Order of Disciplinary Action Appeal

Purpose: This protocol is provided to define the steps an EMS Clinician or Life Support Agency (LSA) must take to appeal an Order of Disciplinary Action (ODA) issued by the Professional Standards Review Organization Committee (PSRO) and the Medical Control Authority (MCA).

I. EMS Clinician or LSA Appeal Request Procedure:
   A. The EMS clinician or LSA who received an ODA from the MCA may initiate a Request to Appeal if one, or more, of the following apply:
      1. New evidence: There is new material information relevant to the review that was not available, or known, during the original review of the incident.
      2. Procedural Errors: There was a procedural violation of the **8.24 PSRO Investigation and Resolution** protocol.
      3. Fraud or Misrepresentation: The decision was influenced by false statements or fraudulent conduct.
      4. Improper Application: The decision was inconsistent, or based on an incorrect interpretation, with the applicable MCA's protocols, Statute or Administrative Rules.
   B. The MCA must be notified, in writing, within seven (7) business days of receipt of the ODA that the recipient is requesting to appeal. The appeal must include:
      1. A detailed explanation of the reasons for the appeal.
      2. Any relevant material or supporting documentation.
   C. The submission of a Request to Appeal does not stay the provisions of the ODA.

II. MCA Procedure
   A. Upon receipt of a Request to Appeal an Order of Disciplinary Action, the MCA Board chair, in conjunction with the MCA staff, must review the appeal to determine if the appeal meets the requirements outlined in Section I.
      1. If it is determined that the appeal does not meet the requirements for an appeal, the appeal will be returned to the EMS Clinician/LSA requesting the appeal with an explanation why the appeal is being rejected within three (3) business days.
      2. If the EMS Clinician/ LSA decides to resubmit the appeal, they must do so within three (3) business days and include additional justifications as needed to address the MCA's reasons.
      3. Upon receipt of a resubmitted appeal, the appeal will be reevaluated in full.
   B. The MCA Board chair will assign the appeal to the appropriate committee based on the category of the appeal:
      1. If the appeal is based on the presentation of New Evidence, or an allegation of Fraud or Misrepresentation, the incident is remanded back to the PSRO

committee that conducted the medical review for reevaluation of the committee's determination.
   a. A new PSRO meeting must occur within three (3) business days of the MCA Board chair's decision.
2. If the appeal is based on an allegation of a Procedural Error, the allegation will be referred to the MCA Board, as a formal body, to determine if there was a procedural violation of the **8.24 PSRO Investigation and Resolution** protocol.
   a. If the MCA board finds there are procedural violations in how the medical review was conducted, then the MCA Board must perform one of the following:
      i. Make a determination on the appeal during the appeal meeting.
      ii. Assign a new PSRO committee, made up of new decision-making membership, to conduct a new medical review as outlined in **the 8.24 PSRO Investigation and Resolution** protocol.
         a) The new PSRO meeting must occur within three (3) business days of MCA Board decision.
3. If the appeal is based on an allegation of Improper Application. The appeal will be referred to the MCA Board, as a formal body, for determination.
4. If the appeal is based on multiple categories:
   a. The appeal will be referred to the MCA Board for determination of assignment and resolution utilizing the process above.

C. If the appeal is assigned to the MCA Board will:
1. The MCA Board, functioning as a PSRO review committee, must schedule a meeting for the purpose of hearing the appeal. This meeting must be scheduled not less than three (3) business days and not more than thirty (30) business days following receipt of the Request to Appeal.
   a. Once scheduled the EMS clinician or LSA may request a one-time postponement of up to thirty (30) business days to assemble information pertinent to the appeal.
   b. This request for postponement must be received in writing within three (3) business days prior to the scheduled meeting time.
2. Conduct a fair and thorough review.
   a. During an open session of the MCA Board appeal meeting:
      i. The EMS clinician, LSA, or their designee may present information supporting their reason for appeal ensuring protected health information is not disclosed.
      ii. The MCA Board may ask clarifying questions related to the appeal.
   b. The MCA Board may move into a closed session to review protected information for the purposes of:
      i. Reviewing the PSRO committee's decision.
      ii. Reviewing the grounds for the appeal and evaluate whether the MCA protocols were properly followed.
      iii. Reviewing the decisions that resulted in the issuance of the ODA are consistent with the standards applicable to the disciplinary action.

3. Determine the outcome of the appeal.
   a. The MCA Board must return from the closed session into an open session to make a final determination regarding the appeal, choosing only one of the following:
      i. To affirm the ODA.
      ii. To revoke the ODA.
      iii. Diminish the ODA to a lesser disciplinary action (i.e. a suspension of privileges diminished to a written reprimand).
      iv. To suspend the ODA.
   b. If the MCA Board needs additional time to deliberate, the appeal meeting may be adjourned and additional meeting(s) scheduled in accordance with the Open Meetings Act.
      i. A final decision must be issued by the MCA Board within fourteen (14) business days of the appeal meeting's start date.

D. The final decision must be provided by the MCA Board in writing to the EMS clinician or LSA within fourteen (14) business days of the appeal meeting's start date.
E. If, during the appeal process, new information is discovered that leads to additional allegations, a new investigation must be conducted and the **8.24 PSRO Complaint Investigation & Resolution** process followed.

III. Appeal to the EMS Coordinating Committee (EMSCC)

A. Following exhaustion of the procedure stated herein, an EMS clinician or LSA may appeal the decision of the MCA to the State of Michigan Emergency Medical Services Coordination Committee as defined in Part 209 of P.A. 368 of 1978, as amended Section 20919(4).
B. The appeal will be to determine whether the actions, or decisions, of the Medical Control Authority were in accordance with their Department approved protocols, statue, or Administrative Rules.
   1. Specific facts regarding the underlying case that lead to the issuance of the ODA will not be evaluated and are not to be included in the request for appeal.
C. An appeal must be filed with the Department of Health and Human Services, in writing, no more than 30 business days following the written notification to the EMS clinician or LSA of the final determination by the MCA.
D. If a decision of the MCA is appealed to the Emergency Medical Services Coordination Committee, the MCA must make available, in writing, the information it considered in making its decision.