

ADA CERP PROCEDURES FOR AN ADVERSE ACTION AGAINST A CONTINUING EDUCATION PROVIDER

An adverse action is defined as withdrawal or denial of recognition.

If a recommendation to withdraw recognition from an ADA CERP recognized provider of continuing education is to be considered, the CERP Committee will notify the provider of its intent to withdraw recognition and the date on which official action will be taken. This notification will advise the provider of its right to provide additional information for the Committee to consider prior to taking the proposed action. Such right might include a personal appearance before the ADA CERP Committee. Any additional information should be submitted in writing and should include any reasons why the provider believes the withdrawal is unjustified. If the Committee determines that approval should be withdrawn as scheduled, the program will be notified of its right to appeal this decision.

If a new provider applicant is denied recognition, the reasons for denial are provided. The provider has the opportunity, at the next regularly scheduled meeting of the CERP Committee to present additional information. If, following reconsideration, the Committee confirms denial, the provider is notified of its right to appeal the decision.

If an adverse (withdraw or deny) action is taken, an appeal can be made to the Council on Dental Education and Licensure. The principle purpose of an appeal is to determine if, based on the information and documentation previously submitted to the ADA CERP Committee, the decision to deny or withdraw recognition was in accordance with ADA CERP recognition Standards, procedures and policies. An appeal may not be based on the length of the recognition period or disagreement with the recognition standards and criteria. Appeals are conducted in accord with the following procedures.

Procedures for Filing an Appeal

1. If the CERP denies or withdraws recognition, the CE provider shall be informed of this decision within fourteen (14) days following the CERP meeting. Such provider must file a written request an appeal with the Council's director, by certified mail, within twenty-one (21) days after notification of the CERP decision. In the absence of receipt of a request for an appeal as prescribed above, the decision will automatically be final.
2. If a request for an appeal is received, the Council shall acknowledge notification of such intent and indicate the deadline for submission of documentation.
3. The provider must submit a non-refundable Appeal Fee of \$570 with its request for the appeal. The provider must submit three copies of evidence or argument in writing to refute the decision of the CERP Committee.
4. Representatives of the provider may make an appearance before the Council. If desired, legal counsel may accompany the provider and observe the appearance. Legal counsel for the Council may be present for the appearance(s) and the executive session(s) thereafter. No tape-recording of the appearance(s) is permitted. The provider will be given the opportunity to offer evidence and argument to refute the adverse action. The Council will only review information and documentation that was previously available to the ADA CERP Committee at the time the Committee made its decision take the adverse action.
5. No change in the recognition status of the provider will occur pending disposition of the appeal.

Mechanism for the Conduct of a Personal Appearance before the Council on Dental Education and Licensure

1. A brief opening statement may be made by a representative of the Committee for the purpose of establishing the Committee's findings and reasons therefore and to restate to the representative(s) the amount of time, 30 minutes, allocated for the hearing.
2. The provider will then present its argument to the Council.
3. Council members may ask questions of the provider's representative(s) to clarify information presented.
4. After hearing the evidence, the Council shall meet in closed session to discuss the appeal and make its decision. The Council's decision may be to uphold or overturn the adverse action. The decision shall be based on a majority vote of the members of the Council present. The decision of the Council is final.
5. The Council's decision will be sent by certified mail to the provider within ten (10) days following the Council's action.
6. ADA CERP/Council reserves the right to modify or change these procedures.

ADA CERP Procedures for Reconsideration of an Adverse Action Against a CE Provider
Revised: November 1999, January 2004, November 2005, April 2006, April 2007