's previous accreditation status shall be restored; or
- iii. Where the Appeals Panel determines that it is unable, using information available by means of the appeals process described in this Section 9 to make a finding pursuant to subs j).i. or j).ii., above, return the matter to the original body within EUFAC that made the Adverse Action decision for further fact-finding and/or review, as necessary, and a further determination by the original decisionmaker whether such Adverse Action should be reversed or affirmed, and if such Adverse Action is affirmed, the EUFAC shall provide to the appellant a written statement describing why such further fact-finding and/or review gave rise to such affirmation of such Adverse Action. The appellant shall be entitled to appeal such affirmation of such Adverse Action in accordance with the procedures set forth in this Appeals Policy.
- k) The Appeals Panel shall submit its recommendation to the EUFAC within 20 days of the hearing. The EUFAC shall act on the appeal at an emergency meeting held to address the appeal or a regularly scheduled meeting, if suitable.
- l) The Appeals Panel decision in this matter shall be final, except in cases of a determination pursuant to sub. j).iii., above, and there is no provision for further appeal.
- m) The Executive Director of the EUFAC shall, within 15 days of the final decision, notify the appellant of the decision of the EUFAC.
- n) In the event that the Appeals Panel makes a determination pursuant to sub. j).iii., above, a site visit may be considered. Reference [Audits, Site Visits and Egregious Events Policy](#).
- o) The Appeals Panel shall, in addition, may make recommendations as to whether there has been substantial compliance with the administrative procedures that govern the process of accreditation of programs.

#### **10. Appeals Fees and Costs**

The appellant is fully responsible for the Appeal Fee as set by the EUFAC. Expenses of the Appeals Panel members and the associated administrative costs shall be shared equally by the appellant and the EUFAC.