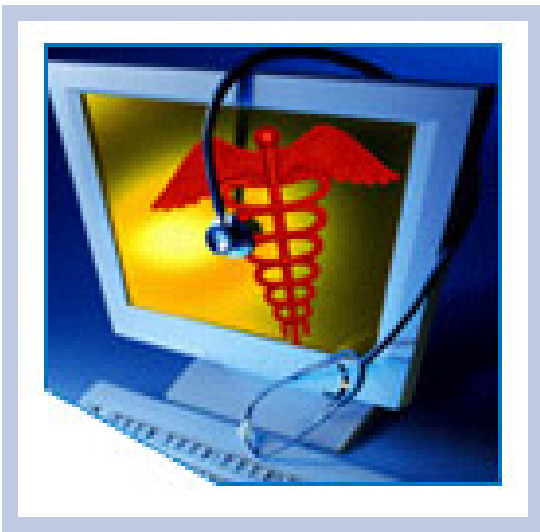


HITSP Appeals Process

HITSP/PRT-1



Submitted to:

Healthcare Information Technology Standards Panel

Submitted by:

Process Review Committee

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1.0 INTRODUCTION

1.1 PURPOSE

The purpose of this document is to outline, in narrative and visual format, the process for HITSP members and any materially interested party to file appeals related to decisions made by HITSP Technical Committees, or the HITSP Project Team and its management. This is a new process recommendation, as developed by the Process Review Committee.

1.2 AUDIENCE

The primary audience for this document is the HITSP members and any materially interested party, which may, at some point, wish to file an appeal.

A materially interested party, in the HITSP context, is any outside party or entity that is directly or indirectly influenced by specific HITSP decisions, or has a direct or indirect interest in the output of the HITSP standards harmonization process.

1.3 HOW TO USE THIS PROCESS REVIEW DOCUMENT

1.3.1 ACRONYMS AND RESOURCES/REFERENCES

The acronyms used in this document are contained in the [HITSP Acronyms List](#).

1.4 COPYRIGHT PERMISSIONS

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2.0 PROCESS DESCRIPTION

2.1 PROCESS SUMMARY

Figure 1 HITSP Appeals Process Summary

Attribute	Value
Process Name	Appeals
Process Description	The appeals process is intended to allow HITSP members and any materially interested party to specifically appeal decisions made within the conduct of normal HITSP operations. Appeals are established to allow members and any materially interested party to voice disapproval with those decisions made within specified HITSP meetings, whether they are face-to-face sessions or conference calls, so long as those disapprovals are based on procedural grounds.
Process Owner	HITSP Process Review Committee
Process Triggers	<ul style="list-style-type: none"> • A decision is made at a Technical Committee (TC) meeting which a member or any materially interested party wishes to object to based on HITSP not following specified procedures. • A decision is made by the HITSP Project Team or its management which a member or any materially interested party wishes to object to based on HITSP not following specified procedures.
Process Category	Operations
Process Type	The appeals process is part of the HITSP Policies and Procedures Manual (draft)
HITSP Regulation	HITSP Charter
Process Guidance	Process guidance consists of the Formal Appeal Proposal document, which is distributed to any member or member entity or any materially interested party wishing to file an appeal in regards to HITSP decisions.
Participants	HITSP Board, HITSP Panel, HITSP Program Management Team, HITSP Process Review Committee, HITSP Member or any materially interested party
Timing	Appeals should normally take 2-3 months to process.

2.2 PROCESS OVERVIEW

The appeals process is intended to allow members and any materially interested party the opportunity to specifically appeal decisions made within the conduct of normal HITSP operations. Appeals are the final step, to allow members and other parties to specifically challenge those decisions made within HITSP meetings. An appeal is normally considered the “process of last resort” for HITSP members to voice disapproval with a decision made by a HITSP Entity (a Technical Committee, the Board, or the Panel) so long as that objection is based on procedural grounds. Procedural grounds are generally defined as violation of HITSP Charter bylaws, violation of HITSP policies and procedures in the draft HITSP Policies and Procedures Manual, or violation of specified HITSP Technical Committee Guidelines. The appeals process is based on the HITSP Essential Requirements, which are adapted from the ANSI Essential Requirements to fit within the HITSP framework.

The appeals process is established by the HITSP Board of Directors as a mechanism for consideration of appeals based on non-compliance with the HITSP Technical Committee Guidelines and/or non-compliance with the HITSP Charter. This process is formally owned by the Process Review Committee, which works directly with the HITSP Board of Directors to ensure that appeals are formally submitted and reviewed prior to their acceptance or rejection.

There are two main methods for filing appeals:

2.2.1 INFORMAL

Informal appeals are those appeals directly raised in a HITSP meeting setting, such as objections to an existing motion or decision.

In this setting, the appeal can be filed informally as part of the meeting minutes, so that a member or materially interested party can be on record as having objected to a decision. The informal appeal should be communicated to the meeting facilitator as an informal appeal, rather than simply an objection, to ensure that the notes reflect an informal appeal. The difference between an informal appeal and an objection is that with an informal appeal, the member or materially interested party indicates that they believe a violation of HITSP policies or procedures has occurred. The informal appeal communicated should include the possible violation concern, which is to be reflected in the meeting minutes.

Informal appeals carry no weight of action and no future requirements for the HITSP Panel or the HITSP Board to take any action, other than as a note to both the Panel and the Board that a member of materially interested party sees potential grounds to file a formal appeal in the future. At their discretion, the Panel or Board may choose to take further action if the issues raised by the informal appeal are deemed critical to the operations of HITSP.

2.2.2 FORMAL

Formal appeals are filed with the HITSP Process Review Committee when any member or materially interested party believes that a decision has been made in a HITSP meeting setting that is in direct contravention with formally established HITSP processes. The intent of the formal appeals process is to also allow a member, a member entity, or a materially interested party to specifically object to any decision that is made in a formal HITSP setting in a manner that allows for deliberation by HITSP elected leadership.

Formal appeals cannot be filed against HITSP Panel or HITSP Board meeting decisions unless it is deemed that a direct procedural violation has occurred in either a Panel or Board setting. Because the HITSP Board is elected by the membership, the decisions of the Board are deemed final and the rules of governance for the Board are normally mandated by Robert's Rules of Order (attached as an appendix to this document). Panel votes are also not open to appeal unless a specific and identifiable procedural violation has occurred. Panel decisions are considered to represent the decision of the HITSP membership based on due process and consensus. This is true regardless of whether Panel decisions are made unanimously or by majority decision.

2.2.3 HOW AN APPEAL WORKS

If a decision is made in a formal HITSP setting that a HITSP member or materially interested party finds to be in contravention of HITSP Technical Guidelines or HITSP Governance (as currently embodied in the HITSP Charter, and at a future date, in the HITSP Policies and Procedures Manual), the HITSP Program Management Team or HITSP Technical Committee leadership (the Technical Committee Co-Chairs) has the option to advise the member or entity of their right to appeal. HITSP Program Management or Technical Committee Co-Chairs may also provide the members or materially interested party instructions on where to obtain a copy of a Formal Appeal Proposal. A request for a change of decision by the Technical Committee or other HITSP body (whether the Board or the Panel) having jurisdiction over the particular subject of the appeal must include a statement clearly delineating the adverse effect of the decision made by the HITSP representative body and the specific procedural violation that has occurred. The burden of proof of such adverse effect will rest solely with the requestor (the member or materially interested party requesting relief).

The HITSP Process Review Committee will review the appeal for both format and content. If the appeal is not completed correctly, it is sent back to the requestor to complete. This initial review process also ensures that appeals made on non-procedural grounds are rejected as out of scope for the HITSP Appeals Process. The general process for this initial review is a meeting to discuss the procedural objection raised in the appeal, together with a review of the HITSP policies and procedures relevant to the decision, such as the Charter or the Technical Committee Guidelines.

If the appeal is complete in terms of format, it is then reviewed by the Process Review Committee on the basis of content. The Committee attempts to determine the validity of the appeal and whether a reasonable resolution can be found to the decision being appealed. The Committee may confer with the requestor and HITSP Program Management or Technical Committee Co-chairs to determine the validity of an appeal. The intent of this process step is to ensure that all parties on the procedural issue in question are able to present their specific viewpoints. This also allows an independent group to review the appeal based on specific procedural issues (which are under the current purview of the HITSP Process Review Committee, as the reviewer of all HITSP governance-related issues).

If the determination is made that the appeal is valid, then the appeal is accepted and the Process Review Committee prepares a formal presentation for the appeal to be presented to the HITSP Board of Directors. The reason for the HITSP Process Review Committee presentation is to ensure that a fair and impartial presentation is made to the Board as to the specific procedural issue in question. The requestor is notified that the appeal has been determined valid and the attendance of both the requestor and a representative who can speak to the decision that is being appealed is requested at the next HITSP Board meeting.

The Process Review Committee presents appeals to the HITSP Board of Directors at regularly scheduled Board meetings. Following the presentation by the Process Review Committee, the Board may meet for an additional period of time with the representative and requestor for questions and answers so that the Board can gain additional insight and clarification regarding the decision being appealed. Following questions and answers, the requestor and representative will be excused to allow the Board to deliberate.

If, in a two-thirds majority opinion of the Board of Directors, there is found to be insufficient cause for confirmation and appeal the request shall receive no further action beyond subsequent notification of the appeal requestor that the appeal has been denied.

If the appeal is accepted by the Board of Directors, then the Process Review Committee will be directed by the Board to ensure implementation of the appeal's contents, up to and including reversal of the HITSP representative body's decision. The Process Review Committee will ensure that the Board's direction is followed and recorded in the minutes. The Process Review Committee will also work with the HITSP Technical Committee leadership, through the HITSP Program Management Team, to ensure that the decision is reflected in ongoing Technical Committee work. For those appeals directed at specific Panel procedural violations, the Panel will be instructed by the Secretariat of the specific procedural violation and will be asked to revote.

2.2.4 APPEAL CONTENT

In general, appeals are used as a mechanism to question the implementation of any and all decisions that were generated in direct contravention of stated HITSP policies and procedures.

Current HITSP policies and procedures are based on the HITSP Charter and the HITSP Policies and Procedures Manual.

There will be procedural situations where HITSP Board and HITSP Panel decisions might be subject to specific procedural challenges as well. In this case, the appeal content must be based on a specific procedural violation within the HITSP Board or Panel deliberations that is also not specifically noted by the HITSP Parliamentarian and the HITSP Secretariat, both of who ensure that all HITSP policies and procedures are followed.

This type of appeal is simply intended to ensure that the HITSP membership has an opportunity to object to any decision that might have been made outside stated HITSP procedures or policies, specifically those procedures and policies inherent in the HITSP Charter. This type of appeal CANNOT be used for appeals based solely to object to a vote.

2.3 PROCESS FLOW

Figure 2 HITSP Appeals Process Flow

Activity Name	Activity Performed By	Activity Description
Formal Appeal Filed	HITSP Member or materially interested party	HITSP member or materially interested party (“the requestor”) files an appeal with the Process Review Committee in the proper format
HITSP Process Review Committee Reviews Formal Appeal	HITSP Process Review Committee	The HITSP Process Review Committee reviews the appeal for both completeness and persuasiveness of content related to a HITSP procedure
Reject Formal Appeal due to incompleteness	HITSP Process Review Committee	The HITSP Process Review Committee rejects the appeal and asks the requestor to properly complete the Formal Appeal document
Accept Formal Appeal Completeness and review formal appeal content	HITSP Process Review Committee	The HITSP Process Review Committee accepts the appeal as complete and reviews the persuasiveness of the appeal related to a HITSP procedure. The requestor is notified of next steps.
Forward Formal Appeal to HITSP Board	HITSP Process Review Committee	The HITSP Process Review Committee forwards a copy of the appeal proposal to the HITSP Board for consideration

Activity Name	Activity Performed By	Activity Description
Present Formal Appeal to HITSP Board of Directors	HITSP Process Review Committee	The HITSP Process Review Committee presents the appeal to the HITSP Board, in summary format, for discussion by the Board.
Board votes on formal appeal	HITSP Board of Directors	The HITSP Board votes on the appeal.
Formal Appeal rejected and remanded back to requestor	HITSP Board of Directors	The HITSP Board rejects the appeal and sends its decision back to the requestor.
Formal Appeal accepted and reported to Panel	HITSP Board of Directors	The HITSP Board accepts the appeal and reports its acceptance to the HITSP Panel. The requestor is notified of acceptance.
Formal Appeal is forwarded to HITSP Process Review Committee	HITSP Process Review Committee	The HITSP Process Review Committee receives notice of the accepted appeal and refers the acceptance to the HITSP Project Team with a recommendation on how to implement the appeal. The requestor is notified of recommendation process.
Formal Appeal is forwarded to HITSP Project Team and HITSP Technical Committee	HITSP Project Team and HITSP Technical Committee Co-Chairs	The HITSP Project Team implements the appeal.

2.4 STAKEHOLDERS

Figure 3 Stakeholders in the HITSP Appeals Process

Stakeholder Name	Role
HITSP Member or Materially Interested Party	The member or any materially interested party files the appeal of a HITSP decision within the required timeframe and in the requested format. The appeal must be based on a potential procedural violation.

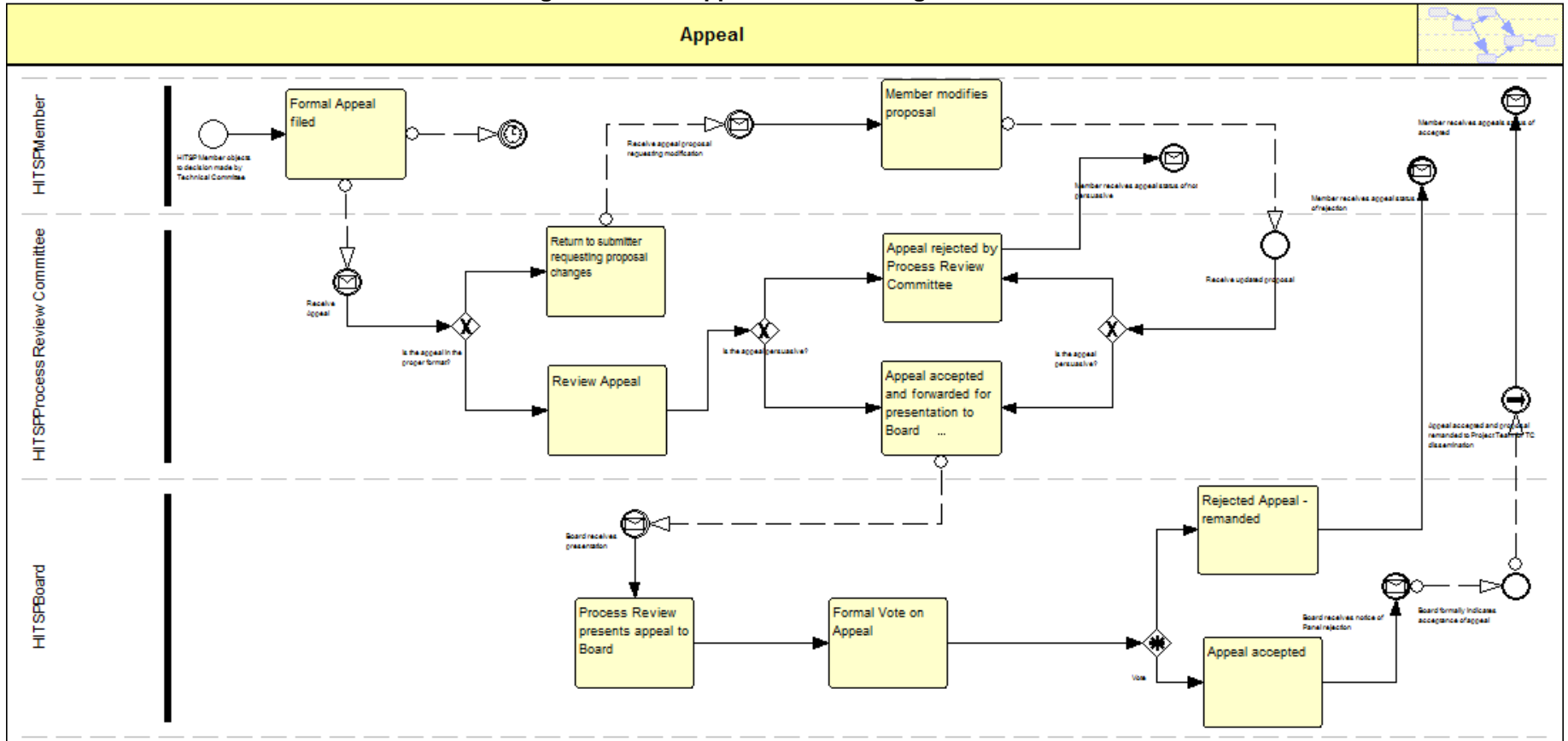
Stakeholder Name	Role
HITSP Board of Directors	The Board of Directors is responsible for reviewing appeals in a timely manner and voting on all appeals. The Board sees all appeals that are accepted by the HITSP Process Review Committee, as well as any appeals that might have been rejected by the HITSP Process Review Committee due to incompleteness or non-procedural violation, subject to a Board member request.
HITSP Panel	The Panel receives a report from the Board on any appeals that are accepted.
HITSP Program Management Team	Also known as the HITSP Project Team, this entity is responsible for ongoing operations of the HITSP Standards Harmonization Process.
HITSP Process Review Committee	The HITSP Process Review Committee is responsible for the initial review of any appeals made by HITSP members and any materially interested party. The Process Review Committee is also responsible for presenting the appeal to the HITSP Board and ensuring that accepted appeals are implemented by the HITSP Project Team and HITSP Technical Committees. The Processor Review Committee is responsible for correspondence with the requestor.
HITSP Technical Committee Co-Chairs	The HITSP Technical Committee Co-Chairs are responsible for the successful running of Technical Committee processes. The Co-Chairs are responsible for ensuring that the appeals process is not used at the Technical Committee level in a manner that is disruptive to HITSP Technical Committee meetings.

2.5 ASSUMPTIONS

- HITSP Process Review Committee is empowered to review appeals to ensure they are accurate in terms of format and have merit based on a specific and traceable procedural violation.
- There is no inherent conflict of interests for a HITSP Board member that would influence their vote on an appeal.

3.0 PROCESS VIEWS

Figure 4 HITSP Appeals Process Diagram



4.0 HITSP RULES

The following rules apply to the HITSP Appeals Process:

- Decisions made by the HITSP Board or the HITSP Panel can be appealed by persons who have directly and materially affected interests and who have been or will be adversely affected by any procedural action or inaction by HITSP with regard to the development of a proposed HITSP document or the revision, reaffirmation, or withdrawal of an existing HITSP document.
- Decisions cannot be appealed if they are based solely on disagreement with a majority vote without any foundation in a specific procedural violation.
- All appeals to the HITSP Process Review Committee will be kept on file by the HITSP Program Management Team.
- Appeals that are not filed under the defined HITSP appeals process will not be considered by the Process Review Committee.
- Individuals OR entities can file appeals.
- If an entity files an appeal, the entity must name an individual as a point of contact for handling the appeal.
- Complaints or appeals must be filed within 30 days of the event that it is the subject of appeal. This is intended to ensure a timely filing of an appeal so that HITSP business may continue.
- Appeals are not reviewed in special meetings but in the normal course of HITSP business.
- Appeals that are made at the HITSP Panel meetings are referred to the HITSP Process Review Committee.
- If a HITSP Board member has an inherent conflict of interest, based on the content of an appeal, they will recuse themselves from the vote on the appeal (see HITSP Policies and Procedures Manual for details of conflicts of interest).

5.0 APPLICABLE SCENARIOS

The following outlines those scenarios where the appeals process is applicable. The following scenarios are applicable to this process and no other potential scenarios would apply without approval by the HITSP Process Review Committee:

1. A HITSP member or materially interested party objects to a decision made at a HITSP Technical Committee meeting and wishes to file an appeal of a decision made by either the Co-Chairs or the Technical Committee at-large.
2. A HITSP member or materially interested party objects to a decision made by the HITSP Project Team and wishes to file an appeal of the decision.
3. An informal appeal is raised from HITSP members or materially interested parties about a specific process issue that has occurred in a Technical Committee meeting.

6.0 ISSUES

The following is the list of identified issues related to HITSP appeals and recommendations for how to mitigate these issues:

What level of involvement should the HITSP Project Team have with any appeals that are filed?

- The HITSP Project Team is responsible for implementing any appeals that are accepted by the HITSP Board of Directors. The HITSP Program Management Team also is responsible for recusing itself from any appeals that are specifically directed at HITSP Project Team decisions.

Are additional appeals scenarios not defined?

- No additional scenarios exist at this time, although situations may arise in the future that could potentially be appealed. Additional scenarios may occur that require us to append additional scenarios to this appeals process, in which case the Appeals Process document will be forwarded to the HITSP Panel to re-approve.

Issue of appeals overload – how do you deter an individual or entity from overloading HITSP with appeals out of spite, inability to comprehend a decision, desire to delay implementation of a decision, etc....

- The HITSP Process Review Committee serves as a buffer between the HITSP membership and the HITSP Board of Directors so that any issues that are not strictly related to HITSP operations are vetted by HITSP members prior to their presentation to the Board. This should prevent the filing of appeals meant solely to stop the implementation of HITSP decisions that were based on proper procedural recognition.

What specific decisions does the HITSP Program Management make that would cause a member to invoke the process of appealing that decision?

- HITSP Program Management may make decisions that a member or materially interested party feels is in contravention to established HITSP Technical Committee Guidelines, the HITSP Charter, or any other defined HITSP processes. It is specifically these decisions that are subject to appeal, not specific votes that are procedurally conducted according to Charter or HITSP Technical Committee Guidelines.

7.0 RECOMMENDATIONS

The HITSP Process Review Committee recommends that the HITSP Board of Directors adopt the HITSP appeals process.

8.0 ACRONYMS

See HITSP Acronyms List

9.0 APPENDIX A – FORMAL APPEAL PROPOSAL

9.1 FORMAL APPEAL PROPOSAL DOCUMENT

The following is the formal appeals template to be used by HITSP members when filing appeals. A formal MICROSOFT WORD document which represents this template will be provided to members by the HITSP Project Team and/or the Process Review upon request, if they wish to file an appeal.

9.1.1 NAME

The name of the appealing member or materially interested party.

9.1.2 ENTITY

This section is completed if the requestor represents an entity. This group must deign the requestor as its representative for this appeal.

9.1.3 PROBLEM WITH DECISION

Outline the specific problem or objection that you have to the decision. Be clear as to what the problem or objection is and provide supporting content outlining why you believe this decision was made. This must be based on a HITSP procedural action. Specify the section of the HITSP Charter that was not followed, or refer to which HITSP documentation is not being followed.

9.1.4 RISK OF DECISION

Outline the risk you see with this decision if it is implemented.

9.1.5 PROPOSED SOLUTION

Outline any possible solutions to the decision that could potentially provide relief or mediation to the appealing member or entity. State what relief you seek based on this decision and what your proposed solution might be.