

## **AMERICAN BOARD OF WOUND MANAGEMENT**

### **APPEAL PROCESS FOR ADVERSE DECISIONS AFFECTING CERTIFICATION AS A CERTIFIED WOUND CARE ASSOCIATE® (CWCA®), CERTIFIED WOUND SPECIALIST® (CWS®) AND CERTIFIED WOUND SPECIALIST PHYSICIAN® (CWSP®)**

The following adverse decisions affecting eligibility or certification (“Adverse Decisions”) by the American Board of Wound Management (“ABWM”) are subject to appeal:

#### **A. Adverse Administrative Decisions**

- (1) Denial of a request for extension of an established deadline or for exception to other administrative requirements.
- (2) Denial of a grievance regarding examination administration.

#### **B. Adverse Substantive Decisions**

- (1) Rejection of credentials for eligibility to sit for an ABWM examination.
- (2) Revocation of eligibility to sit for an ABWM examination.
- (3) Denial of certification.
- (4) Revocation or suspension of certification.

#### **C. Adverse Disciplinary Decisions based on:**

- (1) Irregular behavior before, during or after an ABWM examination.
- (2) Manufacture or use of fraudulent ABWM credentials.
- (3) Legal, regulatory or credentialing action, or documented allegations of misconduct.

**NO APPEAL may be taken from an adverse decision based on an individual’s receipt of a failing grade on an ABWM examination absent extraordinary circumstances, as determined solely by the ABWM.**

### **I. CONFLICT OF INTEREST POLICY**

ABWM Directors shall not participate in discussions of, or vote on, any review or appeal in which the Director has or has had a substantial personal or professional relationship with the candidate/ CWCA®, CWS®, CWSP® at issue.

## II. NOTICE OF ADVERSE DECISION

An individual who has received an Adverse Decision shall be sent a prompt written Notice of Adverse Decision. The Notice shall state the reason(s) for the Adverse Decision and shall inform the individual that he or she has the right to seek review of the Adverse Decision by filing a timely written Request for Review with the ABWM.

## III. REQUEST FOR REVIEW

To be valid, a Request for Review must be postmarked within 30 calendar days after the date of the Notice of Adverse Decision. The Request must contain a statement of why the individual believes that the Adverse Decision was improper and must include (1) any supporting documentation that the individual wishes to have considered as part of the review, and (2) an appeal fee of \$50 for appeal of an adverse administrative decision or \$100 for appeal of an adverse substantive decision or an adverse disciplinary decision.

**If a Request for Review is not postmarked within 30 calendar days, the Adverse Decision shall constitute the final decision of the ABWM on the matter and shall not be subject to appeal absent extraordinary circumstances, as determined solely by the ABWM.**

### A. Composition and Role of Review Panel

A Review Panel shall be the first level of review for all adverse decisions except disciplinary decisions, which may be appealed directly to the Executive Committee.

The Review Panel shall consist of three current ABWM Directors; no more than one shall be a member of the Executive Committee.

The Review Panel shall consider the Notice of Adverse Decision and the Request for Review, including any supporting documentation submitted by the individual. The Review Panel also may, at its discretion, request or receive, and review, additional information. The foregoing shall constitute the Review Record. A copy of the Review Record shall be forwarded to the individual at least ten calendar days before the meeting of the Review Panel.

*The review shall be conducted pursuant to the procedures set forth in Section B (for administrative decisions), Section C (for substantive decisions), or Section D (for disciplinary decisions).*

### B. Final Review of Administrative Decisions

A timely Request for Review of a denial of an extension of an established deadline, an exception to any other administrative requirement, or a denial of a grievance regarding administration of an ABWM examination, will be **finally reviewed** by an ABWM Review Panel within 30 calendar days after receipt of the Request for Review.

Based on its review of the Review Record, the Review Panel may, at its discretion, take one of the following actions:

- (1) Affirm the Adverse Decision,

- (2) Modify the Adverse Decision, or
- (3) Reverse the Adverse Decision

The individual shall be notified in writing of the Review Panel's action, including the reasons therefor, within 10 business days after the Review Panel reaches its decision.

THE REVIEW PANEL'S DECISION ON ADMINISTRATIVE MATTERS SHALL CONSTITUTE THE FINAL DECISION OF THE ABWM ON THE MATTER AND SHALL NOT BE SUBJECT TO APPEAL ABSENT EXTRAORDINARY CIRCUMSTANCES, AS DETERMINED SOLELY BY THE ABWM.

### **C. Review of Adverse Substantive Decisions**

A timely Request for Review of an adverse substantive decision shall be reviewed by an ABWM Review Panel within 60 calendar days after receipt of the Request for Review. Based on its review of the Review Record, the Review Panel may, at its discretion, take one of the following actions:

- (1) Affirm the Adverse Decision,
- (2) Modify the Adverse Decision, or
- (3) Reverse the Adverse Decision, in which event the decision of the Review Panel shall constitute the final decision of the ABWM on the matter.

The individual shall be notified in writing of the Review Panel's action, including the reasons therefor, within 15 business days after the Review Panel reaches its decision.

### **D. Review of Adverse Disciplinary Decisions**

Adverse disciplinary decisions may be appealed directly to the Executive Committee as set forth below.

## **IV. REQUEST FOR APPEAL**

An individual who has received notice that an adverse substantive decision has been affirmed or modified by a Review Panel, or notice of an adverse disciplinary decision, may appeal to the ABWM Board of Directors by filing a written Request for Appeal with the ABWM. To be valid, the Request for Appeal must be postmarked within 30 calendar days after the date of the Notice of decision. The decision to grant an Appeal is at the sole discretion of the Executive Committee.

**If a Request for Appeal is not postmarked within 30 calendar days, the Adverse Decision shall constitute the final decision of the ABWM on the matter and shall not be subject to appeal absent extraordinary circumstances, as determined solely by the ABWM.**

## **V. DECISION OF THE EXECUTIVE COMMITTEE**

A timely Request for Appeal from an adverse substantive decision affirmed or modified by the Review Panel, or from an adverse disciplinary decision, shall be considered by the Executive Committee. If the Executive Committee determines that an Appeal should be granted, the Appeal will be heard by the Board of Directors at its next regularly scheduled meeting occurring at least 60 calendar days after receipt of the Request for Appeal. Any member of the Executive Committee who participated in prior consideration of the Adverse Decision shall not participate in discussions of, or vote on, the matter.

The Executive Committee shall consider the Review Record, the Notice of Affirmation or Modification of Adverse Decision, or the Notice of Disciplinary Action, and the Request for Appeal. The foregoing shall constitute the Appeal Record.

The individual shall be notified in writing of the Executive Committee's decision, including the reasons therefor, within 10 business days after the Committee reaches its decision.

THE DECISION OF THE EXECUTIVE COMMITTEE TO DENY A REQUEST FOR APPEAL SHALL CONSTITUTE THE FINAL DECISION OF THE ABWM ON THE MATTER AND SHALL NOT BE SUBJECT TO FURTHER APPEAL ABSENT EXTRAORDINARY CIRCUMSTANCES, AS DETERMINED SOLELY BY THE ABWM.

## **IV. APPEAL TO THE BOARD OF DIRECTORS**

The Executive Committee shall, at its discretion, determine whether a hearing involving a telephonic or personal appearance by the appellant may be useful to resolve the issues.

### **A. Appeal Without A Hearing**

If the Executive Committee determines that a hearing on the Appeal would not be useful, the ABWM shall notify the individual (1) of that decision and (2) that the individual may submit a written statement relating to the matter for the Board's consideration. Such statement must be submitted no later than 30 calendar days after the date of the notice. The ABWM Board of Directors shall review the Appeal Record and any statement timely submitted by the individual, and shall determine by majority vote of those members voting, whether to ratify, reverse, or modify the Adverse Decision. The individual shall be notified in writing of the decision, including the reasons therefor, within 60 calendar days after the Board reaches its decision.

THE DECISION BY THE BOARD OF DIRECTORS SHALL CONSTITUTE THE FINAL DECISION OF THE ABWM ON THE MATTER AND SHALL NOT BE SUBJECT TO FURTHER APPEAL.

## **B. Appeal With A Hearing**

If the Executive Committee determines that a hearing on the Appeal may be useful, it shall set a hearing for its next regularly scheduled meeting of the ABWM Board of Directors occurring at least 60 calendar days after receipt of the Request for Appeal.

Not less than 30 calendar days prior to the scheduled date of the hearing, the ABWM shall notify the individual in writing of the date, time, and place of the hearing. The Notice of Hearing also shall advise the individual that he or she:

- (1) may appear personally before the Board of Directors;
- (2) may be accompanied by legal counsel; and
- (3) may submit a written statement relating to the matter for the Board's consideration.

The individual's written intent to appear personally before the Board stating whether it will be with or without legal counsel, and the candidate/certificant's written statement must be received by the ABWM no later than 15 business days before the scheduled date of the hearing. If counsel will be present, he/she must be identified in the statement.

An individual who chooses to appear before the Board of Directors, shall be given the opportunity to make a statement summarizing the individual's position. At the discretion of the Board, the individual's legal counsel may make an opening or closing statement. The Board shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate.

A record of the proceedings shall be kept. A copy of the hearing record shall be made available to the individual upon payment of the cost of reproduction. All expenses incurred by the individual in connection with the hearing shall be borne by the candidate/certificant.

If the individual requests to appear personally at the hearing and, without good cause, fails to appear and fails to advise the ABWM in writing more than 7 calendar days before the scheduled date of the hearing that he or she will not appear at the hearing, the Board may elect to notify the candidate/certificant that no other opportunity for a personal appearance shall be provided.

Following the hearing, the Board of Directors shall determine by majority vote of those members voting whether to ratify, reverse, or modify the Adverse Decision. The individual shall be notified in writing of the decision, including the reasons therefor, within 60 calendar days after the Board reaches its decision.

**THE DECISION BY THE BOARD OF DIRECTORS SHALL CONSTITUTE THE FINAL DECISION OF THE ABWM ON THE MATTER AND SHALL NOT BE SUBJECT TO FURTHER APPEAL.**

## **VIX. SUBMISSIONS TO THE ABWM**

Whenever there is a requirement for a written notice, request or other writing to be submitted to the ABWM, such writing shall be addressed to the following:

Christopher M. Murphy  
Executive Director  
American Board of Wound Management  
1155 15th Street, NW  
Suite 500  
Washington, D.C. 20005

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The procedures set forth above for the review and appeal of Adverse Decisions may be subject to an expedited schedule when deemed necessary by the ABWM.

Approved: January 1, 2014

| Last Revision: January 1, 2014