



Joint Commission International Accreditation and Certification Policies
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Appeal of Decisions When JCI Accreditation Is Denied or Withdrawn

Updated 21 June 2018

Appeal of Decisions When JCI Accreditation Is Denied or Withdrawn

Purpose.

To provide a clear, transparent, and consistent process for evaluating an organization's appeal of the JCI Accreditation Committee's decision to Deny or Withdraw accreditation. To outline the procedure for responding to an organization that seeks to appeal the accreditation decision.

Policy.

If the Accreditation Committee makes a decision to Deny or Withdraw accreditation, JCI Accreditation sends a notification to the organization within five (5) calendar days that includes the following information:

- The Accreditation Committee's decision.
- The organization's right to request an appeal, referencing the appeals process as published on the JCI website, and the organization's right to submit documentation in accordance with the appeal process to support its appeal.

The organization has 10 calendar days from receipt of notice of accreditation/certification denial or withdrawal to notify JCI accreditation, in writing or by e-mail, of its intent to appeal the decision. The request must be received by JCI Accreditation by 11 p.m. US Central Time on or before the tenth calendar day after receipt of notice of accreditation/certification denial or withdrawal. An organization then has a maximum of 30 calendar days from the date on which it informed JCI Accreditation of its intent to appeal to submit to JCI Accreditation, in writing or by e-mail, data, information, pictures, and/or materials to support its appeal. Materials the organization can submit to support its appeal are limited to the following:

- Facts in existence at the time of a full, focused, or other survey activity, a complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event that the organization believes was not considered at the time the Accreditation Committee made its Deny or Withdraw decision. The organization cannot submit as part of the appeal process any evidence of corrective action taken in response to findings related to a full, focused, or other survey, complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event.
- Evidence that demonstrates JCI accreditation's failure to follow its policies, procedures, or decision rules before, or at the time, the Accreditation Committee made its Deny or Withdraw decision.

JCI accreditation, the Review Committee, and/or the Accreditation Committee are under no obligation to consider late submissions from the organization.

JCI accreditation reviews and evaluates the submitted materials within 30 calendar days of receipt and may request additional documents and materials. If, after evaluation is complete, JCI accreditation believes the decision to Deny or Withdraw Accreditation should be upheld then JCI accreditation staff prepares a memo for review by the Review Committee.

The Review Committee meeting is convened, generally by teleconference. The meeting can proceed with two (2) of the three (3) Review Committee members. The Review Committee will make a



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recommendation for review and a final decision for the Accreditation Committee to consider at an upcoming Accreditation Committee meeting. JCI accreditation staff attends the Review Committee meeting to present JCI accreditation's position. A representative from the organization is given the opportunity to participate via teleconference or attend in person at the organization's expense. The organization's decision to appear in person does not guarantee that all members of the Review Committee will also appear in person.

The Review Committee's recommendation is sent to the organization for comment generally within 30 calendar days after the Review Committee meeting date. The organization has five (5) calendar days to submit to Department of Board & Committee Activities (DBCA) staff its response, if any, to the Review Committee's recommendation for consideration by the Accreditation Committee. The organization's response is limited to the following:

- Facts in existence at the time of a full, follow-up, or other survey activity, a complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event that the organization believes was not considered at the time the Accreditation Committee made its Deny or Withdraw decision. The organization cannot submit as part of the appeal process any evidence of corrective action taken in response to findings related to a full, follow-up, or other survey, complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event.
- Evidence that demonstrates JCI accreditation's failure to follow its policies, procedures, or decision rules before, or at the time, the Accreditation Committee made its Deny or Withdraw decision.

The outcome of the appeal process is that the Accreditation Committee may decide to:

- Uphold the Deny or Withdraw Accreditation decision;
- Reverse the Deny or Withdraw Accreditation decision and grant or reinstate the Accredited decision; or
- Render another decision it deems appropriate under the circumstances.

The Accreditation Committee's decision is final and is not eligible for further appeal.

The organization submitting a request for an appeal is not eligible to apply for an Initial accreditation survey until the completion of the appeal process, unless the following occurs:

- The Accreditation Committee determines that a modified time limit for reapplication is appropriate under the circumstances.
- A Deny or Withdraw Accreditation decision was based on fraud or misrepresentation. In this case, the time limit is one year from the date on which the Accreditation Committee made its original decision to Deny or Withdraw accreditation, or unless the JCR President and Chief Executive Officer approves a shorter time period.

From the time of the Accreditation Committee's decision and during the appeal process, the JCI website states the organization's accreditation status as *Withdrawn* with the effective date, and also *Appeal Pending*. The JCI website also states if an organization voluntarily withdraws from



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accreditation and the date on which the organization voluntarily withdrew. Organizations whose initial accreditation was denied do not appear on the JCI website.

Responsibilities.

JCI is responsible for informing the organization of the Accreditation Committee's decision to Deny or Withdraw Accreditation and the organization's right to request an appeal of the Deny or Withdraw Accreditation decision. JCI is also responsible for evaluating any documents the organization submitted in support of its appeal and presenting its position to the Review Committee.

DBCA staff is responsible for scheduling the Review Committee meetings and for informing the organization of the Review Committee meeting date on which its appeal will be heard. DBCA staff is also responsible for informing the organization of the Review Committee's recommendation to the Accreditation Committee. DBCA staff is responsible for assisting the Review Committee in preparing the Review Committee's written recommendation to the Accreditation Committee. DBCA staff is also responsible for informing the organization of the Accreditation Committee's decision regarding the Review Committee's recommendation.

A representative of the Review Committee, usually the Joint Commission Enterprise Chief Medical Officer or another member, as needed, presents the Review Committee's recommendation to the Accreditation Committee.

Legal staff is responsible for facilitating the Review Committee meetings and addressing procedural issues.

Procedure:

Scheduling of Appeal Review Committee Meetings

1. JCR Department of Board & Committee Activities (DBCA) staff schedules Appeal Review Committee ("Review Committee") meetings at the beginning of each calendar year. The Review Committee meetings are scheduled to accommodate Accreditation Committee meetings as well as to accommodate international time zones to allow a reasonable time for organizations to participate. Review Committee meetings are limited to three (3) hours per organization, are generally held via teleconference, and are conducted in English. An organization can use a translator during the meeting, at its own expense.

Notification to Organization of Deny or Withdraw Accreditation Decision

1. If the Accreditation Committee makes a decision to Deny or Withdraw Accreditation, JCI notifies the organization within five (5) calendar days of its right to appeal the accreditation decision. The letter includes the process for submitting an appeal, including the timeframe(s) for the organization to notify JCI of its intent to appeal (10 calendar days) and to submit materials to support its appeal (within 30 calendar days from the date on which the organization informed JCI of its intent to appeal).
2. The organization has 10 calendar days after receiving notice of accreditation denial/withdrawal to notify JCI Accreditation in writing or by e-mail of its intent to appeal the decision. The request must be received by JCI by 11 p.m. US Central Time on or before the tenth calendar day after receipt of notice of accreditation denial or withdrawal.



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3. JCI Accreditation will not consider an organization's appeal unless all outstanding survey fees and expenses are paid in full at the time the appeal is submitted, including payment of a fee for the appeal.

Notification to Organization of Receipt of Intention to Appeal Decision and Date of Appeal Review Committee Meeting

1. JCI accreditation acknowledges, within three (3) calendar days (e-mail or fax) of receipt, the organization's communication of its intent to appeal the accreditation decision. JCI accreditation also informs DBCA staff and legal counsel of the organization's intent to appeal.
2. The JCI Accreditation website will note that the organization's status is "Withdrawn" and "Appeal pending". The accreditation status for organizations whose initial accreditation has been denied does not appear on the JCI website.
3. If the organization intends to appeal, DBCA staff informs the organization of the date/time for the Review Committee meeting during which the organization's appeal will be considered and tells the organization they can participate in person or by phone. The organization is informed that its decision to appear in person does not guarantee that all members of the Review Committee will also appear in person. DBCA staff also informs the organization that if they want a translator to participate in the Review Committee meeting, it must provide the translator at its own expense. The organization is also informed of the fee, approved by the Accreditation Committee, which it will be charged to cover JCI's expenses related to the appeal.
4. DBCA staff notifies the Review Committee of the need to convene a meeting and confirms the meeting date.

Submission by Organization of Materials to Support its Appeal to JCI

1. The organization has 30 calendar days from the date on which it notified JCI accreditation of its intent to appeal to submit any data and information to support its appeal, along with an explanation of why such information was not available at the time of the full, follow-up, or other survey activity, a complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event. Materials the organization can submit to support its appeal are limited to the following:
 - Facts in existence at the time of a full, follow-up, or other survey activity, a complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event that the organization believes was not considered at the time the Accreditation Committee made its Deny or Withdraw decision. The organization cannot submit as part of the appeal process any evidence of corrective action taken in response to findings related to a full, follow-up, or other survey, complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event.
 - Evidence that demonstrates JCI Accreditation's failure to follow its policies, procedures, or decision rules before, or at the time, the Accreditation Committee made its Deny or Withdraw decision.

JCI accreditation, the Review Committee, and/or the Accreditation Committee are under no obligation to consider late submissions of materials to support an appeal.

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2. JCI accreditation will acknowledge receipt of the organization's submission of materials to support its appeal within seven (7) calendar days (e-mail or fax) of receipt.

Consideration of the Organization's Submission for Appeal

1. JCI accreditation evaluates the materials submitted by the organization within 30 calendar days of receipt and also may request additional documents and materials before concluding their evaluation. If after review of the submitted materials, JCI believes the Deny or Withdraw Accreditation decision should be upheld, JCI prepares the following materials for the Review Committee's consideration:
 - Staff memo to Review Committee, if necessary
 - Notice to the organization of the Accreditation Committee's recommendation to deny/withdraw accreditation
 - Organization's request for appeal
 - Original staff memo presented to the Accreditation Committee with the recommendation to deny/withdraw accreditation
 - Organization's Final Survey Findings or For Cause Survey Findings Report(s)
 - All relevant documents the organization submitted to support its appeal
 - Other relevant documents as appropriate
2. DBCA staff sends the JCI Accreditation memo with the organization's materials to support its appeal to the Review Committee at least one (1) week in advance of the Review Committee meeting. DBCA staff also sends the organization a copy of all materials sent to the Review Committee.

Action by the Appeal Review Committee

1. The Review Committee meeting occurs. Review Committee meetings are limited to three (3) hours per organization. A Review Committee meeting may proceed with only two (2) of the three (3) Review Committee members present. JCI legal counsel attends the meeting to address procedural matters but does not ask questions of the organization. DBCA staff attends the meeting to help prepare the Review Committee's recommendation. The organization can participate via teleconference, or in person, if it wishes to present its appeal. The organization is encouraged to limit representatives to individuals who are knowledgeable about the organization regarding the issues that led to the Deny or Withdraw Accreditation decision. The organization may choose to bring legal counsel; however, this type of representative is permitted to address procedural matters only and is not to speak on matters regarding substantive issues regarding the organization's standards compliance or question JCI Accreditation staff. Although the organization may choose to bring a consultant, this type of representative is not permitted to speak on behalf of the organization.
2. After introductions, JCI accreditation staff will summarize the historical facts that led to the Deny or Withdraw Accreditation decision. The organization will then have an opportunity to make its presentation to the Review Committee. The Review Committee may ask questions of the organization and of JCI Accreditation staff. In addition, the organization may ask questions of JCI Accreditation staff or the Review Committee.
3. After considering all the evidence presented, the Review Committee informs JCI legal counsel and DBCA staff about its recommendation for the Accreditation Committee's review and decision at an upcoming Accreditation Committee meeting.

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4. After the Review Committee meeting, DBCA staff assists the Review Committee in preparing its written recommendation for the Accreditation Committee, generally within 30 calendar days of the Review Committee meeting.

Notification to Organization of Appeal Review Committee's Recommendation

1. DBCA staff sends the Review Committee's recommendation to the Accreditation Committee for its consideration. DBCA also sends the Review Committee's recommendation to the organization at least one (1) week before the Accreditation Committee meeting in which the recommendation will be considered.
2. The organization has five (5) calendar days to submit a response, if desired, to the Review Committee's recommendation; the organization sends its response to DBCA Staff. The organization's response is limited to the following:
 - Facts in existence at the time of a full, follow-up, or other survey activity, a complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event that the organization believes was not considered at the time the Accreditation Committee made its Deny or Withdraw decision. The organization cannot submit as part of the appeal process any evidence of corrective action taken in response to findings related to a full, follow-up, or other survey, complaint, a threat to health and safety situation, a change(s) in the permit/license to operate by a regulatory or legal authority, or other event.
 - Evidence that demonstrates JCI's failure to follow its policies, procedures, or decision rules before, or at the time, the Accreditation Committee made its Deny or Withdraw decision.
3. DBCA staff includes the organization's response to the Review Committee's recommendation, if any, with the materials being presented to the Accreditation Committee.

Action by the Accreditation Committee

1. During the Accreditation Committee meeting, the Chair or another member of the Review Committee presents the Review Committee's recommendation to the Accreditation Committee.
2. After considering the Review Committee's recommendation, the Accreditation Committee may do one of the following:
 - Uphold the original Deny or Withdraw Accreditation decision;
 - Reverse the Deny or Withdraw Accreditation decision and grant or reinstate the Accredited decision; or
 - Render another decision it deems appropriate under the circumstances.

The decision by the Accreditation Committee is final and is not eligible for further appeal.

Follow-Up by DBCA Staff

1. DBCA staff communicates to the organization within five (5) calendar days the Accreditation Committee's decision in a formal letter (post and e-mail). The organization submitting a request for an appeal is not eligible to apply for an Initial accreditation survey until the completion of the appeal process, unless the following occurs:
 - The Accreditation Committee determines that a longer time limit for reapplication is appropriate under the circumstances.

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- A Deny or Withdraw Accreditation decision was based on fraud or misrepresentation. In this case, the time limit is one year from the date on which the Accreditation Committee made its original decision to Deny or Withdraw accreditation, or unless the JCR President and Chief Executive Officer approves a shorter time period.

Organization Decides to Voluntarily Withdraw from the Accreditation Process

1. An organization may voluntarily withdraw from the accreditation process at any point during the appeal process. If an organization voluntarily withdraws
 - After the Accreditation Committee's original decision to Deny or Withdraw Accreditation but before the organization's appeal is presented to the Review Committee, then the Accreditation Committee's original decision to Deny or Withdraw Accreditation stands.
 - After the Review Committee meeting is held but before the Review Committee's recommendation is presented to the Accreditation Committee, then the Accreditation Committee's original decision to Deny or Withdraw Accreditation stands.
2. The organization's accreditation status is placed on the JCI website when the organization has been accredited, when its accreditation status changes, when it is in the appeals process, and/or when it voluntarily withdraws from accreditation.
3. The changes in the organization's status remain on the JCI website until the organization is accredited again. If the organization does not return to JCI accreditation, then the organization is removed from the JCI website after one year.