



## Policy 4.6 Review and Appeals Process

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### Policy

Under certain circumstances, certification status may be denied, suspended, or active certification status may be revoked, as outlined in Policy 4.7. Any nurse who is denied access to certification through ineligibility or any CEN, CFRN, CPEN, CTRN, or TCRN whose certification has been revoked or suspended has the right to appeal the decision. BCEN has an established review and appeals process for individuals seeking an amendment of this decision. This process offers any individual the opportunity to have his or her concerns heard in a fair, objective forum. However, individuals will not be entitled to receive a copy of either their examination or the answers to any questions on the examination. Furthermore, a fee of \$100 USD will be charged for a review and appeal.

Individuals cannot appeal the following:

- Inability to achieve a passing score;
- the passing score or actions taken in setting a passing score;
- actions taken against an individual's certification status as a result of a lack of valid registered nurse license, unless proof of current, unencumbered licensure is submitted with the appeal;
- establishment of eligibility criteria;
- the examination or other measurement tool or individual test items;
- test content validity.

To ensure an impartial appeals process, an Appeals Panel consisting of three (3) BCEN Board members is formed: the Chairperson and two other voting members. The Chairperson of the panel will be the BCEN Board Chairperson, who will appoint the other two voting members from the existing BCEN Board. If the Chairperson chooses an Appeals Panel member who has a personal or financial conflict of interest, that Appeals Panel member will be withdrawn from the Panel and replaced with a new Panel Member.

The Appeals Panel reviews each case individually and then provides the results of the review directly with the individual requesting the appeal. The BCEN Board grants to the Appeals Panel full and final authority to deny, suspend, revoke, or reinstate CEN, CFRN, CPEN, CTRN, or TCRN certification.

The chairperson of the Appeals Panel will chair all meetings of the Panel, which will be held, as needed, by conference call unless an in-person review is requested and paid for by the appellant. Dates and times for review will be determined by the Chairperson. Panel members and the appellant will be informed of the date at least one (1) month prior to the conference call. All materials available for the review will be provided in writing to the Appeals Panel members in advance of the review.

## Procedure

1. An individual ('appellant') must submit a written request for an appeal, which must be signed by the individual and notarized, to the Chairperson of the BCEN Board. The request must include a statement of the appellant's reasons for believing that the decision was erroneous, along with copies of any supporting materials/ documentation, and a statement of the desired outcome. The request must be sent to the BCEN office by certified mail to the attention of the BCEN Chairperson and postmarked within 30 days of the date of mailing of notification of denial suspension, or revocation. Any materials not postmarked within this 30-day period will not be considered in the review and appeals process.
2. Following the receipt of the appellant's request, BCEN will send written confirmation of the request via certified mail to the appellant. The confirmation will include the following information:
  - the circumstances under which the appellant's certification was revoked or suspended;
  - a summary of the appellant's rights during the appeals process, including the right to legal representation (at the appellant's expense);
  - a summary of BCEN's rights during the appeals process, including BCEN's right to legal representation; and
  - a description of the entire appeals process.
  - notification of \$100 USD fee for the appeal process
3. The BCEN Board Chairperson shall, as soon as practical, appoint two members of the BCEN Board to serve on that individual's Appeals Panel.
4. After receipt of a request for an appeal, and selection of the Appeals Panel, the Panel will consider the case as soon as practical.
5. In advance of the review, all supporting materials from the Appellant and any relevant materials from the BCEN office for the case will be sent to the Appeals Panel by the BCEN office.

6. At the request of individual members of the Panel, the Chairperson may, but need not, submit additional questions in writing to the appellant. The appellant will have the opportunity to respond in writing.
7. Panel members and the appellant will be informed of the date for the review at least one (1) month prior to the conference call.
8. If the appellant desires an opportunity to address the Panel in person, the appellant may do so but must bear the cost of such in-person review. The appellant can contact the BCEN office for an estimate of such costs. If the appellant desires an in-person review, the request must be included with the statement of the appellant described in step 1.
9. An appellant may be represented by legal counsel at any meeting at which the appellant addresses the Panel, whether in person or by conference call.
10. The voting members of the Panel will review each case and must reach a majority decision. A unanimous vote is required to overturn the decision to deny, suspend, or revoke certification. The decision of the Appeals Panel will be final.
11. The Chairperson of the Appeals Panel will send the appellant the Panel's decision in writing by certified mail 30 days after the review.
12. Physical and digital materials considered in the Appeals Process and written decisions of the Appeals Panel will be securely stored and retained in the BCEN office for 3 years.

Approved: June 2016

Reviewed and Approved: May 2019