



# **POLICY & PROCEDURE FOR HANDLING OF APPEALS**



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| <b>Contents</b> |                                       |                  |
|-----------------|---------------------------------------|------------------|
| <b>Sl.</b>      | <b>Title</b>                          | <b>Page Nos.</b> |
| 1.0.            | Objective                             | 3                |
| 2.0.            | Definitions                           | 3                |
| 3.0             | Scope                                 | 3                |
| 4.0             | Responsibility                        | 3                |
| 5.0             | Structure of the Committee            | 3                |
| 6.0             | Procedure                             | 4                |
| 7.0             | Records                               | 6                |
| 8.0             | Costs for the Appeals Process         | 6                |
|                 | Annexure: Format for making an appeal | 7                |



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## 1.0. Objective

The document prescribes the policy and procedure for dealing with Appeals received from the accredited/certified and applicant Health Care Organizations.

The appeal process is an independent review and evaluation of a decision made by NABH that affects the accreditation/certification status of the appellant health care organization by the Appeals Committee of NABH on referral to the same by Chairman NABH.

## 2.0. Definitions

2.1. Appeal: A formal written request by an accredited/ certified or applicant organization for reconsideration of any adverse decision made by NABH related to the organization's accreditation status.

The appeals shall be accepted only if the same has been made in the prescribed format.

2.2 Appellant: an accredited/certified or applicant organization filing an appeal.

2.3. Health Care Organization (HCO): Any entity providing health care services for which an accreditation or certification program is available with NABH.

## 3.0 Scope

The procedure described in this document is to be followed in NABH for dealing with different types of appeals by the Health Care Organizations (HCO). Appeal can be made by HCO against a decision taken by NABH in respect of - refusal to accept an application, refusal to proceed with an assessment, changes in accreditation scope, denial of accreditation, putting in abeyance, suspension, withdrawal of accreditation/ certification or any other action that impedes the attainment of accreditation/certification.

Members should be free from any conflict of interest concerning the appellant or matter under appeal. In the event of "conflict of interest" such member may reclude himself / herself from consideration of the particular appeal. If required, Board may appoint a substitute member(s) with no such conflict(s) of interest.

Appeal committee meeting can be organized whenever needed and as per the convenience of committee Chairman.



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#### 4.0 Responsibility

Responsibility of handling of appeals rests with the Appeals Committee.

CEO, NABH is responsible for monitoring of the appeals.

#### 5.0 Structure of the Committee

**5.1.1 Appeal Committee:** A panel composed of a minimum of 3 individuals, and a maximum of 5 individuals, independent of the NABH and knowledgeable in matters of accreditation, appointed by the Chair of the Board in consultation with the Chief Executive Officer (CEO) to deal with appeal(s) for a defined tenure as prescribed by the Board. This panel may be augmented by additional subject matter experts as invitee as deemed appropriate, by the CEO, NABH and Chairman Appeals Committee in consultation with CEO, NABH.

The invitee expert will not have right to vote but will have the prerogative of recording his /her opinion in light of the reason for invite.

The terms of the committee are for two years or as decided by the board.

#### 5.1.2 Function of the Committee

The Appeals Committee will consider appeals against decisions made by the NABH and will deal with them appropriately to recommend decisions to resolve / close the appeals.

#### 5.1.3 Membership

Appeals Committee members, including the Chair, must wholly satisfy these criteria.

- a) They must not have participated in or influenced the original Accreditation Committee that took the decision now subject to appeal.
- b) They must be free from any conflict of interest concerning the appellant or matter under appeal.
- c) They must be conversant with the Accreditation Process and NABH functioning.
- d) Before progressing to consider any application for appeal, all members of the Committee must satisfy the above criteria and sign a disclaimer to officially record that they detected no conflict(s) of interest with regard to the matters at hand. In the event of not sure of disclaimer such member may reclude himself / herself from consideration of the particular appeal. Should they be unable to do so, the Board must appoint a substitute member(s) with no such conflict(s) of interest.
- e) The committee shall have the necessary competence available to hear the subject of the appeal.



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- f) The appeals committee may co-opt expertise if the need arises. A co-opted person will not have right to vote but will have the prerogative of recording his /her opinion in light of the reason for invite.
  - g) Decisions are made on a majority voting basis. The Chairman of the appeals committee has a dual voting power, one as a member of the appeals committee in all cases. In case of a tied result, the Chairman in view of his dual voting power, will cast his vote so that committee may arrive at a final decision.
  - h) In absence of the Chairman due to any reason, the Co Chairman chairs the meeting.

## **6 Procedure**

### **6.1 Receipt of Appeals**

The Appeal must be made in writing to the NABH Secretariat in a letter addressed to the Chairman NABH with complete details of the appellant (name, address, organization, email id & phone number etc.), description of the issue and supporting documentary evidences including receipts of all due payment. All appeals must be accompanied by full tracking of fee paid evidence besides other evidence.

No new evidence which was not placed before AC may be submitted or considered by the Appeals committee for consideration.

### **6.2 Processing of Appeals**

- a) The appeal process is an independent review and evaluation of a decision made by NABH that affects the accreditation/certification status of the accredited/certified organization or an applicant.
- b) The appeals are addressed to the Chairman NABH. Chairman, NABH shall refer the appeals to the appeals committee.
- c) Appeals shall be submitted to NABH in writing within 30 working days of the NABH decision against which the appeals are made. Appeals received after 5.30 pm (IST) of 30<sup>th</sup> day from the date of NABH communication will not be considered.
- d) Appeals request should be sent in the prescribed format (as given in the annexure attached) along with the relevant supporting documents.
- e) On perusal of appeal by the Chairman, NABH, if the appeal is filed on reasonable and justifiable grounds, Chairman, NABH would admit the appeal and refer the same to appeals committee for further actions on the same. However, if the grounds of appeal are not sound or justifiable or not in keeping with the process laid down or any other valid reason what's so ever, the appeal would not be admitted and the appellant is informed accordingly, with reasons for the same. The Chairman NABH is the ultimate authority for decision on admission of the appeal.
- f) Chairman, NABH shall refer the valid appeals to the appeals committee.



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- g) Appeals Committee shall examine the appeal for its validity and if prima-face, they appear to be valid and having some substance, they are taken up for further actions or otherwise the appellants is informed accordingly.
  - h) Appeals Committee on reviewing the appeal shall look for completeness of the supporting documents and shall ask the appellants for requisite missing document, if any.
  - i) After examination of the appeal, the Committee shall seek clarification/documents from all appropriate sources. The Committee, if finds necessary, can depute NABH official/ an assessor or an expert to investigate the appeal.
  - j) Any delay or lapse in submission of clarification or relevant documents by the appellants, the responsibility/onus of delay will be considered on the appellants himself.
  - k) After discussion and deliberation, a consensus would be arrived at for a decision on the matter of the appeal under consideration. If however, a consensus cannot be arrived at, the decision would be by voting. The Chairman of the Appeals Committee, in addition to entitlement of right to vote as a member also has a right to Casting Vote in the event of a tie. In event of a tie, the Chairman of the Appeals Committee would exercise his right of Casting Vote to arrive at a decision and resolve the matter of the Appeal.
  - l) When an adverse decision has been made by accreditation / certification committee against which appeal is made by the HCO, the decision of accreditation / certification committee shall be put on hold until the Appeal process is completed and a final decision has been arrived at.
  - m) The Appeals Committee may recommend an assessment by a new team. The assessment report is sent to the Appeals Committee for review and their recommendations.
  - n) The appeal should be disposed of within 8 weeks from the date of receipt.

### **6.3 Decision on Appeals**

- a) Chairman NABH shall take a decision based on the recommendations submitted by the Appeals Committee.
- b) The decision of the Chairman NABH shall be final and HCO shall be informed accordingly



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**7. Records**

- 7.1 Appeals record shall be maintained in Appeals register.
- 7.2 Appeals file is maintained by Appeals Committee, where all correspondence in respect of appeals received, decisions, and any other relevant documents are filed date-wise. NABH ensures that appeals are resolved within a defined time frame.

**8. Costs for the Appeal Process**

- 8.1 If the resolution of appeal is done without undertaking any travel or additional assessment, no financing will be needed for such resolutions.
- 8.2 If the resolution calls for undertaking travel and assessment, the cost will be borne by the HCO.



Annexure

## Format for making an Appeal

|  |  |
|--|--|
| <b>Name of the Appellant HCO</b>   |  |
| <b>NABH ID</b>   |  |
| <b>Contact Details of the representative from Appellant</b><br><br>(Name, Designation, Address, E mail id, mobile number, land line number etc.) |  |
| <b>Subject of Appeal</b><br><br>(NABH Decision against which appeal is made)   |  |
| <b>Date of receiving communication from NABH regarding the Decision against which appeal is made</b>   |  |
| <b>Summary of Appeal</b>   |  |
| <b>Details of due fee payment receipts attached</b>  |  |
| <b>Details of Supporting Documents attached</b>  |  |
| <b>Signature of Representative from appellant</b>  |  |
| <b>Date of appeal</b>  |  |



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