

Certification Revocation and Appeals Policy

- A.** The Certification Council has the authority to revoke any certificate issued by it. A diplomate who has been given written notification of a revocation of his or her certification may appeal, following the process in this policy, to the UCNS Board of Directors.

B. Definitions

Unless the context clearly indicates otherwise, the following definitions apply to this policy:

1. “Adverse decision” means a decision by the Council that has revoked the certification of a diplomate in any way under this policy. As used herein, the term “adverse action” includes suspension or limitation of the diplomate’s certification status.
2. “Appellant” means a person who has filed a notice of appeal with the UCNS under this policy.
3. “Board” means the UCNS Board of Directors.
4. “Certificate” means a certificate issued by the UCNS.
5. “Council” means the UCNS Certification Council.
6. “Diplomate” means a person who has been given diplomate status by the UCNS.

C. Circumstances for Revocation of Diplomate Status

The UCNS Certification Council may, at its sole discretion, revoke a certificate as a result of, but not limited to, the following events:

1. the diplomate was not eligible to receive the certificate, whether or not the facts concerning ineligibility were known to the UCNS at the time the certificate was issued;
2. the diplomate has become ineligible to hold the certificate;
3. the diplomate has made any material misrepresentation or omission in the application for certification or in any other statement to the UCNS or has failed in timely fashion to supplement any response to any question on any application for certification or recertification with respect to criminal conduct, loss or suspension of a medical license, medical staff privileges, or medical society membership;
4. the diplomate is convicted of, or pleads guilty or nolo contendere to a crime, which in the judgment of the Council is related to the provision of health care services;
5. the diplomate is found to have engaged in conduct which, in the judgment of the Council,
 - a. reflects unethical activity relating to the practice of medicine, or

- b. casts significant doubt on the ability of the diplomate to practice medicine in the best interests of patients; or
- 6. the diplomate is found by the Council to have
 - a. engaged in irregular behavior in connection with the examination, (Examples of unethical or irregular behavior may include, but are not limited to, copying answers from or knowingly giving answers to another individual, using notes during an examination, or copying or distributing examination questions);
 - b. had his or her license to practice medicine revoked or suspended, placed on probation, or voluntarily relinquished in order to avoid potential sanctions, or restricted or limited in any way;
 - c. been expelled from a medical society for reasons other than non-payment of dues or failure to attend meetings;
 - d. has had medical staff privileges revoked or suspended for reasons relating to the practice of medicine;
 - e. willfully and materially violated any rule or policy of the Board; or
 - f. taken other action reasonably deemed by the Council to be inconsistent with diplomate status.

D. Service of the Council's Certification Revocation Decision

The Council shall promptly serve its decision by certified or registered mail to the diplomate providing the reason for the review and decision.

E. Submission of Certification Revocation to the UCNS Board of Directors

The Council shall promptly submit its decision to the UCNS Board of Directors.

F. Notice of Appeal

A diplomate who disagrees with a decision of the Council may file a written notice of appeal with the Executive Director of the UCNS. The notice of appeal must be filed within 30 calendar days of the date of the adverse decision notification letter and must include a nonrefundable \$500 appeal fee.

G. Status During Appeal

Until the appeal is completed, the adverse action remains in effect.

H. The Appeal

Within 10 calendar days after filing the notice of appeal, the appellant shall submit documentation that supports the appeal to the UCNS Executive Director. The format of the documentation must be a detailed letter explaining the basis of the appeal accompanied by enclosures that support statements within the letter. The appeal shall include all information upon which the appellant relies for the contention that the Council's proposed revocation or suspension of certification is erroneous.

I. Submission of Appeal to the UCNS Board of Directors

When the UCNS Executive Director has received the notice of appeal and any supporting documentation, the Executive Director shall promptly submit the Council's decision and appellant's documents to the Board of Directors.

J. The Appeal Format

At the discretion of the Board, the appeal shall either be a review of the written documents or as a hearing. If the Board chooses not to grant a hearing, it shall render its decision based on the written materials submitted by the appellant.

K. Request for Appeal Hearing

The Board of Directors may, in its discretion, grant an appellant's written request for an oral hearing. A written request for a hearing must:

1. be made in the appellant's notice of appeal;
2. be accompanied by a \$1,000 hearing fee (in the event the Board does not grant the request for a hearing, the fee shall be refunded to the appellant); and
3. include a statement justifying the need for an oral hearing.

L. Appeal Hearing

1. In the event the Board of Directors grants an appellant's request for a hearing, the Board of Directors shall schedule a hearing within 120 calendar days after receiving the notice of the appeal. The Board shall determine the time and place for the hearing and may choose to conduct the hearing by teleconference.
2. At least 30 days prior to the hearing, the Board shall notify the appellant of the time and place of the hearing.
3. The hearing format is to be informal in nature and structured as deemed appropriate by the Board.
4. A representative of the Council may attend the hearing to be available to the Board to provide clarification of the record.
5. The appellant may give a presentation at the hearing.

M. Appeals Decision by the Board of Directors

The chair shall determine whether to convene the Board for a formal meeting (in person or by telephone conference) or to rule on the appeal by an e-mail vote. The Board shall act on the appeal within two weeks of the hearing. The decision of the Board of Directors is final.

N. Service of the Decision

The UCNS Executive Director shall promptly serve the Board's decision by certified or registered mail to the appellant.

O. Record

The UCNS Executive Director shall retain all documents related to the revocation and any appeal for five years. The UCNS Executive Director may provide a copy of the record to the appellant upon payment of a reasonable fee.