APPROVED: Revisions to the Review and Appeal Procedures

The Accreditation Committee of the Joint Commission’s Board of Commissioners recently approved revisions to the Review and Appeal Procedures for all accreditation and certification programs. The revisions, which become effective July 1, 2013, will be published in the 2013 Update 1 for all eight Comprehensive Accreditation Manuals and the 2013 Disease-Specific Care Certification Manual in spring 2013. However, they do not appear in the 2013 Health Care Staffing Services Certification Manual or Palliative Care Certification Manual (although they do apply to those certification programs).

A summary of the revisions follows:

● The name “First Level Review & Appeal Committee” will change to “Review Hearing Panel.”

● The Joint Commission will require organizations to submit all information intended to demonstrate compliance with Joint Commission standards at least five business days prior to the meeting at which the Accreditation Committee is scheduled to take action regarding a Preliminary Denial of Accreditation (PDA) decision. The Joint Commission will not accept new information or evidence of corrective actions after this date unless the Accreditation Committee agrees to accept it. The Committee may weigh material received after the due date however it chooses—or it may not consider the material at all.

● To improve the focus of the review hearings—for the benefit of the organization as well as the Review Hearing Panel—organizations must limit their presentations to any or all of the following:

1. Facts in existence at the time of survey
2. Facts in existence within the time periods established for the

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clarification and correction steps of the Evidence of Standards Compliance (ESC) process
3. The organization's response that was submitted to the Accreditation Committee prior to the five-day submission deadline
4. Arguments regarding actions taken by The Joint Commission that demonstrate a failure to follow its policies, procedures, or decision rules before, or at the time, the Accreditation Committee made its PDA decision

● The Review Hearing Panel will make a recommendation to the Accreditation Committee on the organization's accreditation decision, including whether the Accreditation Committee should vote for a Denial of Accreditation (DA) decision or an alternative accreditation decision.
● The Joint Commission Standards Interpretation Group (SIG) will have the opportunity to present its interpretation for a particular standard(s). The Joint Commission will include SIG's interpretation of the standard(s), if presented, with the Panel's report to the organization as well as with its subsequent report to the Accreditation Committee.
● The Joint Commission will continue to allow organizations that ultimately receive a DA decision to appeal the decision to the Final Review & Appeal Committee.
● The Joint Commission will clearly explain the Review and Appeal Procedures when an organization receives notice that it will be presented to the Accreditation Committee with a recommendation of PDA. The Joint Commission will inform the organization that a PDA is a presumptive denial; the organization consequently must demonstrate why a DA decision would not be appropriate.

Revisions to the Review and Appeal Procedures are shown in the box on pages 3–6. New text is underlined and deleted text is noted in strikethrough. For more information, please contact Gail Weinberger, MA, director, Accreditation and Certification Policy and Administration, at gweinberger@jointcommission.org or 630-792-5766.

Official Publication of Joint Commission Policy
Revised Review and Appeal Procedures

APPLICABLE TO ALL ACCREDITATION AND CERTIFICATION PROGRAMS

Effective July 1, 2013

IV. First Level Review & Appeal Review Hearings
A. Right to a First Level Review & Appeal Review Hearing. Upon request, an organization that has been placed in received a Preliminary Denial of Accreditation (PDA)* or initially denied Preliminary Accreditation by the Accreditation Committee is entitled to make a detailed presentation during a First Level Review & Appeal review hearing. The organization must submit a written request for the First Level Review & Appeal within five (5) business days of notification of the Accreditation Committee's decision. A First Level Review & Appeal shall be composed of two health care professionals not on the Accreditation Committee and one member of the Accreditation Committee who is familiar with the organization's decision. A PDA decision will become a Denial of Accreditation unless the organization requests a review hearing to demonstrate why it should not be denied accreditation.

* The Preliminary Denial of Accreditation decision, if subsequently changed to other than Denial of Accreditation following review and action by the Accreditation Committee, will not be disclosed as part of the organization's accreditation decision history.

B. Purpose of the Review Hearing. The review hearing is an opportunity for an organization to present facts and/or arguments in person before a Review Hearing Panel, comprising two outside health care professionals and one member of the Accreditation Committee. Presentations are limited to the following:

1. Facts in existence at the time of survey
2. Facts in existence within the time periods established by the ESC process (clarification and correction processes) (see "Evidence of Standards Compliance (ESC) Process," on page ACC-xx, for more information)
3. The organization's response submitted to the Accreditation Committee prior to the five (5) day submission deadline and/or
4. Arguments regarding actions taken by The Joint Commission that demonstrate a failure to follow its policies, procedures, or decision rules before, or at the time, the Accreditation Committee made its PDA decision

While The Joint Commission strongly encourages health care organizations to address Requirements for Improvements and

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implement improvements toward patient safety and quality of care on an ongoing basis, corrective ESC actions taken subsequent to the five (5)-day submission deadline for response to the Accreditation Committee, prior to the PDA decision, are not an acceptable basis for an appeal of that decision.

B. C. Requesting a Review Hearing; Notice of the Time and Place of the Presentation Before a First Level Review & Appeal. An organization must submit a written request for a review hearing within five (5) business days of The Joint Commission’s notification of the Accreditation Committee’s PDA decision. For the purpose of this section, the date of a notification is the date a notice was posted to the organization’s Joint Commission Connect extranet site. The presentation for the First Level Review & Appeal shall be review hearing is held at The Joint Commission’s headquarters except when the president of The Joint Commission, or his or her designee, determines otherwise, for good cause shown due to extreme and unusual circumstances. At least thirty (30) calendar days before the presentation review hearing, The Joint Commission shall send the organization written notice of the time and place of the review & appeal and any review hearing. The organization will receive supplemental materials or information received from any source documents that the organization it does not already have and that may affect the accreditation decision were provided to the Accreditation Committee. Similarly, the documents sent to the Review Hearing Panel members in advance of the review hearing will also be provided to the organization. The notice shall advise the organization of the agenda to be followed. If the organization intends to submit a written response, or other documents limited to the parameters established above in section IV(B), to be considered by the Review Hearing Panel, such response and documents must be submitted at least ten (10) days before prior the First Level Review & Appeal, the organization must submit to The Joint Commission any materials it wishes to be considered during the First Level Review & Appeal review hearing. The Review Hearing Panel is under no obligation to consider late submissions.

E. D. Charges to the Organization. The organization will be charged a nominal nonrefundable fee for the conduct of a First Level Review & Appeal review hearing, as published in the accreditation and certification pricing schedule found on the Joint Commission Connect extranet site. The fee, along with any other outstanding invoices due to The Joint Commission, must be paid in full at the time an organization requests a First Level Review & Appeal review hearing.

E. E. Procedure for the Conduct of a First Level Review & Appeal Review Hearing. Review hearings are limited to three (3) hours. After introductions, Joint Commission staff will summarize the historical facts that led to the PDA decision. The organization will then have an opportunity to make its presentation to the Panel. The organization’s presentation should be limited to the parameters established above in section IV(B). The Panel may ask questions of the organization and of Joint Commission staff. In addition, the organization may ask questions of Joint Commission staff or panel members. The organization may choose to retain a transcriptionist, at its own expense. The organization shall provide a copy of any transcript to The Joint Commission, at the organization’s expense, at or around the same time the transcript is made available to the organization. Transcripts of Joint Commission proceedings are confidential and shall remain confidential. Any disclosures to a third party require the express written permission of The Joint Commission.

F. Participants at the Review Hearing. A First Level Review & Appeal review hearing may proceed with only two of the three panel members present, provided one of them is the member of the Accreditation Committee. Representatives of the organization may make oral and written presentations. A Joint Commission surveyor who participated in the survey will ordinarily participate at the review hearing, as well as staff from SIG and administrators. Legal staff from The Joint Commission will be present to address procedural matters and will not ask questions of the organization’s representatives. Organizations are advised encouraged to limit representatives at the First Level Review & Appeal review hearing to individuals who are knowledgeable about the organization in the standards areas found noncompliant. An organization may choose to bring legal counsel and/or consultants representing the organization are; however, this type of representative is permitted to address procedural matters only and will not be permitted is not to speak on behalf of the organization on matters regarding substantive issues of the organization’s standards compliance or question Joint Commission staff. The organization’s representatives may present information relevant to the facts at the time of survey as well as corrective actions taken post survey (including any corrective actions taken following the Accreditation Committee’s decision). The information submitted may be limited to documentation relevant to show compliance with the outstanding areas of standards compliance. A Joint Commission surveyor who participated in the survey will ordinarily appear at the First Level Review & Appeal.

G. Report of the First Level Review & Appeal Review Hearing. After a First Level Review & Appeal has been completed review hearing, the Review Hearing Panel will prepare and submit a written report of that summarizes its findings on factual matters will be submitted with a recommendation to
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the Accreditation Committee. The recommendation will include one of the following:
1. Proceed with a Denial of Accreditation
2. Vote for Contingent Accreditation
3. Vote for Accreditation with Follow-up Survey
4. Grant Accreditation

The Joint Commission shall send the organization a copy of the report of the First Level Review & Appeal approximately ten (10) business days before the meeting of the Accreditation Committee at which the report will be considered. The SIG staff will also have an opportunity to comment on the report, and a copy of the comments will be sent to the organization. The notice shall inform the organization will be informed of the Accreditation Committee meeting date and of along with the organization's right to submit a written response to the report and any documents limited to the parameters established above in section IV(B), that have not already been submitted, for consideration by the Accreditation Committee. Any such written responses must be received by The Joint Commission at least five (5) business days before the meeting of the Accreditation Committee and should be limited to the newly submitted documents, what was discussed during the review hearing, the content of the review hearing report, and comments submitted by SIG, if any. The Accreditation Committee is under no obligation to consider late submissions.

V. Second Consideration by the Accreditation Committee Review Following Review Hearing

A. Scope of Review. After the review hearing, the Accreditation Committee will take into consideration all of the information previously submitted to the Accreditation Committee and the First Level Review & Appeal regarding compliance post-survey, the Review Hearing Panel’s findings of the First Level Review & Appeal and recommendation, and the organization's response to the report of the First Level Review & Appeal (which may include new information regarding the organization’s compliance post-survey), the responses of the organization, any newly submitted documents limited to the parameters established above in section IV(B), and comments of SIG, if any, to the Review Hearing Panel’s findings and recommendations. In addition, the Accreditation Committee may reconsider any information previously submitted and specifically identified by the organization in its response as relevant.

B. Action by the Accreditation Committee. Following such consideration, the Accreditation Committee shall take one of the following actions:
1. Accredit or grant the organization Preliminary Accreditation, as described in section VII of these procedures
2. Place the organization in Accreditation with Follow-up Survey
3. Place the organization in Contingent Accreditation
4. Place the organization in Denial of Accreditation or deny Preliminary Accreditation
5. Defer consideration while additional information regarding the organization's compliance status is gathered and reviewed by Joint Commission staff
6. Defer consideration and order a resurvey or partial resurvey of the organization and an evaluation of the results, to the extent appropriate, by Joint Commission staff

VI. Final Review & Appeal Request

A. Final Review & Appeal Request. An organization that has received Denial of Accreditation or has been denied Preliminary Accreditation after the second consideration by the Accreditation Committee is entitled to a Final Review & Appeal by a Committee of The Joint Commission's Board of Commissioners. The Joint Commission must receive the organization’s request for review within five (5) business days after the organization receives written notice of the Accreditation Committee’s final decision.

B. Composition and Participation. The Final Review & Appeal Committee is composed of five (5) members of the Board of Commissioners who are not current members of the Accreditation Committee. No member of the Final Review & Appeal Committee who previously participated in the accreditation decision or review hearing for the organization shall participate in the deliberations or vote during the Final Review & Appeal Committee meeting. This provision shall not preclude any commissioner who participated in the review hearing from presenting and responding to questions about the report of the Review Hearing Panel. Unlike the procedure of Review Hearing Panels, the organization does not make a presentation to the Final Review & Appeal Committee; however, Joint Commission staff is available during the meeting to answer any questions.

B. C. Notice of Time and Procedure for Review. The Joint Commission shall send the organization a written post a notice of the time date of the meeting at least 20 business thirty (30) calendar days before the meeting of the Final Review & Appeal Committee at which the organization’s request for review will be considered. Three (3) members of the Final Review & Appeal Committee will constitute a quorum. This meeting will generally be held by teleconference, except when it is held in conjunction with meetings of the Board of Commissioners or other committee(s) of the Board of Commissioners. The organization must may, but is not required to, submit comments to the Final Review & Appeal Committee along with any documents not previously submitted limited to the parameters established above in section IV(B), any materials that it wishes to be considered during the Final Review & Appeal. Any comments must be submitted at least ten (10) calendar business days before the sched-

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C. Action by the Final Review & Appeal Committee. The Final Review & Appeal Committee shall review the decision of the Accreditation Committee and all materials submitted by the organization, the organization’s responses, any materials specifically identified as relevant by the organization, and other information it deems relevant, and shall take one of the following actions:

1. **Place the organization in Denial of Accreditation** or deny Preliminary Accreditation to the organization, after finding that there is substantial evidence to support the Accreditation Committee’s decision.

2. Make an independent evaluation of the Accreditation Committee’s decision and then decide to grant Contingent Accreditation, Accreditation with Follow-up Survey, Preliminary Accreditation, or a** Accreditation to the organization, as described in section VII of these procedures.

The action taken by the Final Review & Appeal Committee shall constitute the final accreditation decision of The Joint Commission.

D. Participation. No member of the Accreditation Committee or First Level Review & Appeal who participated in an accreditation decision or review of findings shall participate in deliberations or vote during the Final Review & Appeal. This provision shall not preclude any commissioner who participated in the First Level Review & Appeal from presenting and responding to questions about the report of the First Level Review & Appeal.