

Purpose:

To define the process by which an institution may appeal an adverse accreditation decision or a revocation of an accreditation decision.

Procedure:

1. Any institution wishing to appeal an adverse accreditation decision or a revocation of accreditation decision *after exhausting the remedies available in AC-136* shall notify the Pennsylvania Trauma Systems Foundation (PTSF) by certified mail within thirty (30) days of receipt of the PTSF Board of Director's (Board's) decision. The postmark of the notice of appeal shall govern for purposes of tolling the thirty-day appeal period. The notice shall set forth the general grounds for the appeal. Thereafter, but within ninety (90) days of the receipt of the appeal, PTSF shall schedule a hearing. If requested by the appellant-institution with the notice, the subsequent appeal proceeding shall be treated as non-public and meetings or hearings shall thereafter be closed to the general public; provided, however, that dockets, notices, recommendations, and decisions of record shall be public.
2. The institution shall be notified by certified mail at least thirty (30) days in advance of the hearing. The hearing notice will include the date, the location of the hearing, and the names of the three-person hearing panel. The notice will require that the institution identify its representative, witnesses, and supporting documentary evidence at least fifteen (15) days prior to the hearing. All parties may be represented by counsel at the hearing. A party may determine whether to request a court reporter for the purpose of making a transcript of the proceeding. If a court reporter will be used, notice must be given to the other party at least fifteen (15) days prior to the hearing.
3. PTSF may schedule or the institution may request a pre-hearing conference prior to a formal hearing. The conference may be called to collect and identify factual data, documents and information, facilitate the identification of issues for the formal hearing, as well as resolve and/or settle issues subject to approval by the Board.
4. Unless all issues are resolved or settled prior to the hearing, the formal hearing panel shall conduct an evidentiary hearing where the burden of persuasion rests with the institution to demonstrate an abuse of discretion, a factual finding not supported by substantial evidence, or a decision not in accordance with the law.
5. Hearings will be conducted by a three-person panel composed of former Board members, appointed by the Chairman of the Board. No member of the panel shall have a financial interest or fiduciary relationship with the appellant-hospital or any other hospital in the same Health Service Area (HSA). No member of the panel shall reside or be employed in the same HSA as the appellant-hospital. If the appellant-hospital objects to the participation of a proposed panel member, the institution must notify PTSF in writing at least ten (10) days before the scheduled hearing and set forth the grounds for its objection. PTSF will render a decision as to the propriety of the objection and where appropriate appoint another former Board member to fill that position.

6. The hearing panel may determine to:
 - A. Support the original decision; or
 - B. Recommend a change in the decision; or
 - C. Request a resurvey using different site surveyors, the cost to be borne by the hospital unless the hearing panel recommends a waiver of the fee for good cause.
7. The hearing panel shall make a written report of its recommendation to the Board within thirty (30) days of the hearing date. In addition to its written recommendation, the panel shall also forward to the Board a copy of the entire record, including where applicable the hearing transcript. The Board shall have thirty (30) days to notify the institution and the Secretary of Health in writing of its decision.
8. In any case in which the hearing panel supports the original decision and the final decision of the Board concurs with the recommendation of the hearing panel, so notifying the appellant-institution, the institution shall pay the reasonable costs of the appeal incurred by PTSF including, but not limited to, expert witness expenses, costs of transcripts, costs of counsel, and remuneration for the panel members, unless the decision is reversed by a court of competent jurisdiction.
9. An adverse decision by the Board may be appealed de novo to the appropriate court of common pleas within thirty (30) days from receipt of the decision.

Approved by PTSF Board of Directors:

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Revise Date: 04/12/1994; 06/05/2008

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