



## Application Appeal Process

In the event that an applicant is found not to have met the credential requirements, the American Board of Emergency Medicine (ABEM) will send the physician a letter via a trackable method that includes the Board's decision and a copy of this appeal process.

For all appeal steps in which the physician wishes to participate and does not wish to pay an administrative fee for submitting the appeal, the physician must submit the appeal within 30 days of the date of ABEM's decision letter. If a physician submits the appeal later than 30 days after the date of the decision letter, ABEM will charge an administrative fee. ABEM will only accept appeals submitted within 60 days after the date of its decision letter. No appeals submitted later than 60 days after the date of its decision letter will be accepted.

### FIRST APPEAL

The physician may submit a written first appeal that must be postmarked within 30 days of the date of the decision letter from the Board. The appeal must include a detailed explanation of the physician's reasons for believing they meet the credential requirements.

The appeal will be considered by the ABEM Credentials Committee.

The physician may request an informal hearing via conference call with the Credentials Committee when the first appeal is considered. The physician must advise the Board in the written first appeal if they wish to participate in an informal hearing via conference call. If a hearing is requested, the physician will be notified in writing of the date and time of the conference call. During the informal hearing, the physician may present statements as they desire. The members of the Committee may question the physician concerning the appealed credential requirements. Because this is an informal hearing, guests or counsel may not participate.

ABEM will send the physician a letter with the decision of the Credentials Committee via a trackable method within 45 days of the meeting at which it was reviewed.

### SECOND APPEAL

In the event that the initial decision is upheld on a first appeal, the following process will be followed.

The physician may submit a written second appeal that must be postmarked within 30 days of the date of the decision letter on the first appeal. The appeal must include a detailed explanation of the physician's reasons for believing that the credential requirements were fulfilled and must address any material sent to the physician in the initial decision letter.

Written second appeals are reviewed by the Executive Committee. Any Committee member directly involved in deciding the first appeal will be excluded from any decision-making role in the second appeal. If the physician submits information not reviewed by the Credentials Committee in the written first appeal, the appeal will be referred to the Credentials Committee for review and to present a recommendation to the Executive Committee.

Upon entering the second appeal step, new information may not be submitted except on the basis of the discovery of evidence that was not known by the physician and that could not have been discovered at the time of the first appeal and decision.

The Executive Committee will decide if the appeal has merit. If the appeal is found to have merit, it will be forwarded to the Board of Directors for review and decision. If the appeal is found not to have merit, the decision stands, and no further action is taken. ABEM will send the physician a letter via a trackable method with the decision of the Executive Committee within 45 days of their meeting, and the decision will be final and binding upon both the physician and ABEM.

If the Executive Committee forwards the appeal to the Board of Directors, the following process will be followed.

Upon receipt of the written second appeal, if the physician does not request a hearing, the Board of Directors will review the written second appeal and render a decision within 45 days following the meeting of the Board of Directors. ABEM will send the physician a letter via a trackable method outlining the Board's decision.

If a physician requests a hearing, it will take place at the first meeting of the Board of Directors, which is held at least 60 days after receipt of the request. ABEM will notify the physician in writing of the time and place of the hearing at least 30 days prior to the date set for the hearing. If the physician is unable to attend the initial hearing date, ABEM will offer a total of two more dates. If three dates are offered and declined, the Board of Directors will review the physician's file on the third date.

At the hearing, the physician will appear by conference call, either with or without counsel, and may present witnesses and other evidence on their behalf. At least 15 days prior to the hearing, the physician will furnish the Board of Directors with the names of any individuals who will appear on their behalf. The Board of Directors may call a representative of the Credentials Committee and call such other witnesses and consider such other evidence as it deems appropriate, provided that the physician and the physician's counsel will have the opportunity to examine all documents and physical evidence considered by the Board of Directors and to question all witnesses heard by it. ABEM legal counsel may also participate.

ABEM will send the physician a letter via a trackable method with the decision of the Board of Directors within 45 days of the close of the hearing, and the decision will be final and binding upon both the physician and ABEM.