



Reconsideration of Adverse Eligibility for Initial and Recertification Decisions

Date Approved: June 2014; 2/29/20

Submitting a Request for Reconsideration of Eligibility

Candidates whose eligibility for initial certification or recertification has been denied and who believe the denial is a result of an error in the application review process or a failure to follow application review policies, may request reconsideration of the decision.

The right to an appeal is available for individuals for:

- **Eligibility Determinations:** for whom the CBDCE determined were not eligible for initial or renewal of certification by examination or for renewal of certification by continuing education;
- **Continuing Education Determinations:** for whom the CBDCE determined the requirements for certification renewal by continuing education were not met based on the following limited grounds:
 - i) that continuing education activities submitted were not diabetes related, or
 - ii) that continuing education activities submitted were not provided by or approved by a provider listed on the CBDCE List of Recognized Providers.

There shall not be any right of appeal based on the applicant's failure to submit a complete application (including submittal of any required audit documentation), pay the required application fees, or pass the CBDCE certification examination, nor shall there be any right of appeal based on the certificant's failure to submit a complete application for renewal by continuing education, pay the required fees, or respond to requests for additional information. These applications shall be deemed incomplete.



Review Process – Eligibility Determinations

Applications which are reviewed by staff, where the applicant does not meet the eligibility requirements (with the exception of continuing education requirement) and the application is found not to be eligible for certification, the application will be forwarded to the Credentials Committee for review and a determination on eligibility. Applications denied, on grounds other than the continuing education requirement, by the Credentials Committee may elect to appeal the determination to the Appeals Committee.

CBDCE shall send a notice by registered or certified mail to each individual who has a right to a hearing and appeal within a reasonable time after making the adverse decision giving rise to such a right. This notice shall state the reason(s) for the adverse decision and inform the individual that he or she has 30 calendar days from receipt of the notice to file a written appeal of this decision by registered or certified mail postmarked within the 30 day period (hereinafter “a timely appeal”). An individual who fails to file a timely appeal shall forfeit the right to an appeal. An individual who chooses to file an appeal (the appellant) shall be responsible for any expenses that he or she incurs in connection with this process.

Those who are denied certification based on eligibility, other than the continuing education requirement, will receive a copy of the Reconsideration of Adverse Eligibility and Recertification Decisions policy.

Those who elect to appeal a determination by CBDCE based on the eligibility requirement, with the exception of continuing education issues, must submit in writing at least the following information:

- name and address
- date the examination application or renewal application was submitted (or signature date application)
- a statement of indication that the correspondence is being submitted as a formal appeal of the specific adverse decision
- detailed explanation in support of the appeal including any related documentation that substantiates the claim that the application meets the published eligibility requirements for certification or recertification
- any additional information that supports the appeal



If the individual files a timely appeal, the Chair shall designate an Appeals Committee from the members of the Board and establish a hearing date. All appeals will be by telephone conference call unless, due to exceptional circumstances, the Appeals Committee determines in its discretion to conduct an in-person hearing. Within a reasonable time after receiving a timely appeal, CBDCE shall send a second notice to the appellant by registered or certified mail specifying the date and time (and place – if needed) of the hearing. The hearing shall not occur less than 30 days after the mailing of the second notice. The second notice shall also state that the appellant has the rights to:

- i. have a representative speak on his or her behalf,
- ii. present any evidence or explanation in support of the appeal that is reasonably deemed relevant by the Appeals Committee, regardless of its admissibility in a court of law, and
- iii. submit a written statement or other documents in support of the appeal at any point before the hearing. In addition, if the need for an in-person hearing has been determined, the person has the right to appear in person at the meeting and/or to have a representative appear on his or her behalf.

Upon receipt of a timely appeal, the Appeals Committee, within its discretion, may stay the suspension or revocation of the appellant's certification status during the pendency of the appeals process.

Within a reasonable time following the hearing, the Appeals Committee shall meet and make a recommended decision on the appeal. This recommended decision shall be made by a majority rule and shall be submitted within 30 days to the Board for final decision. The Board shall make a decision on the appeal within a reasonable time after receiving the Appeals Committee's recommendation. The Board's decision, which shall also be made by majority rule, shall be final and binding. Notification of the Board's decision shall be sent to the appellant by registered or certified mail within 15 days after the date of decision, along with a statement of reasons for the decision. The decision shall be effective on the date the appellant receives such notice or within one week after the date of mailing, whichever is sooner.

No member of the Board shall participate in the review of an appeal if the member is in direct economic competition with the appellant or otherwise has a financial conflict of interest in the matter unless such notice is disclosed to and waived in writing by the appellant.

An individual's certification status is not confidential and may be made available to the public upon request.



Review Process – Continuing Education Requirement Decisions

Continuing Education (CE) documentation which are reviewed by staff that are found not to be in compliance with the continuing education requirement, staff will attempt to resolve the issue informally:

a. By requesting additional documentation in support of the CE requirement, such as the CE certificate, certificate of attendance, etc, which verifies the individual's attendance in the event or completion of the activity.

b. If a determination cannot be made if a CE activity is diabetes related from the submitted documentation, staff will request the individual provide program information and/or a summary statement on what areas/tasks the content of the activity is found on the Examination Content Outline.

c. If the CE documentation does not contain Recognized Provider approval information, staff will request documentation from the activity organizers website, activity brochure, or email from the activity organizer which states that the activity was approved by a Recognized Provider.

d. If the CE hours submitted were less than is needed to fulfill the CE or audit requirement, staff will contact the individual to request documentation of any additional activities earned during the accrual cycle which were not included in the audit submission packet.

If a resolution is not found and sufficient CE activities are not documented, the application will be deemed incomplete and refund issued less a \$100 processing fee. Candidates may reapply for recertification within the renewal period once they have met all the requirements.

Applicants whose CE activities have been deemed ineligible affecting an adverse decision of the application, may appeal in writing for reconsideration to the Credentials Committee within 14 business days of notification of ineligible CE. The appeal must contain a detailed explanation and documentation supporting the appeal that the activity submitted meets the CE requirement. Notice of the Credentials Committee decision will be provided to the applicant within 14 business days of Committee decision, and the determination of the Credentials Committee will be final.