

The American Board of Plastic Surgery, Inc.®

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ABPS APPEALS POLICY

The American Board of Plastic Surgery, Inc. hereby establishes the following policy relative to resolution of questions or dissatisfactions with decisions made concerning 1) prerequisite and requisite training; 2) admissibility to examination; 3) results of the examination process; and 4) certificate revocation, suspension or other discipline.

A. CATEGORIES OF COMPLAINTS

1. PREREQUISITE / REQUISITE TRAINING REQUIREMENTS

Complaints regarding denial of approval of prerequisite/requisite training shall be made to the Board in writing. The Board will notify the complainant in writing of the specific reasons for this denial. Thereafter, upon written request of the complainant, the question will be referred to the Credentials and Requirements Committee of the Board for reconsideration only if the complainant provides additional information which the Committee has not previously considered. The complainant shall be notified in writing of the Committee's decision on reconsideration and the reasons for it within 60 days after its meeting. Reconsideration of special consideration decisions may be requested within 30 days of the original decision. If no such additional information is provided, the complainant will be advised that the next step is an Informal Appeal pursuant to Section B. hereof.

2. ADMISSIBILITY TO EXAMINATION

Complaints regarding the denial of admissibility to examination for any reason shall be made to the Board in writing. The Board shall notify the complainant in writing of the specific reasons for this denial. Thereafter, upon written request of the complainant, the question will be referred to the Credentials and Requirements Committee of the Board for reconsideration only if the complainant provides additional information which the Committee has not previously considered. The complainant shall be notified in writing of the Committee's decision on reconsideration and the reasons for it within 60 days after its meeting. If no such additional information is provided, the complainant will be advised that the next step is an Informal Appeal pursuant to Section B. hereof.

Requests for an exception to the requirement that an Application for Examination and Certification Form be submitted within two years of the completion of plastic surgery residency training shall be submitted to the Board in writing. The request shall be presented to the Credentials and Requirements Committee. If the request is approved by the Credentials and Requirements Committee, an Administrative Penalty Fee of \$1,000.00 must be submitted with the Application Materials in addition to the Registration Fee.

3. RESULTS OF THE EXAMINATION PROCESS

Complaints regarding the form, contents, administration or results of the Written Examination and complaints regarding the administration of the Oral Examination shall be made in writing to the Board no more than 30 days following receipt of the Examination Result Letter. With regard to the Oral Examination, complaints about denial of a case list, the content of the examination, the sufficiency or accuracy of the answers given, or the score will not be considered. Appropriate documentation should accompany the written complaints. Such complaints shall be forwarded to the appropriate Examination Committee of the Board for consideration at its next regular meeting. The complainant will be notified in writing of the Committee's decision and the reasons for it within 60 days following its meeting.

NOTE: At no stage may a complainant or appellant be awarded a passing grade on an examination on which the original grade was Fail; the most that may be awarded is an opportunity to retake the examination when it is regularly scheduled. At every stage of the appeals process the complainant or appellant must prove that the Board's decision was arbitrary and capricious and that there was no material basis or that there was a complete absence of facts to support the Board's action.

Refer to the Booklet of Information.

4. REVOCATION OF CERTIFICATES

Since revocation of certificates can be carried out only by formal action of the Board at a regular or special meeting, further action can consist only of written communication with the Board.

B. THE APPEAL PROCESS

1. INITIAL INQUIRIES AS TO STATUS OR REQUIREMENTS

Complaints or requests for clarification of a communication or requirement of the Board shall be made to the Board in writing. The Executive Director, Secretary-Treasurer, Chair or Committee Chair shall provide a written response based on published requirements.

2. REQUEST FOR SPECIAL CONSIDERATION BY THE BOARD

Requests for special consideration by the Board shall be made in writing clearly stating

the request and, if applicable, providing supporting documentation for the exception to the initial inquiry decision. Requests must be submitted by March 1 for the Annual Meeting of the Directors and September 1 for the Semi-Annual Meeting of the Directors. A review fee is required for Special Consideration Requests.

Special Consideration Requests shall be scheduled by the Board for the appropriate committee. The majority of special consideration requests shall be scheduled for The Credentials and Requirements Committee, or other appropriate committee such as The Oral Examination Committee. The Chair of the Committee shall provide a written response within 60 days of the meeting.

3. REQUEST FOR RECONSIDERATION BY THE BOARD

Requests for reconsideration by the Board shall be made in writing clearly stating the request and, if applicable, providing additional supporting documentation for the exception to the Special Consideration decision. Requests must be submitted by March 1 for the Annual Meeting of the Directors and September 1 for the Semi-Annual Meeting of the Directors. A review fee is required for Reconsideration Requests. Reconsideration Requests shall be scheduled by the Board for the appropriate committee, such as the Credentials and Requirements Committee, or the Oral Examination Committee. The Chair of the Committee shall provide a written response within 60 days of the meeting.

4. INFORMAL APPEAL

- a) Each of the above decisions shall be considered binding on both the complainant and the Board unless the complainant, within 30 days after the date of the letter of notification thereof, makes an informal appeal therefrom to the Board in writing, requesting a hearing, setting forth the reasons for disagreement with the decision, and submitting an appeal fee..
- b) When a request for an informal hearing and payment of the appeal fee is received, the hearing shall be scheduled at the next regular meeting of the appropriate Committee. The appellant shall be notified in writing at least 30 days prior to the meeting of the time and location at which to appear. The appellant shall be afforded the opportunity to appear in person without counsel and present oral and written evidence. The appellant may not have anyone else present during the hearing. The appellant may not record the hearing and must prior to the hearing surrender any cell phone or other device capable of recording the hearing. The members of the Committee shall have the right to question the appellant concerning anything in the record or presented by the appellant. The appellant shall be notified in writing of the Committee's decision and the reasons for it within 60 days after the hearing.

5. FORMAL APPEAL

- a) The decision of a Committee on an informal appeal shall be considered binding on both the appellant and the Board unless the appellant, within 30 days after the date of the letter of notification thereof, makes a formal appeal to the Board in writing, requesting a hearing, setting forth the reasons for disagreement with the decision, and submitting an appeal fee (payable in United States funds).
- b) Upon receipt of a request for a formal appeal hearing and payment of the appeal fee, the Chair of the Board will, within 60 days, appoint an Appeals Panel consisting of not fewer than three former Directors of the Board, none of whom shall have previously participated in the consideration of, or in any decision on, the matter which is the subject of the appeal.
- c) The appellant shall be notified in writing of the identity of the members of the Appeals Panel and shall have the privilege of challenge for cause only. Such challenges must be made in writing within 30 days following the date of the notice of appointment of the Appeals Panel. The Executive Committee of the Board, with the advice of Legal Counsel, shall rule upon any such challenges, and its ruling shall be final.
- d) The appellant shall be notified in writing of the action of the Executive Committee of the Board on any challenges to the membership of the Appeals Panel and of the time and place of the hearing at least 30 days prior to the date set for the hearing. At the hearing the appellant may appear and be heard in person, either with or without counsel, and may present witnesses and other evidence.
- e) The Appeals Panel may call such other witnesses and consider such other evidence as it deems appropriate provided that appellant and appellant's counsel shall have the opportunity to examine all documents and physical evidence considered by the Panel and to question all witnesses heard by it. The Legal Counsel of the Board may also participate. The Appeals Panel must uphold the decision unless the appellant establishes both that the decision lacked any material basis and that it was arbitrary and capricious.
- f) Each decision by the Appeals Panel shall be forwarded to the appellant in writing within 60 days of the close of the hearing **and shall be final and binding upon both the appellant and the Board.**
- g) If a scheduled hearing is cancelled or postponed by an appellant less than 60 days prior to the date scheduled for that hearing, no portion of the appeal fee shall be refunded. An additional appeal fee (payable in United States funds) shall be paid by the appellant for any hearing that is rescheduled.

Requests for Special Consideration or Reconsideration, an Informal Appeal or Formal Appeal by The American Board of Plastic Surgery, Inc. must be submitted in writing along with any applicable documentation and the appropriate fee. All fees must be submitted in United States funds and made payable to The American Board of Plastic Surgery, Inc. These requests must be received in the Board Office by March 1 for the spring Annual Meeting and by September 1 for the fall Semi-Annual Meeting.

May 2017

