



## Review and Appeals Policy

### **Purpose:**

The purpose of this policy is to define the process by which appeals, grievances and complaints from exam applicants, candidates and certificants will be addressed and reviewed. Appeals may be applied to any decision made by the International Board of Heart Rhythm Examiners (IBHRE) as it applies to an applicant, candidate or a Certificant, including, without limitation, the following:

- \*Declined exam application.
- \*Failing score on an exam.
- \*Denial or revocation of certification for any reason.
- \*Action in response to a test center complaint.
- \*Failure to meet Professional Development Activities requirements.

It is the goal and objective of this policy to uphold the standards and policies of IBHRE with respect to applicants, exam candidates and Certificants, and to provide such persons with fair and objective due process in the event they disagree with decisions made by IBHRE.

Exam applicants, exam candidates and Certificants who make claims pursuant to this policy are sometimes referred to in this policy as “appellants”.

### **Initiation of Appeal:**

Applicants, exam candidates and Certificants shall be entitled within forty-five (45) days after receipt of a decision by IBHRE with which they disagree (*i.e. refusal of application, notification of exam failure, denial or revocation of certification*), to file a written request for appeal. Except for re-score requests, which are addressed below, such request shall be accompanied by a fee of \$150 to cover the administrative expenses of IBHRE and its Appeals Board in addressing the claim. All such requests must be in writing and, at a minimum, shall set forth in reasonable detail the facts and circumstances that the appellant believes support his or her claim and the reasons why the decision of IBHRE with respect to the appellant’s claim should be reversed or modified. Such request may be accompanied by a detailed memorandum or brief, together with other documentation in support of the appellant’s claim.

Requests to activate the review process must be sent to the attention of the Exam Coordinator, IBHRE, 1400 K Street NW, Ste 500, Washington, DC 20005, or by fax to 202-464-3401. The Exam Coordinator shall forward the appellant’s claim to the Chair of the Appeals Board, as defined below, and also inform the Executive Director and President of IBHRE regarding the claim. The Chair of the Review and Appeals Board shall commence the appeal process in accordance with the procedures described below. The Exam Coordinator shall promptly confirm to the appellant in writing that the claim has been received and is being processed.

Re-score requests shall be considered a separate category of appeal. Requests for an examination re-score will require the payment of a \$75 fee. Re-scoring of examinations may be completed by IBHRE’s psychometric vendor or other subcontractors involved in providing computer based

testing on behalf of IBHRE. Re-score requests may take as many as forty-five (45) days from the receipt of request to furnish a response. If the appellant disagrees with the re-score, he or she may bring a separate appeal which shall follow the other procedures set forth in this policy.

**Review and Appeals Board (Composition and Authority):**

The Board of Directors of IBHRE shall appoint a standing committee comprised of 5 individuals to review claims brought by appellants. This committee shall be referred to as the Review and Appeals Board.

*Composition*

The Review and Appeals Board shall consist of two representatives of the Cardiac Electrophysiology Test Writing Committee—the committee chair and one appointed member from that committee, and two representatives of the Cardiac Pacing Test Writing Committee—one committee chair and one appointed member of that committee. Additionally, a Chair of the Review and Appeals Board shall be duly appointed by the Board of Directors to serve as the head of the Review and Appeals Board and as liaison between the Board of Directors of IBHRE and the Review and Appeals Board. At least one member of the Review and Appeals Board shall at all times be a member of the Board of Directors of IBHRE.

*Conflicts of Interest*

Each member of the Review and Appeals Board shall be required to certify in writing with respect to each claim, that he or she does not have a conflict of interest with regard to that claim. In the event that a member or members of the Review and Appeals Board does have a conflict, based upon the facts or circumstances of the claim, including employment or other affiliations of the appellant, then the Board of Directors in conjunction with the acting Chair of the Review and Appeals Board shall select a substitute member or members to hear and decide upon that claim.

*Authority*

The Review and Appeals Board shall act by majority vote. Absent manifest error, arbitrariness or capriciousness in rendering a decision, or failure to follow sanctioned appeals procedures, all as determined by the Board of Directors of IBHRE in their discretion, the decisions of the Review and Appeals Board shall be final and binding on the appellant and IBHRE.

**Appeals Process and Procedures**

*Receipt of Claim*

Upon receipt of a claim by an appellant, the Exam Coordinator shall inform the President and Executive Director of IBHRE, and notify the Chair of the Appeals Board, providing each of them with the written materials submitted by the appellant. The Chair of the Appeals Board shall notify the other members of the Review and Appeals Board, and shall forward to them the written information submitted by the appellant. Each member of the Review and Appeals Board shall determine that no conflict of interest exists with respect to the appellant or the claim. The appellant shall be notified that the claim has been received and processed, and the appellant shall have fifteen (15) days from the date of such notice to protest any member of the Review and Appeals Board being involved in deciding upon the claim. The President of IBHRE shall make the determination regarding the validity of such protest made by an appellant.

*Timeframe*

The deliberations of the Review and Appeals Board, and any hearing with respect to the matter shall take place within ninety (90) days following receipt by IBHRE of the appellant’s written

claim. The final determination of the Review and Appeals Board and its written decision shall be completed within thirty (30) days following its determination or the completion of the hearing, as the case may be.

*Additional Information*

Within thirty (30) days of receipt of appellant's initial claim, the Chair of the Appeals Board may request additional information regarding the claim from either the appellant or from IBHRE, its agents and representatives. All parties involved with the claim shall be notified regarding any requests for additional information, and all parties, including the appellant, shall be entitled to receive copies of all such information supplied to the Review and Appeals Board in connection with the claim. Similarly, the appellant shall be permitted to provide the Review and Appeals Board with written memoranda or briefs, and supplementary documentation, supporting his or her claim.

*Nature of Determination; Request for Hearing*

The Review and Appeals Board shall consider the claim by the appellant, but with due deference to the original determination made by IBHRE in accordance with its policies. In reaching its determination, the Review and Appeals Board shall act by majority vote and, at their election, may process the appeal as follows:

- (i) By internal review of the written statements and materials supplied to them. The Review and Appeals Board may convene in person, by conference telephone or through other electronic means including e-mail, web based extranet or video conferencing as they determine in their reasonable discretion.
- (ii) The Review and Appeals Board may determine to meet with the appellant or any other person involved with the claim on an ex parte basis at any time during the review process with reasonable advance notice. Based upon any such meetings, the Review and Appeals Board may also make requests for additional information from any person, including the appellant, throughout the determination process, provided that such information is shared with the appellant and the appellant is afforded a reasonable period of time to respond to such additional information.
- (iii) Either the Review and Appeals Board or the appellant may request that a formal hearing be held with respect to the claim. In such event a reasonable convenient date and location (including the offices of IBHRE) shall be mutually selected by the parties for the hearing. Either party shall have the right to be represented by another person, including legal counsel, at its or their own expense. In the event that the appellant requests such a hearing, an additional fee of \$500 shall be required from the appellant to defray the travel and other costs for the members of the Review and Appeals Board to participate in the hearing. Such hearing may also be held by telephone or video conference, provided that all parties can hear each other, question and cross examine witnesses, and otherwise have available to them and evaluate on a real time basis all written evidence provided for the hearing. Procedural matters, including the amount and nature of evidence presented, shall be in the reasonable discretion of the Chair of the Appeals Board, who shall be guided by fairness, objectivity and practicality. A staff member of IBHRE may also be present to keep an accurate record of the proceedings.

*Confidentiality*

THE PROCEEDINGS OF ANY CLAIM BROUGHT BEFORE THE REVIEW AND APPEALS BOARD, AND THE RECORD CREATED THEREBY, SHALL BE KEPT STRICTLY CONFIDENTIAL BY ALL PARTIES, INCLUDING, WITHOUT LIMITATION, THE APPELLANT, THE MEMBERS OF THE REVIEW AND APPEALS BOARD AND REPRESENTATIVES OF IBHRE WHO HAVE REASON TO BE INFORMED OF THE CLAIM AND RELATED PROCEEDINGS.

#### *Decisions*

Decisions regarding claims shall require a majority vote of the Review and Appeals Board. All decisions of the Review and Appeals Board shall be in writing, set forth in reasonable detail the basis for the decision of the Review and Appeals Board and be provided to both the appellant and the Board of Directors of IBHRE, with a copy provided to the President and Executive Director. Such decisions may: (i) uphold the original decision of IBHRE in respect of the matter; (ii) remand the matter to IBHRE with instructions to further review and re-process the matter; (iii) modify in whole or in part the original decision of IBHRE; or (iv) reverse the original decision of IBHRE and substitute therefore its own decision. The decision of the Review and Appeals Board shall be final and binding upon the parties, subject only to limited review by the Board of Directors of IBHRE in accordance with the following section.

#### **Final Review by Board of Directors of IBHRE**

If, within thirty (30) days following receipt of a written decision by the Review and Appeals Board, the appellant believes that such decision represents manifest error, arbitrariness or capriciousness on the part of the Review and Appeals Board, or that the Review and Appeals Board did not properly follow the processes and procedures set forth in this policy, then in a written statement to the Board of Directors, setting forth in reasonable detail the basis for such claim, the appellant may request further review of the decision by the Board of Directors of IBHRE. In turn, within forty-five (45) days of receiving such request, the Board of Directors of IBHRE, shall (i) determine whether or not to consider such request; (ii) make a determination upon the request; and (iii) inform the appellant of its decision in writing. The determination of the Board of Directors of IBHRE shall be final and binding upon all parties.

#### **Additional Responsibilities of the Review and Appeals Board**

The Chair of the Review and Appeals Board may informally review questions or concerns brought forward by IBHRE staff regarding any issue or discrepancy which may arise on an application. The Chair may refer the question or concern to any other member of the Review and Appeals Board as it pertains to their respective certification scheme for further deliberation. The Chair will be responsible for communicating any decision or point of clarification resulting from the deliberation to the IBHRE staff. Should a need for policy change result from such deliberations, the Chair will be responsible for reporting the proposed change to the Board of Directors. All changes in policy shall require action by the Board of Directors of IBHRE.

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