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## **Policy 4.6 Reviews and Appeals**

Under certain circumstances, as outlined in The Board of Certification for Emergency Nursing (BCEN®) Policy 4.7 – Denial, Suspension, or Revocation of Credentials and Policy 8.6 – Use of Artificial Intelligence, serious ethical issues may arise that result in disciplinary action. Any individual who is denied access to certification through ineligibility, has any BCEN certification revoked or suspended, or has been dismissed from a BCEN committee or volunteer position due to unapproved Generative Artificial Intelligence (Gen AI) use, has the right to appeal the decision. BCEN’s established review and appeals process offers any individual the opportunity to have their concerns heard in a fair, objective forum. This process does not entitle an individual to receive a copy of either their examination or the answers to any questions on the examination or to claim any content creation as their intellectual property. A fee of one hundred (\$100) USD will be charged for a review and appeals process.

Individuals cannot appeal the following:

- The passing score, or actions taken in setting a passing score, or the inability to achieve 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. Actions taken against a Registered Nurse license in any state are grounds for action even if the candidate has an unrestricted license in another state.
- The 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) members, a Chairperson and two voting members, will be formed. The

Chairperson will be the current Board Chairperson and they will appoint two voting members from the acting Board. Panel members must be free of personal or financial conflict of interest.

The Appeals Panel reviews each case individually and provides the results of the review directly with the individual filing the appeal. The Board grants the Appeals Panel full and final authority to deny, suspend, revoke, or reinstate a BCEN certification and to dismiss or reinstate a person's committee or volunteer position. The decision of the Appeals Panel will be final.

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 individual requesting the review ("Appellant"). Dates and times for the review will be determined by the Chairperson. Panel members and 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 by the Appellant, in writing, to the Appeals Panel members in advance of the review.

### **Procedure**

1. Appellant will submit a written, signed, and notarized request to the Chairperson of the Board. The request must include:
  - Statement of Appellant's reasons for believing that the decision was erroneous
  - Copies of supporting materials/documentation
  - A request for review to be in-person, if applicable
  - Statement of the desired outcome.

The request must be sent to the BCEN office marked to the attention Board Chairperson via certified mail. The request must be postmarked within thirty (30) days of the date the notification of denial suspension, or revocation of credentials or notification of dismissal from a committee or volunteer position was sent to Appellant. Additional materials must be postmarked within this same 30-day period or they will not be considered as part of the review and appeals process.

If Appellant requests an in-person review, the costs will be paid for by Appellant. A request for an estimate of costs can be made to the BCEN office.

2. BCEN will send written confirmation of receipt of the request to the Appellant via certified mail. The confirmation will include:
  - The circumstances under which Appellant's BCEN certification(s) was denied, revoked or suspended or the reason for dismissed from a committee or volunteer position.
  - A summary of Appellant's rights during the appeals process, including the right to legal representation (at Appellant's expense)
  - A summary of BCEN's rights during the appeals process, including BCEN's right to legal representation
  - A description of the entire appeals process
  - Notification of the one hundred (\$100) USD fee for the appeal process.
3. The Board Chairperson shall, as soon as practical, appoint two members of the BCEN Board to serve on Appellant's Appeals Panel and BCEN will send all supporting materials and relevant case materials from Appellant and BCEN to the panel.
4. The Appeal's Panel will consider the case as soon as practical. Panel members and Appellant will be informed of the date for the review at least one (1) month prior to the conference call. Appellant may be represented by legal counsel at any meeting at which they address the panel, whether in person or by conference call.
5. As part of the process, any member of the panel, through the Chairperson, may submit additional questions in writing to Appellant. Appellant will have the opportunity to respond in writing.
6. The voting members of the Panel must reach a majority decision. A unanimous vote is required to overturn the decision to deny, suspend, or revoke certification or the dismissal from a committee or volunteer position.
7. The Chairperson of the Appeals Panel will send the appellant the panel's decision in writing by certified mail no more than thirty (30) days after the review.

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; January 2022; September 2022, January 2024