

# CPME 730

## PROCEDURES FOR APPROVAL OF PROVIDERS OF CONTINUING EDUCATION IN PODIATRIC MEDICINE

### COUNCIL ON PODIATRIC MEDICAL EDUCATION

## DRAFT I

### Summary of Changes within Draft I CPME 730

**Throughout the document:** Council will be capitalized.

**Communication Between CEC/Council and the Provider (page 3)**

- Un-signed or signature-stamped correspondence or materials will not be considered.

**Continuing Education Committee (pages 3-4)**

- Responsible for
- Composition of CEC
- Non-refundable application fee

**Appointment of Evaluator(s) (page 7)**

- Appointments of evaluators includes recommendations from the CEC chair

**Preparation for and Conduct of Evaluation (page 8)**

- Removed - the evaluation requires approximately 6-8 hours

**CEC Review (page 9)**

- CEC reviews other topics on its agenda

**Council Action (page 10)**

- Changed mail ballots to e-ballots

**Probation (page 11)**

- Extend probation language

**Administrative Probation (pages 11-13)**

- Removed and removed or changed to probation throughout document

**Confidentiality and Disclosure Policies (page 18)**

- Changes for clarification

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Council on Podiatric Medical Education

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## INTRODUCTION

The Council on Podiatric Medical Education (CPME) is an autonomous, professional accrediting agency designated by the American Podiatric Medical Association (APMA) to serve as the accrediting agency in the profession of podiatric medicine. The Council evaluates, accredits, and approves institutions and programs. The scope of the Council's approval activities extends to institutions throughout the United States and its territories and Canada.

The mission of the Council is to promote the quality of doctoral education, postdoctoral education, certification, and continuing education. By confirming these providers programs meet established standards and requirements, the Council serves to protect the public, podiatric medical students, and doctors of podiatric medicine.

The Council was established by the APMA House of Delegates in 1918 and charged with formulating educational standards. The Council began accrediting colleges of podiatric medicine in 1922. The Council conducted its first residency evaluation in 1964. The Council has been responsible for approval of providers of continuing education in podiatric medicine since 1977.

The Council approves providers of continuing education that demonstrate and maintain compliance with the standards and requirements stated in CPME publication 720, *Standards and Requirements for Approval of Providers of Continuing Education in Podiatric Medicine*. The Council and its Continuing Education Committee (CEC) base approval on programmatic evaluation and periodic review. The Council approves the provider itself rather than each of the provider's continuing education activities, but reserves the right to review any or all of a provider's activities, educational or otherwise.

"Approval" is defined as the recognition accorded a continuing education provider that has demonstrated compliance with standards and requirements established by the Council. The approval process for providers of continuing education in podiatric medicine is essentially a six-step process, involving: (1) development and submission of application or petition materials documenting the ability to comply with the Council's standards and requirements; (2) review of the application or petition by CEC; (3) forwarding of an approval recommendation from CEC to the Council; (4) determination by the Council of initial or continued approval; (5) procedural reconsideration, reconsideration, and appeal of a proposed adverse approval action; and (6) annual follow-up of progress in improving the quality of the activities provided.

The Council reserves the right at any time to conduct on-site evaluations of activities offered by applicant and approved providers, to evaluate instructional media developed by applicant and approved providers, and to schedule reverse site visits. Providers must review CPME 720 prior to applying for approval or submitting petitions. Particular attention should be paid to the sections entitled "About this Document" and "Information for Providers."

~~In order for~~ For a provider to be eligible for Council approval, the primary administrative office of the provider must be located within the United States or Canada and the preponderance of the provider's activities must be offered within the United States and/or Canada.

The following approval procedures have been developed to assist potential and approved providers in preparing for initial or continuing approval and to guide CEC and the eCouncil in their deliberations concerning the approval of continuing education providers. Prior to adoption, all eCouncil policies, procedures, standards, and requirements are disseminated widely in order to obtain information regarding how the eCouncil's community of interest may be affected.

## COMMUNICATION BETWEEN CEC/COUNCIL AND THE PROVIDER

CEC and the eCouncil have adopted the following general policies related to communication with providers of continuing education. Information related to specific correspondence (e.g., notification of approval actions) appears in the pertinent sections of this document.

**CEC and the eCouncil require that the provider's director of continuing education is the individual responsible for submitting all materials to eCouncil staff related to applications, petitions, annual reports, and reconsiderations.** All materials submitted by the provider must be submitted on media as determined by the eCouncil or its committees accompanied by a cover letter signed by the director. CEC, the eCouncil, and evaluators will not consider unsigned, or signature-stamped correspondence or materials. Materials submitted by fax or electronically will be accepted as long as they follow these guidelines. Unsigned, or signature-stamped correspondence or materials will **not be considered** ~~be returned to the director of continuing education;~~ **S**-submission of such materials may adversely affect the approval status of the provider.

All correspondence and inquiries should be directed to the eCouncil office. Utilization of other channels of communication may delay the processing of applications and result in inconvenience to applicant and approved providers.

CEC and the eCouncil mail correspondence to the director of continuing education at the director's office address indicated on the provider's application or most recent annual report. The provider's chief administrative officer is copied on all correspondence.

The provider is responsible for informing the eCouncil office in writing within 30 calendar days of substantive changes in the program. The provider must inform the eCouncil of changes in areas including, but not limited to, appointment of a new director of continuing education, joint providership, and significant changes in curricular structure. Notice of appointment of a new director or new chief administrative officer must be submitted by an appropriate member of the provider's administrative staff.

The eCouncil's continuing education documents and any proposed revisions to the documents are available on the eCouncil's website, cpme.org.

## CONTINUING EDUCATION COMMITTEE

CEC is responsible for ~~recommending to the eCouncil approval of providers of continuing education in podiatric medicine.~~ CEC reviewing **ing s** applications, petitions, reports of on-site evaluations, progress reports, requests for reconsideration, and annual reports when concerns have been identified through staff review. CEC may modify its own policies and/or recommend

to the appropriate ad hoc committee modifications in standards, requirements, and procedures for provider approval.

Composition of CEC includes ~~two~~ **three** representatives from approved providers of continuing education in podiatric medicine (selected by the eCouncil), ~~one~~ **two** representatives from the podiatric practice community (selected by the eCouncil), one representative from state licensing boards (appointed by the Federation of Podiatric Medical Boards), at least two eCouncil members (one of whom is a public member), and one representative (of the American Society of Podiatric Executives (selected by ASPE). The eCouncil and its staff administer the affairs of CEC.

## **APPLICATION FOR APPROVAL OF A NEW CONTINUING EDUCATION PROVIDER**

### **Submission of the Application**

Providers seeking initial approval must follow the procedures stated in this section. The eCouncil encourages potential providers to contact eCouncil staff early in the developmental stages of the program of continuing education should questions arise related to the eCouncil's standards, requirements, and procedures for approval.

The eCouncil and CEC expect the potential provider's director of continuing education is the individual responsible for submission of the application and communication with eCouncil staff related to the application and approval processes.

An institution, organization, or individual seeking initial approval must complete and submit CPME form 715, *Application for Approval of Provider of Continuing Education in Podiatric Medicine*, accompanied by specified supplementary information and the application fee, to the eCouncil office. The supplementary documentation requirements are outlined on the application form. A provider may apply for approval based on joint providership (including activities and/or instructional media developed by the joint providers).

Council staff reviews the application to determine the completeness of information submitted. The provider is informed whether the application appears to be complete. If the application is considered to be incomplete, the director of continuing education is notified in a timely manner with the request to submit the required information. If the application, supplementary documentation, and ~~processing~~ **non-refundable application** fee are in order, the prospective provider's application is placed on the agenda of the next CEC meeting.

Complete applications will be considered at the next regularly scheduled meeting of the Committee. The entire review process for a provider requesting approval may require a period of 4-6 months from the time an application is received by eCouncil staff until an approval action is taken.

All applications must be reviewed by CEC. The eCouncil does not accept applications directly from potential providers. CEC and the eCouncil will not consider incomplete applications.

Approval of a provider of continuing education is effective on the date on which the eCouncil takes the approval action.

### **Withdrawal or Termination of the Application**

A provider submitting an application for approval may withdraw its application at any time before the eCouncil takes an action on the application.

If the provider fails to respond in writing within six months to written requests from eCouncil staff and/or CEC for information to complete the application, the application will be terminated by staff. Council staff will correspond with the director of continuing education and the provider's chief administrative officer to inform them the application has been terminated. The provider may submit a new application, supplemental material, and application fee after the application has been terminated.

### **Review by the Committee and Council**

Following review of a prospective provider's application, CEC has the following recommendation options: (1) approve the provider, with or without a request for additional information, (2) withhold approval, or (3) table the decision and request additional information.

CEC and the eCouncil reserve the right to conduct an on-site evaluation of any continuing education activity or to schedule a reverse site visit with the provider bearing full responsibility for expenses involved. CEC and the eCouncil also reserve the right to survey participants or to collect supportive data through any reasonable means considered necessary to facilitate an approval action. The provider may request, at its own expense, an appearance before CEC to submit additional information about its application and/or continuing education activities. CEC and the eCouncil reserve the right to reject applications from and to deny approval as a provider to applicants that promote or provider clinical course work or learning experiences that do not have a sound scientific basis, proven efficacy, or ensure public safety.

An applicant should be aware it may be difficult to demonstrate the ability to comply with standards and requirements until after at least one continuing education activity has been completed. If the provider wishes to proceed with the application process during its first activity, CEC and the eCouncil will honor the provider's request. To complete the process of committee review and eCouncil approval, the provider must submit documentation of subsequent evaluation of the activity and its use in planning future activities before the eCouncil will consider the approval status of the provider.

### **PETITION FOR CONTINUED APPROVAL FOR APPROVED PROVIDERS**

An approved provider seeking continued approval as a provider of continuing education in podiatric medicine must submit CPME form 735, *Petition for Continued Approval*, accompanied by specified supplementary information, and the petition review fee to the eCouncil office. The required supplementary documentation is outlined on the petition form and the amount of the ~~review~~ petition fee is indicated on the form. The petition materials are to present detailed

information related to the provider's continuing education activities, allowing the provider to document continued compliance with the eCouncil's standards and requirements for approval, as well as improvements in any previously identified areas of concern.

Approximately six months prior to the next scheduled CEC meeting, eCouncil staff contacts the director of continuing education to confirm the petition due date. The eCouncil and CEC expect the provider's director of continuing education is the individual responsible for submission of the petition and communication with eCouncil staff related to the petition. Providers are reminded in approval letters as to when their next petition is due.

Staff will review each petition and request additional information as needed when the petition is received by the deadline. If the petition and supplementary documentation are in order and received by the deadline, the provider's petition is placed on the agenda of CEC's next meeting, in accordance with the published deadlines outlined above. Council staff will inform the provider whose materials are grossly incomplete that an appropriately completed petition must be submitted immediately for consideration at the CEC meeting for which the petition was requested. Failure of an approved provider to submit a completed petition shall be cause for the eCouncil to extend probation ~~administrative probation~~, which may lead to withdrawal of approval.

### **Review by the Committee and Council**

Following review of a petition, CEC has the following recommendation options: (1) approve the provider, with or without a request for additional information (progress report), (2) extend probationary approval, (3) withdraw approval, for a provider already on probation, and (4) table a decision and request additional information from the provider.

CEC and the eCouncil reserve the right to conduct an on-site evaluation of any continuing education activity, to evaluate any instructional media, or to schedule a reverse site visit with the provider bearing full responsibility for expenses involved. CEC and the eCouncil also reserve the right to survey participants or to collect supportive data through any reasonable means considered necessary to facilitate an approval action. The provider may request, at its own expense, an appearance before CEC to present additional information about its petition and/or continuing education activities.

The eCouncil recognizes providers submitting petitions for continued approval do so voluntarily. Therefore, the burden of proof is the responsibility of the provider; including demonstrating activities are educational in nature.

### **ON-SITE EVALUATION AND REVERSE SITE VISITS**

CEC and the eCouncil will conduct an evaluation of the provider whenever circumstances require such review. Circumstances that warrant scheduling of an evaluation include, but are not limited to the following:

- The provider of continuing education has undergone a substantial change

- Major deterioration in the program of continuing education has occurred
- The provider has requested reconsideration of a proposed adverse approval action
- A formal complaint against an approved provider requires evaluation of the issues related to the complaint

In any event, CEC and the eCouncil reserve the right to conduct an evaluation of the provider whenever circumstances require such review. The primary purpose of either an on-site or reverse site visit is to document and assess the capacity of the provider to conduct continuing education activities for the podiatric medical profession. The evaluation assesses the following:

- The general quality of the program of continuing education
- The provider's ability to carry out its mission and the learning objectives established for its individual activities
- The provider's plans for continued improvement

The evaluation may have an impact on the provider's approval status. The extension of continued eCouncil approval is contingent upon the findings of the evaluation. An on-site evaluation is usually scheduled to coincide with the date of an activity.

### **Appointment of Evaluator(s)**

The eCouncil chair appoints the evaluator(s) based upon a recommendation from the CEC chair and eCouncil staff.

The evaluator is selected from a pool of professionals who have expertise in adult and continuing education and/or continuing education in podiatric medicine. The pool will be constituted through recommendations from eCouncil members, eCouncil staff, and/or the community of interest. Evaluators may include, but not be limited to, current and former members of the eCouncil and CEC. Ordinarily, individuals who are selected to represent the eCouncil as evaluators will have participated in a training session for evaluators. Should an evaluation team be appointed, one evaluator will serve as chair and be responsible for preparing and submitting the report of the evaluation.

The evaluators do not act as consultants to the provider. The evaluator's role is that of fact-finder and observer to present CEC an assessment of the provider's compliance with the eCouncil's standards and requirements.

Approximately 45 days before the evaluation, eCouncil staff formally informs the provider of the name of the evaluator(s) and the time, date, and location of the evaluation. The provider has the prerogative of rejecting an evaluator when an appropriate cause related to conflict of interest can be clearly identified ~~clearly~~. In such a case, a written statement from the provider is to be submitted to the eCouncil office no later than 30 days before the date of the evaluation, affording the eCouncil sufficient opportunity to appoint a replacement evaluator(s), if necessary. The eCouncil will not appoint evaluators who have any known conflict of interest in the evaluation of the provider, including graduates, current and former faculty members, administrators, or officers of the provider.



## Preparation for and Conduct of Evaluation

The evaluator(s) determine(s) the date of the on-site evaluation in conjunction with the director of continuing education. A copy of CPME 705, *Agenda Guide*, is forwarded to the director of continuing education. Using the agenda guide, the director of continuing education is required to prepare a schedule identifying personnel to be interviewed by the evaluator. Depending upon the reasons for which the evaluation is to be conducted, the director of continuing education may be advised by eCouncil staff and/or the evaluator of interviews and activities that need not be scheduled. The agenda must be forwarded to the eCouncil office at least three weeks prior to the evaluation.

~~The evaluation requires approximately 6-8 hours.~~ In order that the evaluator may assess the administrative structure of the provider and curriculum content of the program of continuing education, the agenda for the on-site evaluation requires that key participants in the program of continuing education be interviewed, as indicated in CPME 705. The evaluator conducts interviews with the director of continuing education, chief administrative officer, members of the advisory/education committee, and staff members involved in planning continuing education activities. The director of continuing education and other representatives of the provider should be prepared to clarify and amplify data in application or petition materials and demonstrate the effectiveness of the provider's continuing education activities. If the activity is offered under a joint providership, an administrative representative of the primary approved provider must be available for interview by the evaluator.

On-site evaluation of an activity includes observation of a learning activity in session and review of facilities and resources. Evaluation of instructional media includes participation of the evaluator in the continuing education activity. The evaluation concludes with an exit interview that includes the director of continuing education and the chief administrative officer to discuss the tentative findings. During the exit interview, the evaluator explains to the representatives of the provider that the eCouncil's procedures for approval of providers of continuing education in podiatric medicine (specifically, the sequence of events that will follow the evaluation).

Failure of key participants in the program of continuing education to be available will be cause for cancellation of the evaluation, which may jeopardize the approval status of the provider. Rescheduling of the evaluation maybe possible but only at the expense of the provider.

## Preparation of the Report

The evaluator prepares a draft report based on observations and impressions from the on-site evaluation. The evaluator forwards this draft report to the eCouncil office for editing. The edited draft of the report is then returned to each evaluator for review and comments. A draft copy of the report, consisting of a summary of findings, a list of interviewees, areas of potential noncompliance, and recommendations is forwarded to the director of continuing education and the chief administrative officer of the provider.

The provider is encouraged to submit a substantive response to areas of potential noncompliance and recommendations identified by the evaluator, as well as any supporting documentation, prior

to consideration of the report by CEC. The cover letter to the provider specifies the deadline for receipt of the response. The provider may correct factual information included in the report; however, impressions and observations based on the on-site visit will not be modified.

### **Reverse Site Visit**

CEC and/or the eCouncil have the prerogative of scheduling a reverse site visit rather than an on-site evaluation of a provider. In a reverse site visit, a representative(s) of the provider attends a CEC meeting to present information and appropriate documentation about the provider relative to specific concerns of CEC and/or the eCouncil.

## **CONSIDERATION BY CEC AND THE COUNCIL**

### **CEC Review**

CEC meets prior to each of the semiannual meetings of the eCouncil. Approval recommendations are determined by CEC only at meetings of CEC or by conference call.

CEC reviews applications, petitions, reports of on-site evaluations, progress reports, requests for reconsideration, and annual reports when concerns have been identified through staff review. The CEC reviews other topics on their agenda based on timely issues or concerns.

For each proposed approval action to the eCouncil, the CEC recommendation includes the approval status, date by which the petition must be submitted, period of approval, identification of areas in noncompliance with eCouncil standards and requirements, identification of areas that merit commendation, and a schedule for requesting progress reports. The recommendations from CEC to the eCouncil are confidential.

During discussions about the approval status of providers of continuing education, any member of CEC affiliated with the provider under consideration in a governance, administrative, staff, or faculty or in another financial or personal capacity must recuse himself or herself from the deliberations. Members of CEC who served on the most recent on-site evaluation team are required to recuse themselves ~~from~~ until the eCouncil has determined a final approval action.

**In reviewing a progress report, CEC has the prerogative to add, modify, or delete areas of noncompliance or to recommend the eCouncil add, modify, or delete areas of noncompliance.**

### **Council Action**

At a meeting of the eCouncil, the CEC chair presents for each provider the confidential recommendation of CEC. Areas of noncompliance determined by the eCouncil may include, but are not limited to, those indicated by an evaluation team and CEC. The provider may be requested to submit documentation of progress made in addressing areas of noncompliance and/or concerns expressed by CEC or the eCouncil.

Approval actions are taken by the eCouncil at official meetings. Under special circumstances, ~~eballots~~ mail ballots or conference calls may be used for provider approval decisions.

During discussions about the approval status of the provider, any member of the eCouncil affiliated with the provider under consideration in a governance, administrative, staff, or faculty or in another financial or personal capacity must excuse him/herself from the deliberations.

Members of the eCouncil who served on the most recent on-site evaluation or evaluation of instructional media are required to excuse themselves from discussion and voting until the final approval action has been determined.

## CATEGORIES OF APPROVAL AND APPROVAL PERIOD

The following approval actions are available to the eCouncil:

- For **new providers completing an application**, the eCouncil grants approval or withholds approval.
- For **existing approved providers completing a petition or submitting a progress report**, the eCouncil extends approval (with or without further progress reports), extends probation, or withdraws approval (the option of withdrawal of approval applies only to a provider already on probation).

The eCouncil has established the following categories of approval:

### Approval

Approval indicates a provider is in compliance with the eCouncil's standards and requirements. In granting an extended period of approval, the eCouncil expresses its confidence in the abilities of the provider to continue providing adequate support and implementing ongoing improvements in the continuing education program.

As a condition of continued approval, the provider may be requested to submit a progress report relating to educational or administrative enhancement as based upon recommendations made by CEC and/or the eCouncil. Alternatively, a progress report will be requested related to correction of specific areas of noncompliance.

The provider is granted an initial term of approval effective at the time of the eCouncil action. Under no circumstances is approval granted retroactively or prior to the date on which the eCouncil takes action. The length of approval is clearly stated in the approval letter transmitting the eCouncil's action to the provider. Approval may be contingent on the submission of one or more progress reports at specified intervals, as indicated in the approval letter. The approval letter also includes the date by which the scheduled petition for continued approval must be submitted. The provider's initial petition is due no later than three years from the time of the eCouncil action. For subsequent terms of approval, the petition is due no later than five years from the time of the eCouncil action. The period of approval for approved providers extends from the

effective date of approval until the eCouncil acts upon the provider's petition for continued approval. CEC and/or the eCouncil may request submission of the petition at an earlier date should significant concerns become evident from review of the provider's progress report(s) and/or annual report(s). CEC reserves the right to extend the submission date of the Petition.

Approval of a provider does not imply approval of the provider's satellite organizations or divisions, such as regional or local chapters of a national organization.

## **Probation**

Probation indicates a provider is in noncompliance with the eCouncil's standards and requirements for approval to the extent that the quality and effectiveness of the continuing education program are in jeopardy. This category serves as a strong warning to the provider serious problems exist that could cause its educational program to fail to meet its stated mission. When probation is extended, the provider is considered to be a candidate for withdrawal of approval.

The provider must submit evidence of significant progress in correcting areas of noncompliance within a specified period. Probation may not extend for more than two years unless the committee determines an extension of the probationary period is necessary due to demonstration of progress on a plan whose fulfillment would require an extension in time. This category applies only to previously approved providers and is a published approval status. A decision to extend probation is not subject to the eCouncil's procedures for procedural reconsideration, reconsideration, or appeal.

Providers approved on a probationary status may not extend joint provider approval to another entity. Providers approved on a probationary status may, however, extend joint status for activities contracted prior to institution of probationary status.

## **Administrative Probation**

~~Administrative probation indicates a provider has failed to submit information or fees following two separate requests. The category of administrative probation may be activated automatically without vote by the council based upon a lack of response by the provider to requests related to annual reports and/or fees, submission of the petition for continued approval, or other information about the provider. The provider will be notified in writing that materials and/or fees are past due and consideration is being given to placing the provider on administrative probation. If no response is received within 30 calendar days, administrative probation will become effective.~~

~~This category applies only to previously approved providers and is a published approval status. A decision to grant administrative probation is not subject to the council's procedures for procedural reconsideration, reconsideration, or appeal.~~

~~Administrative probation is removed when all requested materials and/or fees are received. If no response is received from the provider, the council considers withdrawing approval of the provider at its next scheduled meeting. Withdrawal of approval is based upon the perception the~~

~~provider no longer desires to be recognized by the council and voluntarily withdraws from approved status. The action is viewed as a voluntary decision of the provider; it is not subject to the council's procedures for procedural reconsideration, reconsideration, or appeal.~~

### **Withholding of Approval**

Withholding of approval is determined in the event a new provider seeking approval evidences substantial noncompliance with the eCouncil's standards and requirements for approval. When the eCouncil proposes withholding approval of a potential provider, factors having significant impact on the effectiveness of the educational program are identified as the basis for the action. A decision to withhold approval will not become final or be published until the processes of procedural reconsideration, reconsideration, and appeals are exhausted (see Procedural Reconsideration, Reconsideration, and Appeal).

### **Withdrawal of Approval**

Withdrawal of approval is determined under any one of the following conditions:

- A provider on probation has failed to correct one or more areas of noncompliance, or a new area(s) of noncompliance has emerged, and therefore the provider evidences substantial noncompliance with the eCouncil's standards and requirements.
- A provider withdraws voluntarily from offering continuing education activities. Actions to withdraw approval voluntarily are not subject to the eCouncil's procedures for procedural reconsideration, reconsideration, and appeal.
- Two or more providers merge into a single new provider, resulting in the loss of identity of a previously approved provider.
- ~~A provider placed on administrative probation does not submit requested materials and/or fees.~~
- A provider has remained inactive for a period of more than two consecutive years (see Inactive Status).

When the eCouncil considers an action to withdraw approval, factors having significant impact on the effectiveness of the provider are identified as the basis for the action. A decision to withdraw approval will not become final or be published until the processes of procedural reconsideration, reconsideration, and appeals are exhausted. Reconsideration and appeal are available only to providers on probation failing to correct areas of noncompliance (see Procedural Reconsideration, Reconsideration, and Appeal).

### **NOTIFICATION OF ACTION**

Within a reasonable period following each of the eCouncil's two meetings, an approval letter indicating the eCouncil action is forwarded to each provider currently under consideration.

Confidential correspondence regarding eCouncil actions is addressed to the director of continuing education. A copy of the letter is forwarded to the chief administrative officer of the provider.

When the eCouncil action is to place the provider on probation, to continue probation, ~~to place the provider on administrative probation~~, to withhold approval, or to withdraw approval, the letter to the director is sent by certified mail, with a return receipt requested. Letters to withhold approval or to withdraw approval are forwarded to the director within 30 calendar days of the eCouncil action.

Each letter indicates the approval status of the provider and the due date of the next petition, unless the action is to withhold or withdraw approval. When the eCouncil takes an action and requests submission of a progress report, the letter identifies the reason(s) for taking the action. The letter outlines the necessary information that must be submitted for CEC and the eCouncil to review the approval status of the provider at future scheduled meetings, as well as the date on which this information is due in the eCouncil office.

When the eCouncil considers withholding or withdrawing approval, the letter advising the provider of the proposed action contains: the specific reason(s) for taking the proposed action, the date the action becomes effective unless a request for procedural reconsideration or reconsideration is received from the provider, and the right of the provider to request procedural reconsideration, reconsideration, and appeal and the date by which such a request must be received by the eCouncil.

~~When a provider is placed on administrative probation, the director and the chief administrative officer receive notification from eCouncil staff that the provider has failed to respond to at least two requests for information or payment of fees. The letter to the provider describes the consequence of withdrawal of approval if immediate attention is not directed to responding to the eCouncil's previous requests.~~

When the approval action is based on the report of an on-site evaluation, a final copy of the report is enclosed with the approval letter. The report reflects the provider's educational program, as it existed at the time of the on-site evaluation. The final report does not, therefore, reflect program modifications made subsequent to the on-site evaluation that may have been described in the provider's response to the draft report. ~~The provider may distribute the final report to as many of the individuals as possible who participate in the educational program.~~

The eCouncil awards a certificate to providers ~~recognized in the category of approval.~~

## **PROCEDURAL RECONSIDERATION, RECONSIDERATION, AND APPEAL**

The following reconsideration and appeal procedures are available if the eCouncil proposes **withholding or withdrawing approval**:

- Procedural reconsideration, followed by reconsideration, followed by appeal, **or**
- Reconsideration, followed by appeal

**A request to initiate the processes of procedural reconsideration, reconsideration, or appeal will be accepted for cause and will not be accepted solely on the basis of dissatisfaction with the proposed adverse action, nor will it be accepted on the basis of modifications made subsequent to the determination of the adverse action.** A provider that conforms to eCouncil standards, requirements, and/or procedures following determination of an adverse action (resulting in withholding of approval or withdrawal of approval) will be viewed as a new provider and will be required to follow the application procedures described earlier in this publication.

The provider receives formal written notification of the adverse action following the action of the eCouncil. The basis for the adverse action and the provider's right to request procedural reconsideration, reconsideration, and appeal are stated clearly in the notification letter.

When the eCouncil considers an adverse action, the action does not become final, nor is it published, until the provider has been afforded an opportunity to complete the processes related to procedural reconsideration, reconsideration, and/or appeal. If the provider does not initiate the procedural reconsideration, reconsideration, or appeal processes, the provider's rights to due process through the eCouncil are viewed to be exhausted.

During this due process period, the approval status of the provider reverts to the status prior to the adverse action. If the eCouncil sustains an action to withdraw approval, the final action becomes effective as determined by the eCouncil but will not be fewer than 60 days and not more than one year following the date of the action.

### **Procedural Reconsideration**

Procedural reconsideration is the process allowing the provider opportunity to request that the eCouncil review the proposed adverse action for the purpose of determining whether the eCouncil or CEC failed to follow eCouncil procedures described in this publication. Because procedural reconsideration is designed for the review of errors in the application of eCouncil procedures, matters of disagreement related to issues of substance will not be reviewed within the procedural reconsideration process. Such matters, however, may be identified as the basis for a request for reconsideration and/or appeal.

A request for procedural reconsideration must be submitted within 15 calendar days following receipt of the notification letter. If such a request is not submitted and postmarked within this 15-day period, the eCouncil considers the provider to have waived all rights to procedural reconsideration. The provider is encouraged to submit its written request to the eCouncil office by certified mail, with a return receipt requested.

The request for procedural reconsideration must identify the procedure(s) in question and describe in detail the provider's claim that the procedure(s) was not followed, including any documentary evidence to support the claim. Following receipt by eCouncil staff, the eCouncil's Executive Committee considers the request for procedural reconsideration by conference call or actual meeting. The eCouncil acknowledges in writing the receipt of all procedural reconsideration materials.

Based on a recommendation of the Executive Committee, a decision may be made by the eCouncil either by conference call or meeting to:

- sustain the previous action
- rescind the previous action and refer the matter for additional review by CEC; or
- defer action and conduct an on-site evaluation

If an evaluation is conducted during procedural reconsideration, then the provider and the eCouncil share the cost of the evaluation equally. The director of continuing education and the provider's chief administrative officer are notified of the action taken with respect to the procedural reconsideration no later than 30 calendar days following the next scheduled meeting of the eCouncil following the original determination of the action led to the request for procedural reconsideration.

### **Reconsideration**

Reconsideration is the process that allowing the provider opportunity to request that CEC and/or the eCouncil review the proposed adverse action for the purpose of determining whether any error or omission occurred in making the decision.

A written request for reconsideration must be received in the eCouncil office within 30 calendar days following receipt of the notification letter. If a request for reconsideration is not received within this 30-day period, the eCouncil considers the provider to have waived all rights to reconsideration and subsequent appeal. The provider is encouraged to submit its written request to the eCouncil office by certified mail, with a return receipt requested.

The request must include specific facts and reasons for which the provider contends the adverse action should not be taken, as well as an appropriate number of copies of substantiating materials. Council staff acknowledges in writing the receipt of all reconsideration materials. Following receipt by eCouncil staff, the materials are considered by CEC by conference call or at its next scheduled meeting. Reconsideration related to withholding of approval or withdrawal of approval must be considered by CEC at its next meeting.

Reconsideration of the adverse action is completed no later than the next scheduled CEC meeting following the original determination. The director of continuing education and the provider's chief administrative officer are notified of the CEC action.

Based on a recommendation of CEC, a decision to sustain or rescind a proposed action to withhold or withdraw approval is considered by the eCouncil at its next scheduled meeting. A recommendation may be made by CEC and/or the eCouncil to assess the request for reconsideration by conducting an on-site evaluation of the provider. The on-site evaluation is designed to evaluate the particular issues or concerns related to the adverse action. When an on-site evaluation is conducted, action is deferred to the second scheduled meeting following the original determination of the adverse action. The director of continuing education and the provider's chief administrative officer are notified of the eCouncil's action.



During the reconsideration process, a representative(s) of the provider under reconsideration may request in writing the opportunity to submit a statement to the eCouncil regarding the proposed adverse action. Any additional information that is to be brought to the attention of the eCouncil must be submitted to the eCouncil office prior to the meeting. ~~The provider must submit an appropriate number of copies of all written materials.~~

## Appeal

Following completion of the procedural reconsideration and/or reconsideration processes, the provider may appeal the decision to a hearing committee. The appeal process followed by the eCouncil is articulated in CPME 935b, *Guidelines for the Conduct of Appeals by Residencies, Fellowships, Providers of Continuing Education, and Specialty Boards*. The provider ~~is free to~~ may pursue a substantive and/or procedural claim.

## REAPPLICATION FOLLOWING WITHHOLDING OR WITHDRAWAL OF APPROVAL

A provider seeking approval of an educational program that has had approval withheld or approval withdrawn is expected to follow the procedures outlined for new providers (see Application for Approval of a New Continuing Education Provider).

## JOINT PROVIDER

An approved provider may elect to extend its approval to another institution, organization, or individual resulting in a joint provider. As indicated in CPME publication 720, the eCouncil recognizes an institution, organization, or individual that conducts one or two continuing education offerings per year, for example, may not wish to pursue approval as a provider. For this reason, a joint provider status is permissible and encouraged; the non-approved organization may offer its activity under the auspices of an approved provider.

Requirement 1.6 within CPME 720 outlines the requirements of an approved provider that elects to extend joint provider status to a non-approved organization. Activities provided in this manner **must be** reported as such in the provider's annual report to the eCouncil. A provider not reporting these activities will be placed on probation at the next meeting of the eCouncil (see Annual Report).

Providers approved on a probationary status (~~including administrative probation~~) may not extend joint provider approval to another organization. Providers approved on a probationary status (~~including administrative probation~~) may, however, extend joint status for activities contracted prior to institution of probationary status.

If a provider offers activities for which it has not been approved or authorized by the eCouncil and in any way states or implies it is approved or authorized by the eCouncil to offer these activities, then the provider will be placed on probation at the time of the next eCouncil meeting. The approved provider must be the entity to issue the certificate of attendance, not the non-approved organization.

## INACTIVE STATUS

A provider's educational program that is inactive temporarily will be considered eligible for continued approval for a period not to exceed two years immediately following completion of the last educational activity. A provider that is not reactivated within two years must follow the application procedures for a new provider if and when the educational program is reinitiated.

Providers with inactive, approved educational programs are required to submit annual report forms and annual assessment fees throughout the recognized period of inactivation. During this period of inactivity, the provider is not required to submit a petition.

Once a provider decides to reactivate its educational program, if a petition was due during this period, the provider must submit a petition for the next scheduled CEC meeting. [An inactive](#) ~~The~~ provider cannot offer an educational program until the [e](#)Council reviews the provider's petition and grants approval status.

Collaborating with a joint provider constitutes active status for a provider, including when the joint activity is the provider's sole activity during the year. For example, Provider A is considered active in the following situation:

- Approved Provider A joins with approved Provider B, with Provider B serving as the primary provider of the activity. The activity produced through this collaboration is Provider A sole activity during the year.

## TERMINATION OF PROVIDER

If an approved provider ceases operations or if for any other reason the educational program is discontinued, the [e](#)Council will withdraw approval of the provider based on voluntary termination, effective on the date of closure of the provider or termination of the educational program. It is the responsibility of the director of continuing education and/or the chief administrative officer to notify the [e](#)Council of the termination of provider. The provider is responsible for notifying participants of the voluntary termination of the program of continuing education.

## ANNUAL REPORT

Completion of an annual report form, CPME 740, *Annual Report for Providers of Continuing Education in Podiatric Medicine*, is required of each approved provider beginning with the calendar year following application. The annual report provides [the Council](#) current information for CPME's [database and the List of Approved Providers maintained on the Council's website](#) *700, Approved Providers of Continuing Education in Podiatric Medicine.*

Council staff reviews annual reports regarding determination of continuing education contact hours and acceptable educational activity content and brings concerns to the attention of CEC at its next scheduled meeting. Council staff may correspond with the director to request that the provider submit specific information for consideration at the CEC meeting.

~~Failure to submit the annual report and/or annual fee is cause for the eCouncil to place the provider on administrative probation and subsequently to consider withdrawal of approval. CEC and/or the eCouncil reserve(s) the right to request additional materials to clarify information in the annual report. Failure to report all activities in the annual report, including joint activities, will result in the extension of probationary approval at the next eCouncil meeting.~~

## CONFIDENTIALITY AND DISCLOSURE POLICIES

All reports and communications regarding providers are confidential within the eCouncil, CEC, appeal committees, evaluation teams, and eCouncil staff. On-site evaluators, CEC members, eCouncil members, and staff sign a confidentiality statement on a periodic basis, confirming privileged information will not be disclosed to any person or entity in any manner form.

All proceedings of CEC and the eCouncil with respect to determining approval recommendations and actions are held in executive session.

Because of the relationship of approval and licensure, the eCouncil has the prerogative of providing confidential information regarding the approval status of providers to state boards for examination and licensure, upon the specific written requests of these organizations. Council staff, CEC, and the eCouncil will not release or confirm the following information in any form:

- The name or status of a provider initiating contact with the eCouncil office concerning an application for approval.
- The name or status of a provider applying for approval but has not yet been apprised of a decision.
- The name or status of a provider having applied for and been denied approval to be a provider of continuing education (prior to exhaustion of the procedural reconsideration, reconsideration, and appeal processes, as applicable).
- The name or status of a provider having approval withheld or approval withdrawn (prior to exhaustion of the procedural reconsideration, reconsideration, and appeal processes).

All inquiries as to the approval status of a specific provider will be answered by referral to the published directory of approved providers CPME publication 700 or to the provider(s) in question.

~~The List of Approved Providers on the Council's website publishes a directory of providers of continuing education on a semi-annual basis and makes a frequently updated version of the directory available on its website. The directory identifies approved providers and providers approved on a probationary basis (including administrative probation). Areas of noncompliance, as reflected by standard and requirement numbers, will be included in the probationary information.~~

Withholding of approval and withdrawal of approval are published following exhaustion of the entire process of procedural reconsideration, reconsideration, and appeal or following the provider's indication it does not wish to pursue these processes.

The eCouncil requires that providers notify the appropriate state boards for examination and licensure of final adverse actions upon completion of the reconsideration process.

## REVIEW OF FORMAL COMPLAINTS

A mechanism exists for reviewing formal complaints against approved providers. The eCouncil reviews only those complaints related to the alleged noncompliance of a provider with the eCouncil's standards and requirements. The mechanism for reviewing formal complaints is specified in CPME publication 925, *Complaint Procedures*.

## STATEMENT OF APPROVAL STATUS

Approved providers must use the following statement in reference to its approval status in the brochure(s), ~~websites online?~~, certificates, instructional media, or other publications ([online or in print](#)) pertaining to the program of continuing education:

“(Name of provider) is approved by the Council on Podiatric Medical Education as a provider of continuing education in podiatric medicine. (Name of provider) has approved this activity for a maximum of \_\_\_\_\_ continuing education contact hours.”

Joint providers must use the following statement in reference to its approval status in the brochure(s), [website](#), certificates, instructional media, or other publications ([online or in print](#)) pertaining to the program of continuing education:

“This activity has been planned and implemented in accordance with the standards and requirements for approval of providers of continuing education in podiatric medicine through a joint provider agreement between (name of provider) and (name of non-approved provider). (Name of provider) is approved by the Council on Podiatric Medical Education as a provider of continuing education in podiatric medicine. (Name of provider) has approved this activity for a maximum of \_\_\_\_\_ continuing education contact hours.”

No other statements regarding approval by the eCouncil may be used.

## ASSESSMENT OF EVALUATOR EFFECTIVENESS

The provider, the evaluator(s), and eCouncil staff assess the effectiveness of the on-site evaluation process formally. CEC and the Executive Committee of the eCouncil review evaluator performance. The eCouncil commends effective evaluators and provides remediation for ineffective evaluators. CEC and/or the Executive Committee may suggest to the eCouncil evaluators who demonstrate repeated ineffectiveness be removed from the list of continuing education evaluators.

## NONDISCRIMINATION POLICY

The eCouncil prohibits discrimination in accord with federal, state, and local regulatory guidelines and policies in the election and appointment of members, students, and public representatives to the eCouncil and its committees and in the selection of evaluation team members, consultants, employees, and others involved in its activities.

## FEE POLICIES

Application Fees have been established for providers seeking approval and the submission of petitions and annual reports.

All costs related to on-site evaluations of new and approved providers are borne by the provider. The eCouncil requires pre-payment of a specified on-site evaluation fee. Following the on-site evaluation, the eCouncil office bills the provider for the remainder of the full cost of the visit. In the event a reverse site visit is scheduled, the provider is responsible for all expenses associated with its representative's attendance at a committee meeting. If a scheduled on-site evaluation is canceled because key participants in the program are unavailable, rescheduling of the visit or evaluation is possible but only at the expense of the provider.

Providers having approval withheld or approval withdrawn and subsequently reapply must submit a reapplication fee.

The eCouncil has established an annual fee assessed each approved provider. A late fee is assessed related to submission of the annual assessment fee.

Providers requesting appeals of adverse actions are assessed a portion of the anticipated actual costs prior to the appeal. Providers are billed the remainder of any additional actual costs after the appeal.

The fees are nonrefundable. The eCouncil reserves the right to revise established fees.

CPME 730  
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