



AMERICAN BOARD  
OF RADIOLOGY

## **Administration Appeals Policy**

### **Approved by Board of Governors: January 9, 2024 with Bylaw Revision**

1. Purpose: To establish a pathway for review, upon request, of ABR actions impacting an individual's pursuit of or maintenance of an ABR certificate. The ABR has established the Appeals Policy to resolve concerns with determinations of the board relative to the following areas:
  - a. Training or other eligibility requirement
  - b. Admissibility to exams
  - c. Exam process
  - d. Requests for accommodations under the Americans with Disabilities Act (ADA)
  - e. Certificate Status
  - f. Other requests when approved by the Executive Director and Board President
2. Exclusions:
  - a. The ABR may decline to consider a request for an appeal under this policy if:
    - i. More than six months have elapsed between the date [a] the individual knew (or should have known) of the ABR action in question and [b] the request is submitted to the ABR.
    - ii. More than two months have elapsed between [a] an ABR request for information pursuant to the appeal request and [b] the individual's response.
    - iii. Appellant fails to pay the \$1,500 fee for a requested Level 1 Hearing.
    - iv. Appellant fails to pay the \$3,000 fee for a requested Level 2 Hearing.
3. Process:
  - a. Requests for an appeal must be submitted in writing. The appeals process has two components: 1) administrative review and 2) the hearings.
  - b. Administrative Review: Unless waived by the appellant, appeal requests will be addressed initially by an administrative review by the Executive Director and their designee. No fee is charged for administrative review.
  - c. Hearing Committee Review: Hearing Committee Review will be available to an individual, upon request, who is not satisfied with the result of the Administrative Review. The Hearing Committee membership is determined by the ABR bylaws.
    - i. Level 1 Hearing: Hearing Committee members and ABR staff.
    - ii. Level 2 Hearing: Hearing Committee members, ABR staff, appellant, and appropriate witnesses as approved by the ABR. The appellant may elect to be accompanied by either counsel or another representative.

The Level 2 Hearing is available to an appellant, upon request, either as [a] the initial hearing after Administrative Review or [b] following a Level 1 Hearing.

**4. Notices and Costs:**

- a.** All expenses incurred by the appellant in preparation for or attendance at a Level 2 Hearing, including but not limited to attorney fees and travel costs\*, shall be the sole responsibility of the appellant. (\*Level 2 Hearings are likely to be conducted via videoconference.)
- b.** All hearing fees paid to the ABR are non-refundable.
- c.** For appeals under the Americans with Disabilities Act, no fee shall be charged.

This policy is subject to change and modifications at any time. All changes must be approved by the ABR Board of Governors.