



**Advanced Practice Provider Program  
Accreditation Policies<sup>©</sup>**

**First Edition**

**First Published June 2023**

**Effective January 2024**

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### **POLICY 301: Code of Conduct and Conflict of Interest for Advanced Practice Provider Programs**

To ensure that all matters dealing with the joint accreditation of programs by the Accreditation Commission for Education in Nursing (ACEN) and Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) are conducted with integrity, fairness, impartiality, and objectivity, the ACEN and ARC-PA have adopted this advanced practice provider policy addressing conflict of interest, conduct, and confidentiality.

#### **Conflict of Interest for Peer Evaluators**

In all circumstances, not only conflicts of interest, but also the appearance of conflicts of interest, must be avoided. All peer evaluators, Commissioners, Reexamination Committee members, and any other individuals who act on behalf of the ACEN and ARC-PA shall not have direct involvement with and/or participate in any decision-making capacity for an advanced practice provider program if they have an actual or potential conflict of interest with the advanced practice provider program. Actual or potential conflicts of interest may include, but are not limited to, the following:

1. Maintaining employment with or serving in any capacity involving the sponsoring organization that is under review;
2. Being a current student, former student, or graduate of the sponsoring organization that is under review;
3. Being a current employee or former employee of the sponsoring organization that is under review;
4. Maintaining employment in the same state as the advanced practice provider program that is under review;
5. Having a program which has cooperative, competitive or contractual relationship with the sponsoring organization that is under review;
6. Having served as a peer evaluator in the past three years on any joint ACEN and/or ARC-PA accreditation matter involving the advanced practice provider program or sponsoring organization that is under review;
7. Having served as a consultant in the past three years on any joint accreditation matters involving the advanced practice provider program or sponsoring organization that is under review;

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8. Having jointly authored research or literature, participated in a common consortium, or been involved in special research with current program educators of the advanced practice provider program that is under review;
9. Having served in an evaluation role in the past three years for an agency other than the ACEN and ARC-PA regarding the same advanced practice provider program or sponsoring organization that is under review, including but not limited to membership on the board for the state regulatory agency, regional accreditation teams, or evaluation committees for boards of trustees or regents;
10. Having been paid or otherwise profited or appeared to profit from service in the past three years to the advanced practice provider program or sponsoring organization that is under review;
11. Having affiliations or close personal or professional relationships in the past three years with key personnel in the advanced practice provider program or sponsoring organization that is under review;
12. Having immediate family members who are current employees, board members, or advanced practice providers at the sponsoring organization that is under review;
13. Having a current financial interest in the sponsoring organization that is under review, including but not limited to ownership of shares of stock in the sponsoring organization or any parent of the sponsoring organization, excepting shares or interests held indirectly, such as in mutual funds, insurance policies, or blind trusts. In addition, having any immediate family members with any of the above financial interests; and
14. Having any other relationship or reason that could serve as an impediment to rendering an impartial, objective professional judgment regarding the advanced practice provider program that is under review.

**Conduct and Ethical Guidelines for Advanced Practice Provider Programs and Peer Evaluators**

Responsibilities of Advanced Practice Provider Programs Seeking Joint Accreditation with the ACEN and ARC-PA

1. It is the responsibility of each advanced practice provider program to facilitate a thorough and objective appraisal of its advanced practice provider program.
2. Advanced practice provider programs may veto a peer evaluator if it can be demonstrated, in writing to the ACEN Chief Executive Officer and ARC-PA Executive Director, that an actual or a potential conflict of interest exists.

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3. Any perceived inadequacies of the ACEN and ARC-PA procedures or processes should be reported by the program administrator of the advanced practice provider program to the ACEN Chief Executive Officer and ARC-PA Executive Director at the time of the occurrence rather than withheld until after the ACEN and ARC-PA Commission makes an accreditation decision.

### Responsibilities of Peer Evaluators

1. Any Commissioner who was a member of a site visit team for an advanced practice provider program under consideration or resides in or is currently employed in the same state as the advanced practice provider program under consideration must recuse her/himself from the discussion about the advanced practice provider program and abstain from voting.
2. Any Commissioner who is employed by a sponsoring organization of an advanced practice provider program being considered for accreditation must recuse her/himself from the portion of the Commission meeting agenda concerned with the evaluation of that advanced practice provider program and abstain from voting.
3. Peer evaluators will be reminded of the confidentiality of all information pertaining to the review of advanced practice provider programs and the need to avoid any actions that might give the appearance of a conflict of interest or could reasonably be perceived as affecting their objectivity. Peer evaluators are required to refrain from accepting membership on a team, recuse themselves from the discussion during the review of any advanced practice provider program if their presence would constitute or appear to constitute a conflict of interest, and abstain from voting if a conflict of interest is identified.

### Actions to be Avoided by Peer Evaluators

1. Advertising of one's status as an ACEN and ARC-PA peer evaluator for the purpose of consulting;
2. Soliciting consultation arrangements with advanced practice provider programs preparing for accreditation review;
3. Giving advice to an advanced practice provider program or consulting for an advanced practice provider program for a period of two years after serving as a peer evaluator on any ACEN and ARC-PA advanced practice provider program accreditation matter; and
4. Offering definitive answers related to any ACEN and ARC-PA policies and procedures or Advanced Practice Provider Standards and Criteria.

### **Conflict of Interest, Conduct, and Ethical Guidelines for ACEN and ARC-PA Staff**

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In all circumstances, not only conflicts of interest, but also the appearance of conflicts of interest, must be avoided. No staff member shall have direct involvement with an advanced practice provider program if they have an actual or potential conflict of interest with the advanced practice provider program.

Staff members should inform the ACEN Chief Executive Officer and ARC-PA Executive Director where an actual or potential conflict of interest exists. A conflict of interest exists if a staff member:

1. Was a compensated consultant, appointee, employee of, or candidate for employment at the advanced practice provider program or sponsoring organization within the past three years;
2. Has a close personal or familial relationship with persons at the sponsoring organization;
3. Has a strong bias regarding the advanced practice provider program or sponsoring organization;
4. Has any other relationship or reason that could serve as an impediment to acting in an impartial, objective professional manner toward the advanced practice provider program or sponsoring organization; or
5. Has a current financial interest in the sponsoring organization under review, including but not limited to ownership of shares of stock in the sponsoring organization or any parent of the sponsoring organization, excepting shares or interests held indirectly, such as but not limited to in mutual funds, insurance policies, or blind trusts, or has any immediate family members with any of the aforementioned financial interests.

In addition, staff members are prohibited from accepting fees, awards, or honorary degrees from a sponsoring organization with an advanced practice provider program that is accredited by the ACEN and ARC-PA.

### **Confidentiality and Communications for Peer Evaluators and ACEN and ARC-PA Staff**

To ensure that all matters dealing with the joint accreditation of advanced practice provider programs are conducted with integrity, fairness, impartiality, and objectivity, the ACEN and ARC-PA have adopted this confidentiality policy. Individuals who participate in ACEN and ARC-PA activities, including but not limited to peer evaluators and ACEN and ARC-PA staff members, must maintain confidentiality with regards to all non-public information related to the accreditation review and consideration of an advanced practice provider program by the ACEN and ARC-PA. Accordingly, peer evaluators and ACEN and ARC-PA staff members shall conduct themselves as follows:

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1. Documents, reports, and other materials prepared by the advanced practice provider program for the ACEN and ARC-PA must be treated as confidential materials in the absence of specific policies that make clear the degree and extent of their exposure. The ACEN and ARC-PA will release materials in response to a valid court order or otherwise as may be required by law.
2. All materials pertinent to the advanced practice provider program under review are considered confidential materials prepared for use by the ACEN and ARC-PA and should not be shown to or discussed with anyone other than peer evaluators and ACEN and ARC-PA staff members as appropriate and when necessary.
3. The joint accreditation decision issued by the ACEN and ARC-PA Commission will be communicated to the advanced practice provider program leaders in writing by the ACEN Chief Executive Officer and ARC-PA Executive Director.
4. A peer evaluator or ACEN and ARC-PA staff member shall not share with a sponsoring organization/advanced practice provider program employee or any other personal information about the review proceedings.
5. Any request by a peer evaluator for additional information from the sponsoring organization/advanced practice provider program following a site visit must be directed to the ACEN and ARC-PA staff. There will be no direct communication between a peer evaluator and the sponsoring organization and/or advanced practice provider program under review except in preparation for an upcoming site visit.

## **POLICY 302: Peer Evaluator Representation**

A recommending body is defined as:

1. A site visit team
2. APP Sub-Commission – combined membership from ACEN and ARC-PA

A decision-making body is defined as:

1. The ACEN Board of Commissioners
2. The ARC-PA Commissioners
3. The ACEN/ARC-PA Reexamination Committee

Peer evaluators are defined by the ACEN and ARC-PA as the following individuals.

### **A. Clinician/Practitioner**

A clinician/practitioner is an individual who is a licensed nurse practitioner, physician, or physician assistant.

Required Qualifications:

1. Currently is practicing full-time or part-time as a nurse practitioner, physician, or physician assistant position in a clinical practice environment.
2. Was practicing full-time or part-time as a nurse practitioner, physician, or physician assistant position in a clinical practice environment and has been retired for no more than two years from this position.
3. And, has knowledge of transitions in advanced practice provider transitions, current issues and trends in clinical practice, and contemporary healthcare settings.

Clinicians/practitioners are eligible to serve on a recommending body and on a decision-making body; specifically, the ACEN Board of Commissioners per the ACEN bylaws, ARC-PA Commissioners per the ARC-PA bylaws, and ACEN/ARC-PA Reexamination Committee.

### **B. Educator from Colleges and Universities**

An educator is a:

1. Nurse educator from a college/university teaching nursing students in an ACEN accredited graduate-level nursing education program with a nurse practitioner program option.
2. Physician assistant educator from a college/university teaching physician assistant students in an ARC-PA accredited physician assistant education program.

Required Qualifications:

1. Currently hold full-time or part-time employment in an ACEN or ARC-PA accredited preparatory education program.

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2. Held full-time or part-time employment in an ACEN and ARC-PA-accredited preparatory education program and have been retired for no more than two years from this position.
3. And, has knowledge of transitions in advanced practice provider transitions, current issues and trends in clinical practice, and contemporary healthcare settings.

Educators are eligible to serve on a recommending body and on a decision-making body; specifically, the ACEN Board of Commissioners per the ACEN bylaws, ARC-PA Commissioners per the ARC-PA bylaws, and ACEN/ARC-PA Reexamination Committee.

### C. Program Administrator from Advanced Practice Provider Programs

A program administrator is an individual who has direct day-to-day oversight of an advanced practice provider program.

#### Required Qualifications:

1. Currently holds full-time or part-time employment providing direct administrative oversight for an accredited advanced practice provider program.
2. Previously held full-time or part-time employment providing direct administrative oversight for an accredited advanced practice provider program and has been retired for no more than two years from this position.

Program administrators are eligible to serve on a recommending body and on the ACEN/ARC-PA Reexamination Committee.

### D. Program Educators from Advanced Practice Provider Programs

Program educators work in advanced practice provider programs. They are responsible for educating advanced practice providers. Program educators are responsible for designing, implementing, evaluating, and revising advanced practice provider programs.

#### Required Qualifications:

3. Currently, hold full-time or part-time employment in an accredited advanced practice provider program.
4. Held full-time or part-time employment in an accredited advanced practice provider program and is retired for no more than two years from this position.
5. And, has knowledge of transitions in advanced practice provider transitions, current issues and trends in clinical practice, and contemporary healthcare settings

Program educators are eligible to serve on a recommending body and the ACEN/ARC-PA Reexamination Committee.



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E. Public Members

Public members are individuals that are not employed as a nurse (at any level of licensure) or not employed as a physician assistant. An individual representing the public may not be:

1. An employee, owner, or shareholder of a sponsoring organization with any accredited or non-accredited advanced practice provider program or candidate/applicant advanced practice provider program;
2. A member of the governing board for a sponsoring organization with any accredited or non-accredited advanced practice provider program or candidate/applicant advanced practice provider program;
3. A consultant to any accredited or non-accredited advanced practice provider program or candidate/applicant advanced practice provider program;
4. Affiliated or associated with any nursing accreditation agency such as Commission on Collegiate Nursing Education (CCNE), National League for Nursing Commission for Nursing Education Accreditation (NLN CNEA), or National Nurse Practitioner Residency & Fellowship Training Consortium (NNPRFTC);
5. Affiliated or associated with any nursing organization, such as the American Association of Colleges of Nursing (AACN), American Nurses Association (ANA), or National League for Nursing (NLN); or
6. A spouse, parent, child, or sibling of an individual identified in the above statements.

Public members are eligible to serve on the APP Sub-Commission and on a decision-making body; specifically, the ACEN Board of Commissioners per the ACEN bylaws, ARC-PA Commissioners per the ARC-PA bylaws, and ACEN/ARC-PA Reexamination Committee.

F. Emeriti Peer Evaluator

Emeritus appointment is recognition of the ongoing engagement and maintenance of expertise in the ACEN and/or ARC-PA peer review process.

An emeriti peer evaluator has had consistent service as an ACEN and/or ARC-PA peer evaluator in a peer evaluator role; or is a current or former ACEN or ARC-PA employee. A peer evaluator is eligible for emeriti status if they have had consistent positive feedback from ACEN and/or ARC-PA staff, other peer evaluators, and/or program administrators.

Emeriti peer evaluators are eligible to serve on recommending body and on the ACEN/ARC-PA Reexamination Committee. Emeriti peer evaluators who served as a public member are not eligible to serve on a site visit team.

Emeritus status can be granted:

1. two years after retirement from full-time or part-time employment in one of the peer evaluator roles in A-E above;
2. two years after retirement from full-time or part-time employment in one of the peer evaluator roles in A-E above;
3. throughout employment as an ACEN or ARC-PA employee or upon leaving the ACEN or ARC-PA as an employee.

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Special Member and Staff Member

The ACEN Chief Executive Officer and ARC-PA Executive Director jointly reserve the right to appoint one or more special members to a site visit team who are not represented above as a peer evaluator. The special member(s) may have expertise in an area that a peer evaluator typically would not have. The sponsoring organization/advanced practice provider program is responsible for all costs of the special member(s) serving on the site visit team.

The ACEN Chief Executive Officer and ARC-PA Executive Director jointly reserves the right to:

1. Have an ACEN and/or ARC-PA staff member(s) accompany a site visit team. If an ACEN and/or ARC-PA staff member(s) accompanies a site visit team, the staff member(s) would offer guidance to the peer evaluators. The sponsoring organization/advanced practice provider program is responsible for all costs of the professional staff member(s) accompanying the site visit team.
2. Have an ACEN and/or ARC-PA staff member(s) serve on a site visit team. If an ACEN and ARC-PA staff member(s) serves on a site visit team, the staff member(s) would serve as a peer evaluator. The sponsoring organization is responsible for all costs of the staff member(s) serving on the site visit team.

### **POLICY 303: Eligibility for Joint Initial and Joint Continuing Accreditation of Advanced Practice Provider Programs**

To be eligible for joint initial or joint continuing accreditation, the sponsoring organization and advanced practice provider program must demonstrate that they meet or continue to meet all the joint eligibility and continuing eligibility requirements of the ACEN and ARC-PA.

#### **Sponsoring Organization Eligibility**

##### **A. Eligibility requirements for the sponsoring organization offering the advanced practice provider program seeking joint initial accreditation with the ACEN and ARC-PA**

- I. For advanced practice provider programs administered by a healthcare services organization, the sponsoring organization must:
  - a. be accredited or recognized by an agency recognized by the ACEN and ARC-PA before the ACEN Board of Commissioners and ARC-PA Commissioners makes its joint initial accreditation decision for the advanced practice provider program(s) seeking joint initial accreditation with the ACEN and ARC-PA; and
  - b. be legally authorized by an appropriate state agency, as applicable, to offer healthcare services.
2. The program administrator of the advanced practice provider program is responsible for immediately informing the ACEN Chief Executive Officer and ARC-PA Executive Director, in writing, of any change of status with any agency that accredits and/or authorizes/approves the sponsoring organization. The notification must occur before the ACEN Board of Commissioners and ARC-PA Commissioners make their joint initial accreditation decision.

##### **B. Continuing Eligibility requirements for the sponsoring organization offering the advanced practice provider program seeking joint continuing accreditation with the ACEN and ARC-PA**

- I. For advanced practice provider programs administered by a healthcare services organization, the sponsoring organization must:
  - a. be accredited or recognized by an agency recognized by the ACEN and ARC-PA; and
  - b. be legally authorized by an appropriate state agency, as applicable, to offer healthcare services.

2. The program administrator of the advanced practice provider program is responsible for immediately informing the ACEN Chief Executive Officer and ARC-PA Executive Director, in writing, of any change of status with any agency that accredits and/or authorizes/approves the sponsoring organization. The notification must occur before the ACEN Board of Commissioners and ARC-PA Commissioners make their joint continuing accreditation decision.

### **POLICY 304: Types of Actions for Joint Initial and Joint Continuing Accreditation for Advanced Practice Provider Programs**

An advanced practice provider program is considered for joint initial or joint continuing accreditation by the ACEN Board of Commissioners and ARC-PA Commissioners when reviewed for compliance with the Advanced Practice Provider Standards and Criteria.

#### **A. Joint Initial Accreditation**

The maximum amount of time for initial accreditation shall be three years.

##### Granted

1. Joint initial accreditation of an advanced practice provider program is granted when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program demonstrates compliance with all Accreditation Standards.

##### Denied

1. Joint initial accreditation of an advanced practice provider program is denied when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program does not demonstrate compliance with all Accreditation Standards. This is an appealable action.

#### **Initial Interim Accreditation Report**

1. When an advanced practice provider program has been granted joint initial accreditation, the program must submit an Initial Interim Accreditation Report in the third year of initial accreditation. This report constitutes a basis for the ACEN Board of Commissioners and ARC-PA Commissioners decision.
2. Based on the review of the Initial Interim Accreditation Report, the ACEN Board of Commissioners and ARC-PA Commissioners may determine that an advanced practice provider program is:
  - a. Compliant; consequently, the ACEN Board of Commissioners and ARC-PA Commissioners may grant an advanced practice provider program continuing accreditation for a maximum period of four years.
  - b. Non-compliant with one or two Accreditation Standards; consequently, the ACEN Board of Commissioners and ARC-PA Commissioners may grant an advanced practice

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provider program continuing accreditation with contingency. See maximum monitoring period in *Continuing Accreditation with Contingency or Probation Status* below.

- c. Non-compliant with three or more Accreditation Standards; consequently, the ACEN Board of Commissioners and ARC-PA Commissioners may grant an advanced practice provider program continuing accreditation with probation. See maximum monitoring period in *Continuing Accreditation with Contingency or Probation Status* below.
- d. Denied continuing accreditation. An advanced practice provider program seeking continuing accreditation may be denied continuing accreditation. An advanced practice provider program denied continuing accreditation will be removed from the list of accredited programs. Denial of continuing accreditation is an appealable action.

### **B. Joint Continuing Accreditation**

The maximum amount of time between continuing accreditation cycles shall be seven years.

1. Joint continuing accreditation of an advanced practice provider program is granted when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program demonstrates compliance with all Accreditation Standards. Next review shall be in a maximum of seven years.
2. Joint continuing accreditation with contingency of an advanced practice provider program is granted when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program is in non-compliance with one or two Accreditation Standards. The next review and follow-up action(s) are jointly determined by the ACEN Board of Commissioners and ARC-PA Commissioners.
3. Joint continuing accreditation with probation is granted when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program is in non-compliance with three or more Accreditation Standards. The next review and follow-up action(s) are jointly determined by the ACEN Board of Commissioners and ARC-PA Commissioners.
4. Continuing accreditation with a removal of contingency is granted when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program is in compliance with the Accreditation Standards reviewed.
5. Continuing accreditation with a removal of probation is granted when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program is in compliance with the Accreditation Standards reviewed.
6. Continuing accreditation with a removal of show cause is granted when the ACEN Board of Commissioners and ARC-PA Commissioners determines an advanced practice provider program is in compliance with the Accreditation Standards reviewed.
7. Continuing accreditation with show cause – see below.
8. Denied continuing accreditation. An advanced practice provider program seeking continuing accreditation may be denied continuing accreditation. An advanced practice provider program denied continuing accreditation will be removed from the list of accredited programs. Denial of continuing accreditation is an appealable action.

### **C. Denial of Joint Initial Accreditation or Denial of Joint Continuing Accreditation**

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The advanced practice practitioner program may restart the candidacy process after the denial of joint initial accreditation or denial of joint continuing accreditation.

1. If a sponsoring organization/advanced practice provider program appeals the denial of joint continuing accreditation, the sponsoring organization/advanced practice provider program may restart the candidacy process only after the conclusion of the appeal process.
2. If a sponsoring organization/advanced practice provider program pursues arbitration, the sponsoring organization/advanced practice provider program may restart the candidacy process only after the conclusion of the arbitration process.
3. If a sponsoring organization/advanced practice provider program pursues legal proceedings, the sponsoring organization/advanced practice provider program may restart the candidacy process only after the conclusion of the legal proceedings.

### **D. Effective Date**

1. Joint Initial Accreditation
  - a. Upon granting joint initial accreditation, the effective date of initial accreditation is the date on which the advanced practice provider program was approved as a candidate program that concluded in the granting initial accreditation.
  - b. Upon denying joint initial accreditation, the effective date of denying initial accreditation will be the date on the decision letter.
2. Joint Continuing Accreditation
  - a. Upon granting joint continuing accreditation, the effective date of granting continuing accreditation will be the date on the decision letter.
  - b. Upon denying joint continuing accreditation, the effective date of denying continuing accreditation will be the date on the decision letter.

### **E. Joint Continuing Accreditation with Contingency or Probation Status**

#### Joint Continuing Accreditation with Contingency

1. When the ACEN Board of Commissioners and ARC-PA Commissioners determines that an advanced practice provider program is non-compliant with one or two Accreditation Standards, the ACEN Board of Commissioners and ARC-PA Commissioners may grant an advanced practice provider program continuing accreditation with contingency for a maximum monitoring period of two years.
2. When an advanced practice provider program has been granted continuing accreditation with contingency, the program must submit a Follow-Up Report addressing the Standard(s) with which the advanced practice provider program was found to be in non-compliance; a follow-up visit may be required within a specified period of time. The administrative record (e.g., Follow-Up Report, or Follow-Up Report and Follow-Up Site Visit Report) constitute a basis for the ACEN Board of Commissioners and ARC-PA Commissioners decision.
3. The length of the monitoring period defines the ACEN Board of Commissioners and ARC-PA Commissioners action the next time an advanced practice provider program is reviewed. At the next review,

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- a. If the ACEN Board of Commissioners and ARC-PA Commissioners determines that an advanced practice provider program is in compliance with the Accreditation Standards reviewed, the ACEN Board of Commissioners and ARC-PA Commissioners may grant continuing accreditation with a removal of contingency.
- b. If the ACEN Board of Commissioners and ARC-PA Commissioners determines that an advanced practice provider program is in non-compliance with the Accreditation Standards reviewed, the ACEN Board of Commissioners and ARC-PA Commissioners may:
  1. Grant continuing accreditation with contingency if the maximum monitoring period for continuing accreditation has not concluded.
  2. Grant continuing accreditation with probation if the maximum monitoring period for continuing accreditation has not concluded.
  3. Grant continuing accreditation with show cause if the maximum monitoring period for continuing accreditation has concluded, and the program meets the principles of show cause.
  4. Deny continuing accreditation and remove the program from the list of accredited programs, whether the maximum monitoring period for continuing accreditation has or has not concluded.

Joint Continuing Accreditation with Probation

1. When the ACEN Board of Commissioners and ARC-PA Commissioners determines that an advanced practice provider program is non-compliant with three or more Accreditation Standards, the ACEN Board of Commissioners and ARC-PA Commissioners may grant an advanced practice provider program continuing accreditation with probation for a maximum monitoring period of two years.
2. When an advanced practice provider program has been granted continuing accreditation with probation, the program must submit a Follow-Up Report addressing the Standard(s) with which the advanced practice provider program was found to be in non-compliance; a follow-up visit may be required within a specified period of time. The administrative record (e.g., Follow-Up Report, or Follow-Up Report and Follow-Up Site Visit Report) constitute a basis for the ACEN Board of Commissioners and ARC-PA Commissioners decision.
3. If the ACEN Board of Commissioners and ARC-PA Commissioners determines that an advanced practice provider program is in non-compliance with the Accreditation Standards reviewed, the ACEN Board of Commissioners and ARC-PA Commissioners may:
  - a. Grant continuing accreditation with probation if the maximum monitoring period for continuing accreditation has not concluded.
  - b. Grant continuing accreditation with probation if the maximum monitoring period for continuing accreditation has not concluded.
  - c. Grant continuing accreditation with show cause if the maximum monitoring period for continuing accreditation has concluded, and the program meets the principles of show cause.

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- d. Deny continuing accreditation and remove the program from the list of accredited programs, whether the maximum monitoring period for continuing accreditation has or has not concluded.

Joint Continuing Accreditation with Show Cause

- I. If the ACEN Board of Commissioners and ARC-PA Commissioners determines that an advanced practice provider program has not remedied deficiencies at the conclusion of its maximum monitoring period on continuing accreditation with contingency or continuing accreditation with probation, the ACEN Board of Commissioners and ARC-PA Commissioners must (1) deny continuing accreditation and remove the advanced practice provider program from the list of accredited programs or (2) grant continuing accreditation with show cause.

Principles of Show Cause

- I. The ACEN Board of Commissioners and ARC-PA Commissioners can extend an advanced practice provider program's continuing accreditation with show cause if the ACEN Board of Commissioners and ARC-PA Commissioners determines the program satisfies all the following principles:
  - a. The advanced practice provider program has demonstrated significant recent accomplishments in addressing non-compliance;
  - b. The advanced practice provider program has documented that it has the potential to remedy all deficiencies within the extended period as defined by the Commission; that is, that the program provides evidence which makes it reasonable for the ACEN Board of Commissioners and ARC-PA Commissioners to determine it will remedy all deficiencies within the extended time defined by the Commission;
  - c. The advanced practice provider program provides assurance to the ACEN Board of Commissioners and ARC-PA Commissioners that it is not aware of any other reasons, other than those identified by the Commission, why the accreditation of the advanced practice provider program could not be granted continuing accreditation with show cause.
  - d. The advanced practice provider program has the responsibility for making its case for granting continuing accreditation with show cause.

Maximum Monitoring Period – Continuing Accreditation with Show Cause

- I. The maximum monitoring period for continuing accreditation with show cause two years from the ACEN Board of Commissioners and ARC-PA Commissioners determination of this accreditation status.
2. If compliance with all the Accreditation Standards is not demonstrated within two years, the ACEN Board of Commissioners and ARC-PA Commissioners must deny continuing accreditation and remove the advanced practice provider program from the list of accredited programs.

**F. Final Accreditation Decision**



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1. The ACEN Board of Commissioners and ARC-PA Commissioners decision is the final accreditation decision if the sponsoring organization/advanced practice provider program **does not appeal** the denial of initial or continuing accreditation. The effective end date of the advanced practice provider program's accreditation is the end date per the Commission's decision letter.
2. If the sponsoring organization/advanced practice provider program **does appeal**, the ACEN Board of Commissioners and ARC-PA Commissioners decision is the final accreditation decision if the sponsoring organization/advanced practice provider program withdraws its appeal before the Reexamination Committee renders its decision. The effective end date of the advanced practice provider program's accreditation is the original effective end date per the Commission's decision letter.
3. If the sponsoring organization/advanced practice provider program **does appeal**, the decision of the Reexamination Committee is the final accreditation decision if that decision is to affirm or amend the Board of Commissioners decision. If the result of an appeal is to affirm the ACEN Board of Commissioners and ARC-PA Commissioners decision, the original effective end date of the advanced practice provider program's accreditation is also affirmed, which is the original effective end date per the Commission's decision letter.
4. If the sponsoring organization/advanced practice provider program **does appeal** and the Reexamination Committee's decision is to amend, then acting in a manner consistent with the Reexamination Committee's decision to amend, the Commissioners will make a second accreditation decision. The second accreditation decision is final. If the second accreditation decision is denial of continuing accreditation, then the original effective end date of the advanced practice provider program's accreditation is the original effective end date per the decision letter.
5. If the sponsoring organization/advanced practice provider program **pursues arbitration**, the Reexamination Committee's decision is the final accreditation decision if the sponsoring organization/advanced practice provider program withdraws from arbitration before the arbitrators render their recommendation, or if either party to the arbitration notifies the other in writing by 5 p.m. Eastern Standard Time ten calendar days from delivery of the recommendation that they reject it. The effective end date of the advanced practice provider program's accreditation is the original effective end date per the decision letter.
6. The ACEN Board of Commissioners and ARC-PA Commissioners decision is the final accreditation decision if the sponsoring organization/advanced practice provider program **fails to meet any deadline** in the appeal process or arbitration process. The effective end date of the advanced practice provider program's accreditation is the original effective end date per the Commissions' decision letter.

Within one business day of sending written notification, the final accreditation decision will be made publicly available by the ACEN and ARC-PA.

**POLICY 305: Notification of Commission Decisions for Advanced Practice  
Provider Programs**

An advanced practice provider program accredited jointly by the ACEN and ARC-PA or seeking ACEN and ARC-PA joint initial accreditation explicitly agrees that if joint accreditation is granted, all records pertaining to that program may be made available to a regulatory agency, as appropriate.

Within 30 calendar days of the joint accreditation decisions made at the ACEN Board of Commissioners meetings and ARC-PA Commissioners meeting, the ACEN and ARC-PA staff will send written notification of the Commissioners' action to the program administrator and the designated administrative officer of the sponsoring organization.

**POLICY 306: Delay of Joint Continuing Accreditation Visit for Advanced Practice Provider Programs**

The program administrator may formally request a delay or rescheduling of a visit for joint continuing accreditation. The ACEN Chief Executive Officer and ARC-PA Executive Director will jointly make the decision to grant or deny the request based on the reason(s) provided. The timeframe considered for a visit delay is up to six months. Delays are granted only when circumstances beyond the control of the advanced practice provider program occur; typically, these involve a major disruption (e.g., natural disaster, catastrophic fire) that interrupts the advanced practice provider program for current trainees. A change in the program administrator or implementation of a program change is not considered beyond the control of the advanced practice provider program.

Delays are not granted to advanced practice provider programs:

- That were already granted a delay.
- With a status of accreditation with contingency, continuing accreditation with probation, or continuing accreditation with show cause
- Having outstanding written documentation requested by the ACEN and ARC-PA<sup>1</sup>.
- Due for review following the granting of initial accreditation by the ACEN and ARC-PA.

<sup>1</sup>If an advanced practice provider program does not submit the written documentation by the date requested, the advanced practice provider program will be presented for action to the ACEN Board of Commissioners and ARC-PA Commissioners at the next regularly scheduled ACEN Board of Commissioners and ARC-PA Commissioners meeting or a special meeting may be called.

An advanced practice provider program that is granted a delay will be returned to its original visit schedule for the next joint accreditation visit.

**POLICY 307: Voluntary Withdrawal from Joint Accreditation of an Advanced Practice Provider Program**

Accredited advanced practice provider programs voluntarily withdrawing from ACEN and ARC-PA joint accreditation must submit written notification of their decision signed by the designated administrative officer of the sponsoring organization and the program administrator of the advanced practice provider program to the attention of the ACEN Chief Executive Officer and ARC-PA Executive Director. When an advanced practice provider program voluntarily withdraws from ACEN and ARC-PA joint accreditation, the advanced practice provider program's joint accreditation will continue through (1) the end of the advanced practice provider program's current joint initial or joint continuing accreditation period or (2) a date specified by the advanced practice provider program prior to the end of the advanced practice provider program's current joint initial or joint continuing accreditation period. The advanced practice provider program must specify the intended joint accreditation withdrawal date in its written notification to the ACEN and ARC-PA. At the selected date of withdrawal, the advanced practice provider program will be removed from the ACEN's and ARC-PA's list of accredited advanced practice provider programs. The advanced practice provider program must remove all references to ACEN and ARC-PA joint accreditation intended to inform the public including all print and electronic documents.

The ACEN and ARC-PA will deem as a voluntary withdrawal from joint accreditation any refusal or failure of an accredited advanced practice provider programs to allow a required site visit or focused visit, or submit a Self-Study Report, written documentation, or Focused Visit Report, or other requested information. The effective date of the withdrawal will be the last day of the month in which the requested information was due. The advanced practice provider program will be so notified, in writing, by the ACEN Chief Executive Officer and ARC-PA Executive Director within 30 calendar days of an accredited advanced practice provider program refusing or failing to submit to a required (1) site visit or focused visit (2) Self-Study Report, written documentation, or Focused Visit Report, (3) Annual Report, or (4) other requested information.

ACEN will deem as a voluntary withdrawal from joint accreditation any refusal or failure of an accredited advanced practice provider program to pay its fees and expenses when due. The effective date of the withdrawal will be the last day of the month in which the fees and/or expenses were due and not paid. The advanced practice provider program will be so notified, in writing, by the ACEN Chief Executive Officer and ARC-PA Executive Director within 30 calendar days of an accredited advanced practice provider program refusing or failing to pay its fees and expenses on a timely basis.

An advanced practice provider program may reinitiate the Candidacy process for joint initial accreditation at any time after voluntarily withdrawing from its joint initial accreditation process. An advanced practice provider program must voluntarily withdraw from the Candidacy process for joint initial accreditation before reinitiating the Candidacy process.

### **POLICY 308: Disclosure of Information about the Advanced Practice Provider Program**

When a sponsoring organization and/or nursing program makes a disclosure regarding the ACEN/ARC-PA joint accreditation status of an advanced practice provider program, it must accurately identify the advanced practice provider program's joint accreditation status with ACEN/ARC-PA.

If it is determined that a sponsoring organization and/or nursing program is in violation of this policy, the ACEN Chief Executive Officer and ARC-PA Executive Director will inform the sponsoring organization and nursing program through a formal letter. If the violation is not corrected immediately, the CEO/Executive Director shall report the matter to the ACEN Board of Commissioners and ARC-PA Commissioners for appropriate action.

- I. The sponsoring organization/advanced practice provider program must disclose the following information as a single disclosure to all current and prospective trainees within seven business days of receipt of the decision letter:
  - a. The name, address, telephone number, and web address of the ACEN and ARC-PA
  - b. The most recent joint accreditation decision, which will be one of the following:
    - i. Initial Accreditation
    - ii. Continuing Accreditation
    - iii. Continuing Accreditation with Contingency
    - iv. Continuing Accreditation with Probation
    - v. Continuing Accreditation with Show Cause
    - vi. Denial of Continuing Accreditation

#### Granting Initial Accreditation or Continuing Accreditation

- I. If an advanced practice provider program is granted initial or continuing accreditation, the sponsoring organization/advanced practice provider program shall not use "fully accredited" as partial accreditation is not possible.
2. The single disclosure must be exactly as illustrated below:

The advanced practice provider program at [insert name of sponsoring organization this is in accordance with ACEN/ARC-PA records] at the [insert name of location that is in accordance with ACEN/ARC-PA records, if applicable] located in [city, state that is in accordance with ACEN/ARC-PA records] is accredited by the:

Accreditation Commission for Education in Nursing (ACEN)  
3390 Peachtree Road NE, Suite 1400  
Atlanta, GA 30326  
404-975-5000

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[www.acenursing.org](http://www.acenursing.org)

Accreditation Review Commission on Education for the Physician Assistant (ARC-PA)  
3325 Paddocks Parkway, Suite 345  
Suwanee, GA 30024  
770-476-1224  
[www.arc-pa.org](http://www.arc-pa.org)

The most recent joint accreditation decision made by the ACEN Board of Commissioners and ARC-PA Commissioners for the advanced practice provider program is [insert one of the following here]

- a. Initial Accreditation
- b. Continuing Accreditation
- c. Continuing Accreditation with Contingency
- d. Continuing Accreditation with Probation
- e. Continuing Accreditation with Show Cause
- f. Denial of Continuing Accreditation

Denial of Continuing Accreditation and Appeal

- I. If an advanced practice provider program is denied continuing accreditation and the program appeals the decision, the sponsoring organization/advanced practice provider program must disclose the following information as a single disclosure to all current and prospective trainees within one business day of initiating the appeal per Policy #309. The single disclosure must be exactly as illustrated below:

The most recent joint accreditation decision made by the ACEN Board of Commissioners and ARC-PA Commission for the advanced practice provider program is denial of continuing accreditation, which [insert name of sponsoring organization] is appealing per Policy #309.

The advanced practice provider program will remain accredited with the status of [insert the accreditation status immediately prior to denial decision] in accordance with Policy #309 pending the outcome of the appeal process.

Accreditation Commission for Education in Nursing (ACEN)  
3390 Peachtree Road NE, Suite 1400  
Atlanta, GA 30326  
404-975-5000  
[www.acenursing.org](http://www.acenursing.org)

Accreditation Review Commission on Education for the Physician Assistant (ARC-PA)  
3325 Paddocks Parkway, Suite 345  
Suwanee, GA 30024  
770-476-1224

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[www.arc-pa.org](http://www.arc-pa.org)

View the public information disclosed by the ACEN and ARC-PA regarding this program at [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org)

Based on the outcome of the appeal process, the disclosure of accreditation status information must be updated within one business day of the effective date of the accreditation decision becoming final.

Denial of Continuing Accreditation and Arbitration

- I. If an advanced practice provider program is denied continuing accreditation and the program pursue arbitration, the sponsoring organization/advanced practice provider program must disclose the following information as a single disclosure to all current and prospective trainees within one business day of initiating the arbitration process per Policy #327. The single disclosure must be exactly as illustrated below:

The most recent joint accreditation decision made by the ACEN Board of Commissioners and ARC-PA Commissioners for the advanced practice provider program is denial of continuing accreditation, which [insert name of sponsoring organization] is pursuing arbitration per Policy #327.

The advanced practice provider program will remain accredited with the status of [insert the accreditation status immediately prior to denial decision\*] in accordance with Policy #327 pending the outcome of the arbitration process.

Accreditation Commission for Education in Nursing (ACEN)  
3390 Peachtree Road NE, Suite 1400  
Atlanta, GA 30326  
404-975-5000  
[www.acenursing.org](http://www.acenursing.org)

Accreditation Review Commission on Education for the Physician Assistant (ARC-PA)  
3325 Paddocks Parkway, Suite 345  
Suwanee, GA 30024  
770-476-1224  
[www.arc-pa.org](http://www.arc-pa.org)

View the public information disclosed by the ACEN and ARC-PA regarding this program at [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org)

Based on the outcome of the arbitration process, the disclosure of accreditation status information must be updated within one business day of the effective date of the accreditation decision becoming final.

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Voluntary Withdrawal

1. If an advanced practice provider program voluntarily withdraws from ACEN/ARC-PA joint accreditation per Policy #307, the disclosure of accreditation status information must be deleted within one business day of the effective date of the voluntary withdrawal.

Incorrect or Misleading Information

1. If the sponsoring organization and/or nursing program publishes incorrect or misleading information about the accreditation status of an advanced practice provider program or any action by the ACEN/ARC-PA relative to the joint accreditation status of an advanced practice provider program, the sponsoring organization and/or nursing program must immediately provide public correction via a news release or through other media.
2. If a sponsoring organization and/or nursing program makes public the contents from any site visit report or decision letter, it must provide full sentences and context. Characterizing, quoting, and/or providing excerpts from a site visit report or decision letter must also be accompanied by a note stating that a copy of the complete document(s) can be obtained from the nursing program. Should the statements be misinterpreted, the program must correct this misinterpretation through a clarifying release to the same audience that received the information.



## **POLICY 309: Appeal Process Subsequent to Adverse Action for Advanced Practice Provider Programs**

The appeal process allows an advanced practice provider program to appeal an adverse action taken by the ACEN Board of Commissioners and ARC-PA Commissioners.

### **Decisions Eligible for Appeal**

An advanced practice provider program may only appeal an adverse action taken by the ACEN Board of Commissioners and ARC-PA Commissioners. An adverse action is defined as a denial of joint initial accreditation or a denial of joint continuing accreditation.

### **Grounds for Appeal**

- I. There are two grounds for appeal:
  - a. The Commissioners' decision was arbitrary; that is, it was unreasonable and not based on, or consistent with, the published Advanced Practice Provider Standards and Criteria or the ACEN and ARC-PA published policies and/or procedures for advanced practice provider programs; or
  - b. The Commissioners failed to follow its published advanced practice provider policies and/or procedures and this failure was significant in leading to the Commissioners' decision.

### **Notice of Appeal**

An adverse action taken regarding the accreditation status of an advanced practice provider program may be appealed within 30 calendar days of the advanced practice provider program's receipt of notice of such adverse action. An advanced practice provider program shall initiate an appeal by filing a written notice of intent to appeal. The notice of appeal shall be sent by overnight delivery with proof of receipt to the ACEN CEO and ARC-PA Executive Director at the same time it is sent by email. The notice of appeal shall be sent by the designated administrative officer of the appellant program's sponsoring organization to the ACEN Chief Executive Officer and ARC-PA Executive Director. Upon receipt of the notice, the ACEN and ARC-PA shall maintain the prior accreditation status of the advanced practice provider program until the disposition of the appeal.

The request of an advanced practice provider program for an appeal process must identify the specific alleged procedural failures or the specific way the decision was arbitrary, that is, was unreasonable and not based on, or consistent with, the published Advanced Practice Provider Standards and Criteria or ACEN and ARC-PA published advanced practice provider policies and/or procedures.

The appeal process will be completed within a reasonable amount of time following the date of receipt of the notice of intent to appeal. The date for the reexamination hearing will be

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determined by the availability of Reexamination Committee members to hear the case and by the establishment of a quorum. The final determination of the date will be made by the ACEN Chief Executive Officer and ARC-PA Executive Director after consultation with the Reexamination Committee members and the appellant program. The ACEN and ARC-PA will make every effort to honor the preference of the appellant program but cannot guarantee the date.

The notice of intent to appeal fee must be submitted with the written notice of intent to appeal. The appeal process fee is due within 45 calendar days of the submission of the notice of intent to appeal. The appeal will be considered withdrawn if the advanced practice provider program fails to submit the appeal process fee within 45 calendar days of the submission of the notice of intent to appeal. The reexamination hearing will not be scheduled until the appeal process fee has been paid in full. Additionally, the appellant program will be charged a non-refundable administrative appeal fee, which must be submitted with the written notice of intent to appeal. Credit cards are not an acceptable form of payment for the notice of intent to appeal fee, the appeal process fee, or the non-refundable administrative appeal fee.

If the travel, lodging, meal, legal, and other expenses directly related to the appeal process incurred by the ACEN and ARC-PA exceed the cumulative total of the notice of intent to appeal fee and appeal process fee, the advanced practice provider program will be responsible for the difference and will receive a subsequent invoice for the additional expenses not covered by the fees. Credit cards are not an acceptable form of payment for invoices for appeal-related expenses. If the travel, lodging, meal, legal, and other expenses directly related to the appeal process incurred by the ACEN and ARC-PA are less than the cumulative total of the notice of intent to appeal fee and appeal process fee, the advanced practice provider program will be refunded the difference. The appellant program is responsible for all the travel, lodging, meal, legal, and other expenses directly related to the appeal process incurred by the ACEN and ARC-PA regardless of the outcome, disposition, and/or cancellation of the reexamination hearing.

### **Appointment of a Reexamination Committee**

Three members from the Reexamination Committee membership shall be appointed to a Reexamination Committee to examine a specific appeal. One advanced practice provider program administrator or one advanced practice provider program educator, one nurse practitioner or physician assistant, and one public member. Current members of the ACEN Board of Commissioners and current ARC-PA Commissioners may not serve on the Reexamination Committee.

The ACEN Chief Executive Officer and ARC-PA Executive Director shall appoint the Reexamination Committee. A member of the Reexamination Committee shall recuse him/herself from the Reexamination Committee if there is a conflict of interest or an

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appearance of a conflict of interest. Reexamination Committee members are subject to the requirements of Policy #301.

The ACEN Chief Executive Officer and ARC-PA Executive Director shall provide notice of the Reexamination Committee membership to the appellant program. The appellant program will have the opportunity to review the proposed Reexamination Committee members for any conflicts of interest. Within three business days of the appellant program's receipt of the names of the proposed Reexamination Committee membership, the appellant program shall provide written notice of any assertions that a proposed Reexamination Committee member has a conflict of interest to the ACEN Chief Executive Officer and ARC-PA Executive Director. If the ACEN Chief Executive Officer and ARC-PA Executive Director determines a conflict of interest exists, another Reexamination Committee member shall be appointed within three business days with notification to the appellant program. The appellant program shall have an opportunity to review the appointed Reexamination Committee member for any conflict of interest. Within three business days of the appellant program's receipt of the name of the appointed panel member, the appellant program shall provide written notice of any assertion that the substituted Reexamination Committee member has a conflict of interest to the ACEN Chief Executive Officer and ARC-PA Executive Director. If the ACEN Chief Executive Officer and ARC-PA Executive Director determines that the panel member has a conflict of interest, the procedures of this paragraph shall be repeated until a Reexamination Committee member is secured and the Reexamination Committee is determined. The ACEN Chief Executive Officer's and ARC-PA Executive Director's determination of a conflict of interest shall be final.

Where necessary to avoid a conflict of interest or in other exceptional circumstances, the ACEN Chief Executive Officer and ARC-PA Executive Director may, in consultation with the appellant program, select individuals outside of the approved list maintained by the ACEN of persons qualified to serve as Reexamination Committee members as long as such panel member otherwise meets the qualifications to be a panel member.

### **Procedures for Governing the Appeal Process and reexamination hearing**

The appeal process and reexamination hearing are collegial and shall not be bound by technical or formal rules of evidence or pleading. The reexamination hearing is an administrative process, not judicial hearing, with each party to the appeal advocating its position. Therefore, legal rules of evidence and legal procedures, such as the examination of the competency of members of the Reexamination Committee, the use of sidebars, or cross-examining those present, are prohibited.

Throughout the appeal process and reexamination hearing, the appellant program will bear the burden of proof.

The ACEN and ARC-PA are responsible for sending all material concerning the appeal to members of the Reexamination Committee; for providing support services, including lodging,

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transportation and meeting space for the Reexamination Committee members; for confirming the date of the reexamination hearing; and for securing the services of a court reporter.

The following procedures must be adhered to in an appeal.

### **Documents for the Hearing**

1. At least 30 calendar days before the date of the reexamination hearing, the ACEN and ARC-PA must submit to the appellant program and the Reexamination Committee documents (administrative record) used by the ACEN Board of Commissioners and ARC-PA Commissioners leading to and arriving at the decision regarding the advanced practice provider program. The administrative record includes (a) all and only the materials available used by the ACEN Board of Commissioners and ARC-PA Commissioners leading to and arriving at the decision regarding the advanced practice provider program, (b) the official ACEN correspondence leading to the adverse action and also related to the appeal, and (c) as applicable, other documents bearing on the substance of the appeal.
2. At least 14 calendar days before the date of the reexamination hearing, the appellant program must submit to the ACEN Chief Executive Officer and ARC-PA Executive Director the brief it intends to present at the reexamination hearing. The brief must specifically direct Reexamination Committee members to citations in the administrative record which justify the appellant program's grounds for appeal. The appellant program must cite page numbers of the text supporting its position. The appellant program is required to submit seven print copies of its brief. Failure of the appellant program to provide a brief within the specified period time shall be cause for case dismissal by the Reexamination Committee.
3. At least 10 calendar days before the date of the reexamination hearing, the ACEN and ARC-PA are required to submit copies of the administrative record and the appellant program's brief to the Reexamination Committee.
4. At least seven calendar days before the date of the reexamination hearing, the ACEN and ARC-PA must submit to the appellant program and Reexamination Committee its response to the appellant program's brief.
5. Neither the appellant program nor the ACEN and ARC-PA may submit additional briefs or any other materials during or following the reexamination hearing.

### **The Reexamination Hearing**

1. The Reexamination Committee will select a Chair who will be responsible for ensuring effective implementation of the reexamination hearing process and for filing

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- the Reexamination Committee's decision with the ACEN Chief Executive Officer and the ARC-PA Executive Director.
2. The Chair of the Reexamination Committee may have a preliminary conference, in person or by telephone, either at the Chair's request or at the request of a party, to discuss the procedures for the appeal. The conference will be conducted by the Chair with representatives from both parties in attendance.
  3. At least 14 calendar days before the date of the reexamination hearing, the appellant program and the ACEN and ARC-PA must submit to each other the names and titles of those individuals selected to appear as witnesses, representatives, and legal counsel, one of whom must be the program administrator. Once the names are submitted to each other there may be no substitutions, except as may be approved by the Chair.
  4. The ACEN Board of Commissioners and ARC-PA Commissioners based its adverse action on reports, sponsoring organization responses, documentation, and evidence presented by the sponsoring organization at the time of its review. If the appellant program failed to present documentation and evidence available at the time the ACEN Board of Commissioners and ARC-PA Commissioners took adverse action, it cannot make that information available for consideration by the Reexamination Committee under any circumstances. In addition, neither the ACEN, ARC-PA, or the appellant program may include new information/materials as part of their briefs presented to the Reexamination Committee nor may they introduce new evidence during the reexamination hearing.
  5. The reexamination hearing is closed to the public and shall include only those persons who can speak to the grounds for appeal.
  6. The ACEN and ARC-PA representatives and appellant advanced practice provider representatives are present during the reexamination hearing.
  7. No more than five persons and one attorney shall appear for each of the parties (ACEN, ARC-PA, appellant program). The program administrator of the appellant program shall appear before the Reexamination Committee.
  8. Attendees will be seated with counsel and may testify from where they sit. There will be no sequestration of witnesses.
  9. The Reexamination Committee may ask questions of the attendees, and their questions shall not count against the time allowed either side.
  10. Legal counsel may not cross-examine witnesses for the other party and may not voice objections.

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11. The presentation of the parties, including any questions of the Reexamination Committee, shall be transcribed by a court reporter provided by the ACEN and ARC-PA.
12. Since the appellant program bears the burden of proof, the appellant program will be the first party to present its case during the reexamination hearing.
13. The Chair of the Reexamination Committee will limit the presentation of the appellant program and the ACEN and ARC-PA to one hour each and shall notify both before the reexamination hearing of such time limit. The one hour does not include time for questioning from the members of the Reexamination Committee. At the request of the appellant program, ACEN, or ARC-PA, the Chair may allow time for final response by either party, not to exceed one half-hour. The Chair can only extend these time limits. Since the appellant program bears the burden of proof, the sponsoring organization will be the first party to present a final response and may reserve time to conclude.
14. Within seven calendar days of the date of the reexamination hearing, the Chair of the Reexamination Committee shall inform the ACEN Chief Executive Officer, Chair of the ACEN Board of Commissioners, ARC-PA Executive Director, and Chair of the ARC-PA Commissioners in writing of the Reexamination Committee's decision. This notification must include specific reasons for the decision, must address each of the grounds for appeal identified by the appellant program, and must address the findings regarding the Advanced Practice Provider Standards and Criteria on which the Commissioners' decision was based. A PDF version of the letter of notification will be emailed and will be deemed acceptable by transmission. The original letter will be next-day express mailed to the designated administrative officer of the appellant program's sponsoring organization, program administrator, ACEN Chief Executive Officer, and ARC-PA Executive Director.

### Conditions

- I. The appellant program bears the burden of proof.
  - a. To gain a REVERSAL of the Commissioners decision, the appellant program must present evidence which, in the judgment of the Reexamination Committee, demonstrates that the Commissioners' decision was arbitrary, that is, was unreasonable and not based on, or consistent with, the published Advanced Practice Provider Standards and Criteria or published advanced practice provider policies and/or procedures.
  - b. To gain an AMENDMENT of the ACEN Board of Commissioners and the ARC-PA Commissioners decision, the appellant program must present evidence which, in the judgment of the Reexamination Committee, demonstrates that the Commissioners' decision was arbitrary, that is, was unreasonable and not based

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on, or consistent with, the published Standards and Criteria or ACEN and ARC-PA published policies and/or procedures.

- c. If the appellant program fails to provide evidence adequate to gain an AMENDMENT or a REVERSAL, the initial decision of the Commissioners must be AFFIRMED.
2. The accreditation status of an appellant program for which an appealable action has been taken shall remain as it was before such action until the 10-calendar day period for filing an appeal has expired. Receipt of a notification of an appeal from an appellant program by the ACEN Chief Executive Officer and ARC-PA Executive Director during this 10-calendar day period will cause the previous status to be continued until a final decision is made on the appeal. If the result of an appeal is to affirm the Commissioners' decision, the original effective end date of the advanced practice provider program's joint accreditation is also affirmed.

### **Rights and Limitations**

- I. The appellant program and the ACEN/ARC-PA have the following rights in an appeal:
  - a. To have available legal counsel or a representative of their choice to advise them at the reexamination hearing. Legal counsel representing each of the parties will be permitted to present or assist in the presentation of the case during the re-examination hearing. Legal counsel will not be permitted to conduct a cross-examination of representatives from the opposing party.
  - b. If the Chair of the Reexamination Committee, the appellant program, or the ACEN/ARC-PA requests a pre-hearing conference, the conference will be conducted by the Chair with representatives from both parties in attendance.
  - c. To present written or oral testimony and/or evidence pertinent to the grounds for the appeal consistent with this policy. Only the Reexamination Committee has the right to question individuals present at the re-examination hearing. All individuals who testify will testify under oath as administered by the court reporter.
  - d. To receive a transcript and any other related records of the appeal process and reexamination hearing, upon payment of the costs of reproduction.
  - e. The Reexamination Committee's discussions and deliberations, all votes taken, and the discussion on the final decision itself are not conducted on the record.
  - f. Presentations by the appellant program and the ACEN/ARC-PA, questions asked of these representatives by the Reexamination Committee, and

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responses to such questions are to be recorded and transcribed. Transcripts are a matter of record of the proceedings.

3. The decision of the Commissioners shall be reviewed based exclusively upon the conditions existing at the time of that decision and shall be subject to the following limitations:
  - a. No evidence concerning the remedying of deficiencies since the time of the Commissioners' adverse action shall be presented at or before the reexamination hearing under any circumstances. The Reexamination Committee is prohibited from considering such evidence in reaching its decision.
  - b. No new evidence made available since the time of the Commissioners' adverse action shall be presented at or before the reexamination hearing. The Reexamination Committee is prohibited from considering such evidence in reaching its decision.
  - c. The Reexamination Committee shall not, in its decision or otherwise, instruct the ACEN/ARC-PA staff or the Commissioners to consider evidence concerning the remedying of deficiencies since the date of the Commissioners' original decision.
4. The Chair of the Reexamination Committee **must disallow** evidence presented by the appellant program or the ACEN/ARC-PA:
  - a. Which is not pertinent to the grounds for appeal;
  - b. Which concerns the remedying of deficiencies since the time of the Commissioners' decision;
  - c. Which was not available to the Commissioners at the time of its decision.
5. Members of the Reexamination Committee may not disclose the content of confidential discussions or deliberations leading to its decision.
6. Members of the Reexamination Committee may not disclose its decision prior to the Chair's notification to the ACEN Chief Executive Officer, Chair of the ACEN Board of Commissioners, the ARC-PA Executive Director and Chair of the ARC-PA Commissioners.

### **Actions**

- I. The Reexamination Committee, after the presentation of oral and/or written testimony, must determine whether the appellant program has demonstrated either of the following:



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- a. That the Commissioners failed to follow published policies and/or procedures and that this failure was significant in leading to the Commissioners' decision; or
  - b. That the Commissioners' decision was arbitrary, that is, was unreasonable and not based on, or consistent with, the published Advanced Practice Provider Standards and Criteria or published policies and/or procedures.
2. The Reexamination Committee shall act within the following limitations:
- a. **AFFIRM** the Commissioners' decision
    - i. The Reexamination Committee shall AFFIRM the Commissioners' decision, unless it finds that the appellant program:
      1. Demonstrated that the Commissioners failed to follow published policies and/or procedures and that this failure was significant in leading to the Commissioners' decision;
      2. Demonstrated that the Commissioners' decision was arbitrary, that is, was unreasonable and not based on, or consistent with, the published Advanced Practice Provider Standards and Criteria or published policies and/or procedures;
    - ii. The decision by the Reexamination Committee to AFFIRM the Commissioners' decision is final and is not subject to further appeal.
  - b. **AMEND** the Commissioners' decision
    - i. The Reexamination Committee shall AMEND the decision of the Commissioners if it finds that the appellant program has demonstrated that:
      1. The Commissioners' decision was arbitrary, that is, was unreasonable and not based on, or consistent with, the published Advanced Practice Provider Standards and Criteria or published policies and/or procedures.
    - ii. The decision by the Reexamination Committee to AMEND the ACEN Commissioners' decision is final and is not subject to further appeal.
  - c. **REVERSE** the Commissioners' decision
    - i. The Reexamination Committee shall REVERSE the decision of the Commissioners if it finds that the appellant program has demonstrated that:
      1. The Commissioners' decision was arbitrary, that is, was unreasonable and not based on, or consistent with, the published Advanced Practice Provider

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Standards and Criteria or published policies and/or  
procedures.

- ii. The decision by the Reexamination Committee to REVERSE the Commissioners' decision is final and is not subject to further appeal.



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POLICY 310: Advanced Practice Provider Program Records on File

The ACEN and ARC-PA maintains the following records for each advanced practice provider program:

- I. Joint Initial Accreditation and Continuing Accreditation (from most recent review)
  - a. Self-Study Report
  - b. Site Visit Report
  - c. Program response to Site Visit Report
  - d. Initial Interim Accreditation Report
  
2. Formal Written Correspondence (as applicable)
  - a. ACEN and ARC-PA Commission Action on Accreditation Status
  - b. ACEN and ARC-PA Commission Action on Program change Prospectus and/or Letter of Notification
  - c. Complaints (see Policy #315)
  - d. Correspondence between the ACEN and ARC-PA and the sponsoring organization and/or advanced practice provider program
  
3. Reports (as applicable)
  - a. Follow-Up Report
  - b. Follow-Up Site Visit Report
  - c. Focused Visit Report
  - d. Focused Site Visit Report
  - e. Written documentation
  - f. Program change Prospectus and/or Letter of Notification
  - g. Candidacy Application Form (for a period of three years or until joint initial accreditation is earned, whichever occurs first)
  - h. Candidacy Presentation (for a period of three years or until joint initial accreditation is earned, whichever occurs first)

Selected records for advanced practice provider programs that have voluntarily withdrawn from the accreditation process or been denied joint initial or joint continuing accreditation are maintained by the ACEN and ARC-PA.

**POLICY 311: Reporting Program Changes for Advanced Practice Provider Programs**

**Advanced Practice Provider Program Obligations**

It is the responsibility of each advanced practice provider program to notify the ACEN and ARC-PA of major changes in an advanced practice provider program to ensure maintenance of joint accreditation status and protection of trainees in accordance with policy. Failure to report a program change places the accreditation status of an advanced practice provider program in jeopardy.

The ACEN/ARC-PA reserves the right to reconsider the accreditation status of an advanced practice provider program at any time. The ACEN Board of Commissioners and ARC-PA Commissioners may also take action to require formal monitoring of an advanced practice provider program due to non-compliance with any Accreditation Standard.

Based on this policy, a program change is a significant modification or expansion of the nature and scope of an advanced practice provider program. The different types of program change, the specific procedure to be used for each, the respective approval/notification requirement, and the reporting timeline are included in the following table:

Type of Program Change	Focused Visit (See Policy #314)	Timeframe for Submission to the ACEN/ARC-PA
<b>MISSION-GOVERNANCE-RESOURCES</b>		
A change in the program administrator	No	No later than 30 calendar days after permanent or interim program administrator assumes duties/responsibilities
A significant change in the organizational structure of the advanced practice provider program that would place an advanced practice provider program in non-compliance with the Advanced Practice Provider Standards and Criteria and/or a policy	Possible	No later than 30 calendar days after the change in organizational structure is finalized
Entering into a contractual or consortia relationship with an entity to jointly offer all or part of an advanced practice provider program; see Policy #322	Possible	No later than 30 calendar days after the contractual or consortia relationship is finalized

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Type of Program Change	Focused Visit (See Policy #314)	Timeframe for Submission to the ACEN/ARC-PA
<b>PROGRAM</b>		
Addition of a new advanced practice provider program type	Possible	Within 60 calendar days of the decision to offer a new advanced practice provider program type
Closing an advanced practice provider program (See Policy #312)	No	Within 60 calendar days of the decision to close an advanced practice provider program
<b>PROGRAM OUTCOMES</b>		
A decline of 20% or more below the expected level of achievement in advanced practice provider program completion rates	Possible	Within 60 calendar days of the advanced practice provider program identifying the decline
A decline of 20% or more below the expected level of achievement in trainee program satisfaction	No	Within 60 calendar days of the advanced practice provider program identifying the decline
A decline of 20% or more below the expected level of achievement in employer program satisfaction	No	Within 60 calendar days of the advanced practice provider program identifying the decline
A decline in employee retention (as applicable)	Possible	Within 60 calendar days of the advanced practice provider program identifying the decline
A decline of 20% or more below the expected level of achievement in job placement (as applicable)	Possible	Within 60 calendar days of the advanced practice provider program identifying the decline
<b>REGULATORY APPROVAL STATUS</b>		
A change in the approval status with any institutional regulatory agency (as applicable)	Possible	Within 60 calendar days of the program receiving notification

**Procedure for Reporting a Program change: An Overview**

The program administrator with responsibility for the advanced practice provider program should submit a letter of notification to the ACEN and ARC-PA within the specified timeframe. The letter of notification should include details about the change for the ACEN and ARC-PA to review and evaluate the program's compliance with the Advanced Practice Provider Standards and Criteria, including but not limited to the rationale or reason for the change and the date the change occurred or will occur. If the program change is related to a decline in program

outcomes, the letter of notification should include any plans developed to address the area(s) of decline.

### **Policy Statements Regarding Program change**

1. The Advanced Practice Provider Standards and Criteria apply to all ACEN and ARC-PA accredited advanced practice provider programs wherever the advanced practice provider program is located or however the advanced practice provider program is delivered.
2. Failure to comply with the Advanced Practice Provider Standards and Criteria or with the procedures referred to in this policy could result in the advanced practice provider program being removed from the list of accredited advanced practice provider programs.
3. This program change advanced practice provider policy applies only to accredited advanced practice provider programs. The program change advanced practice provider policy does not apply to programs in Candidacy. Advanced practice provider programs that have achieved Candidacy status should refer to Policy #324 for information about program changes that should be reported to the ACEN and ARC-PA prior to achieving joint initial accreditation.
4. The ACEN and ARC-PA reserves the right to classify significant changes other than those described above as substantive in nature and to follow up accordingly. The follow-up procedure may include a focused visit. See Policy #314.
5. An advanced practice provider program may withdraw/discontinue a program change at any time prior to the review by either the ACEN and ARC-PA staff and ACEN Board of Commissioners and ARC-PA Commissioners, by submitting a formal letter of withdrawal to the ACEN Chief Executive Officer and ARC-PA Executive Director.
6. ACEN and ARC-PA staff will conduct a review of all program changes upon receipt. Program change submissions may be referred to the Commissioners if the ACEN and ARC-PA staff determine the program change may affect the program's compliance with the Advanced Practice Provider Standards and Criteria.
7. The ACEN and ARC-PA staff acceptance of a program change is effective as of the date on the acceptance letter sent to the sponsoring organization/advanced practice provider program.

8. If indicated, the Commissioners' approval of a program change is effective as of the date of the Commissioners' approval; this date will be noted in the approval letter sent to the sponsoring organization/advanced practice provider program.
  
9. Extensive program changes by an advanced practice provider program may accelerate the date for the advanced practice provider program's next joint continuing accreditation. Examples of triggers for an accelerated joint continuing accreditation include but are not limited to frequent changes in ownership, mergers or consolidations or rapid proliferation of new advanced practice provider program types.

### **Advanced Practice Provider Program Responsibilities**

It is the responsibility of an advanced practice provider program to follow the program change procedures and inform the ACEN and ARC-PA of program changes as specified in this policy and procedures. If a program administrator is unclear as to whether a change is substantive in nature, he or she should contact the ACEN/ARC-PA staff for consultation.

### **ACEN and ARC-PA Commission Responsibilities**

The ACEN and ARC-PA jointly accredits advanced practice provider programs wherever an advanced practice provider program is located or however an advanced practice provider program is delivered. The ACEN and ARC-PA is responsible for reviewing all program changes that occur, determining whether the change has affected the quality of the advanced practice provider program, and assuring the public that all aspects of the advanced practice provider program continue to meet the Advanced Practice Provider Standards and Criteria.



### **POLICY 312: Closing an Advanced Practice Provider Program**

When a sponsoring organization makes the decision to close an advanced practice provider program, current trainees should be notified of the decision as soon as possible. Trainees who have not completed the advanced practice provider program should be advised regarding available options, if any.

When a sponsoring organization makes the decision to close an advanced practice provider program a Closing Report that fully describes the plan for closing must be submitted to the ACEN and ARC-PA. The Closing Report must describe how the advanced practice provider program will fulfill any outstanding obligations to the trainees enrolled in the program.

Based on the information provided in the Closing Report, the accreditation status of the advanced practice provider program, and the date of the next scheduled accreditation visit, the ACEN and ARC-PA will take one of the following actions:

1. When the advanced practice provider program is accredited without stipulations, the ACEN Chief Executive Officer and ARC-PA Executive Director will:
  - a. Cancel the next visit and continue joint accreditation until closing; or
  - b. Reaffirm the originally scheduled visit.
2. When the status of the advanced practice provider program is continuing accreditation with contingency, the ACEN Chief Executive Officer and ARC-PA Executive Director will:
  - a. Extend the contingency status if the advanced practice provider program is scheduled to close within 12 months after the scheduled visit; or
  - b. Determine the date of a next visit if the advanced practice provider program is scheduled to close beyond a year after the scheduled visit.
3. If a program planning to close fails to submit a Closing Report to the ACEN and ARC-PA or comply with Commissions' request(s), such action will constitute a declaration to have accreditation status withdrawn, and the ACEN Chief Executive Officer and ARC-PA Executive Director will act accordingly.
4. If a program previously scheduled to close extends its operation beyond the original closing date, a site visit will be scheduled at the earliest possible date. The procedure to be followed will depend on the advanced practice provider program's status at the time the announcements about the closing and the change of plans were made.

5. If a program closes in the interim between Commissions' meetings and without prior notice to the ACEN and ARC-PA, the closing automatically terminates and ARC-PA Executive Director the joint ACEN and ARC-PA accreditation.

**POLICY 313: Accreditation Status of the Sponsoring Organization for Advanced Practice Provider Programs**

The sponsoring organization offering a jointly accredited ACEN/ARC-PA advanced practice provider program must be accredited by an agency recognized by the ACEN and ARC-PA; see Policy #303. If the sponsoring organization's accrediting agency revokes its accreditation of the sponsoring organization, the program administrator shall submit to the ACEN a report explaining the reasons for the decision and the effect of the decision on the advanced practice provider program. The ACEN Board of Commissioners and ARC-PA Commissioners will determine appropriate follow-up actions following review of the submitted materials.

### **POLICY 314: Focused Visit for Advanced Practice Provider Programs**

The ACEN Board of Commissioners and ARC-PA Commissioners may determine a focused visit is warranted to review significant accreditation-related information disclosed about a program as a result of:

1. A program change;
2. Information revealed about an advanced practice provider program between periods of scheduled review;
3. Information is received that the sponsoring organization's accrediting body revoked its accreditation; or
4. Information is received that a regulatory agency has changed the status of the advanced practice provider program.

The Advanced Practice Provider Standards and Criteria pertinent to the reason for the focused visit will be reviewed. ACEN and ARC-PA professional staff will determine the Standards and Criteria to be reviewed. The advanced practice provider program must prepare a Focused Visit Report based on the Advanced Practice Provider Standards and Criteria identified and submit the Report to the peer evaluators, ACEN, and ARC-PA six weeks before the site visit; the Focused Visit Report is the foundation for review of compliance with the identified Advanced Practice Provider Standards and Criteria. Guidelines for creating the Focused Visit Report are available on the ACEN and ARC-PA website. The focused visit is typically one to two day(s) in length.

Following the focused visit, the Focused Site Visit Report will be reviewed by the ACEN Board of Commissioners and ARC-PA Commissioners at a regularly scheduled meeting. Based on the Focused Site Visit Report, the ACEN Board of Commissioners and ARC-PA Commissioners may take the following actions:

1. Affirm the advanced practice provider program's accreditation status and date of the next scheduled visit; no further information is requested.
2. Change the date of the advanced practice provider program's next scheduled visit to a date earlier than previously scheduled. This is not an appealable action.
3. Change the advanced practice provider program's accreditation status (e.g., continuing accreditation with contingency, continuing accreditation with probation, continuing accreditation with show cause). This is not an appealable action.
4. Deny continuing accreditation and remove the advanced practice provider program from the listings of accredited advanced practice provider programs. This is an appealable action. See Policy #309.

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The maximum period for the status of continuing accreditation with contingency for advanced practice provider programs to be monitored is two years from the Commissioners' determination of this accreditation status.

### **POLICY 315: Complaints Against an Accredited Advanced Practice Provider Program**

The ACEN and ARC-PA will only act upon substantiated complaints against an accredited advanced practice provider program that indicate:

1. A sponsoring organization's and/or advanced practice provider program's non-compliance with the Advanced Practice Provider Advanced Practice Provider Standards and Criteria;
2. A sponsoring organization's and/or advanced practice provider program's non-compliance with an advanced practice provider policy; and/or
3. A sponsoring organization's and/or advanced practice provider program's non-compliance with its own published policy as said policy relates to the Advanced Practice Provider Standards and Criteria.

The ACEN and ARC-PA will not interpose itself as a reviewing authority in individual matters such as, but not limited to, program acceptance; application of sponsoring organization or program policies; financial matters; disciplinary matters; contractual rights and obligations; personnel decisions; or similar matters. The ACEN and ARC-PA will also not seek any type of compensation, damages, or other redress on an individual's behalf. The ACEN and ARC-PA will not respond to or act upon any complaint that is defamatory, hostile, or profane. In addition, the ACEN and ARC-PA will not involve itself in collective bargaining disputes. The ACEN and ARC-PA does not accept complaints about individuals.

In addition, the ACEN and ARC-PA may act upon concerns from a recognized state or federal agency.

The ACEN and ARC-PA will maintain records of program complaints for four years. If a number of program complaints suggest a pattern of concern not evident from any single complaint, the ACEN and ARC-PA may renew its consideration of a matter for whatever action may be appropriate.

The ACEN and ARC-PA expects that the individual complainant will attempt to resolve an issue through the sponsoring organization and/or advanced practice provider program's own published grievance policy/procedures before submitting a complaint to the ACEN and ARC-PA. Therefore, an individual must use all available grievance and means of appeal within the sponsoring organization and/or advanced practice provider program before filing a complaint with the ACEN and ARC-PA. The ACEN and ARC-PA will not consider a complaint while sponsoring organization's proceedings or litigation appertaining thereto are ongoing. However, if the ACEN and ARC-PA determines that the complainant raises issues so immediate that a delay may jeopardize the advanced practice provider program's accreditation status or cause harm to trainees, the ACEN and ARC-PA may, at its discretion, choose to proceed with its review.

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The ACEN and ARC-PA will not review or act upon a complaint to which the sponsoring organization and/or advanced practice provider program's published grievance policy/procedures apply if it is formally filed with the ACEN and ARC-PA more than one calendar year after the completion of the policy/procedures. The ACEN and ARC-PA will not review or act upon a complaint to which such policies/procedures do not apply if it is formally filed with the ACEN and ARC-PA more than one calendar year after the circumstances leading to the complaint.

### **Submitting a Complaint**

1. The complaint must be presented to the ACEN and ARC-PA as a written, signed, and dated statement with supporting documentation. The ACEN and ARC-PA will not review or act upon complaints that are not presented in writing.
2. All complaints must be submitted using the ACEN and ARC-PA's official Complaint Form, which must be completed in its entirety. The ACEN and ARC-PA's official Complaint Form is available at: [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org) Complaints submitted without the official Complaint Form, completed in its entirety, will not be reviewed or acted upon.
3. The completed Complaint Form and the required supporting documentation must be submitted to the ACEN and ARC-PA via the United States Postal Service or an express carrier (e.g., UPS, FedEx, DHL).
4. The completed Complaint Form and the required supporting documentation may be submitted to the ACEN and ARC-PA in paper format or using a portable electronic storage device (e.g., USB).
5. The ACEN and ARC-PA will not review or act upon anonymous complaints, nor will it review or act upon complaints submitted by an individual or agency on behalf of another individual. For example, the ACEN and ARC-PA will not review or act upon a complaint from a parent, spouse, child, sibling, co-worker, or friend of a complainant, or from an attorney.
6. The ACEN and ARC-PA must be the original intended recipient of the complaint and will not review or act upon complaints that are forwarded to the ACEN and ARC-PA.
7. The ACEN and ARC-PA will not accept or discuss complaints via telephone.
8. All written materials, including the submitted Complaint Form, the required supporting documentation, and any other printed materials, must be presented in English.

Each sponsoring organization and advanced practice provider program are required to have in place written trainee complaint policies and procedures that are reasonable, fairly administered,

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and well publicized. The sponsoring organization and advanced practice provider program must maintain a record of complaints received. This record must be available to the ACEN and ARC-PA upon request. The records for the advanced practice provider program will be examined by the ACEN and ARC-PA as part of the advanced practice provider program's joint initial or joint continuing accreditation review.

### **Procedure for Processing Complaints**

1. The ACEN and ARC-PA will acknowledge a complaint within 15 business days of its receipt.
2. Within 60 business days after acknowledging receipt of the complaint, the ACEN and ARC-PA staff will review the complaint and determine whether:
  - a. it is related to the advanced practice provider program's accreditation status,
  - b. it is within the scope of advanced practice provider policy, and/or
  - c. it demonstrates the sponsoring organization's and/or advanced practice provider program's non-compliance with:
    - i. the Advanced Practice Provider Standards and Criteria,
    - ii. an advanced practice provider policy, and/or
    - iii. the sponsoring organization's and/or advanced practice provider program's own published policy as said policy relates to the Advanced Practice Provider Standards and Criteria, and
  - d. there is adequate evidence in support of the allegations made in the complaint.
3. If the complaint does not have sufficient substance to warrant further review, the ACEN and ARC-PA will communicate this to the complainant, in writing, within 15 business days of reaching this conclusion.
4. If the complaint has sufficient substance to warrant further review, the ACEN and ARC-PA will make every effort to expedite its review; however, the time required to conduct its review may vary depending on the circumstances and nature of the complaint.
5. When a complaint is reviewed further, a copy of the complaint will be forwarded to the program administrator of the advanced practice provider program, who will be asked to respond to the ACEN and ARC-PA within 20 business days. Upon receipt of a response from the program administrator, the ACEN and ARC-PA reserves the

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right to request additional materials, as needed, from the complainant and/or program administrator.

6. If there is insufficient evidence of non-compliance, the complaint will not be processed further. The decision of the ACEN Chief Executive Officer and ARC-PA Executive Director is final, and the complainant and program administrator will be notified of this outcome.
7. If there appears to be sufficient evidence of non-compliance or if the ACEN and ARC-PA staff are unable to determine compliance, the following actions may be taken by the ACEN Chief Executive Officer and ARC-PA Executive Director (the complainant and program administrator will be notified of this outcome):
  - a. The complaint may be forwarded directly to the ACEN Board of Commissioners and ARC-PA Commissioners for review and action.
  - b. The ACEN Chief Executive Officer and ARC-PA Executive Director may authorize a Focused Visit to evaluate the sponsoring organization/advanced practice provider program. The Focused Visit Team will examine documents and interview sponsoring organization's personnel to analyze and make a judgment regarding compliance, after which they will prepare a Focused Site Visit Report. This Report will be forwarded to the ACEN Board of Commissioners and ARC-PA Commissioners for review and action at the next meeting of each Board. Following those meetings, the complainant and program administrator will be notified of the decision.
  - c. The complaint allegations may be reviewed as part of an upcoming scheduled visit to the advanced practice provider program. The peer evaluators will examine documents and interview sponsoring organization's personnel to analyze and make a judgment regarding compliance, after which they will prepare a Site Visit Report. This Report will be forwarded to the ACEN Board of Commissioners and ARC-PA Commissioners for review and action at the next meeting of each Board. Following that meeting, the complainant and program administrator will be notified of the decision.

For items 7a, 7b, or 7c above, the decision of the ACEN Board of Commissioners and ARC-PA Commissioners is final unless appealable as delineated in Policy #309 Appeal Process and Submission and Review of New Financial Information Subsequent to Adverse Action.



**POLICY 316: Public Notice of Proposed New or Revised Advanced Practice Provider Standards and Criteria and Accreditation Policies**

The Advanced Practice Provider Standards and Criteria and accreditation policies are developed, reviewed, and revised periodically by means of procedures that involve input from accredited Advanced Practice Provider programs and identified communities of interest. The ACEN and ARC-PA ensures the circulation of proposed revisions to the Advanced Practice Provider Standards and Criteria and accreditation policies, and the opportunity for comment on substantive revisions from interested parties.

ACEN and ARC-PA staff may edit existing Advanced Practice Provider Standards and Criteria and accreditation policies for non-substantive revisions without notice or seeking comments on non-substantive revisions prior to implementation.

### **POLICY 317: Assessment of the Adequacy of Advanced Practice Provider Standards and Criteria, ACEN and ARC-PA Processes, and Practices for Advanced Practice Provider Programs**

The ACEN and ARC-PA maintains an ongoing systematic review designed to ensure that (1) the Advanced Practice Provider Standards and Criteria are valid and reliable indicators of the quality provided by accredited advanced practice provider programs and are relevant to the needs of trainees; (2) ACEN and ARC-PA processes are reliable and assess knowledge and consistency of observations, applications, decisions, and perceptions; and (3) there are broad communications and consultations across constituencies.

The findings from the ongoing review are used for development, maintenance, and revision of the Advanced Practice Provider Standards and Criteria, processes, and practices. Evidence to support ongoing systematic review appears in Commissioners' minutes, annual reports, the Report to Constituents, and on the ACEN and ARC-PA website.

#### **The Process of Review**

The process of review:

- Is comprehensive;
- Occurs at regular intervals;
- Examines each Standard and its accompanying Criteria as a whole;
- Involves relevant constituencies in the review;
- Affords relevant constituencies a meaningful opportunity to provide input into the review; and
- Requires that needed changes be made promptly to improve the effectiveness and efficiency and the consumer friendliness of products and services.

#### **Aspects of the Review**

A full review of the Advanced Practice Provider Standards and Criteria occurs every five years. The process consists of:

- Review of ongoing data analysis;
- Review of literature for trends in evaluation, nursing practice, physician assistant practice, and advanced practice provider/ programs;
- Distribution of draft versions to constituencies for comment;
- Review of comments and revision of drafts;
- Distribution of the revised drafts for comment;
- Review of comments and revision of drafts as needed; and
- Commission adoption of revised Advanced Practice Provider Standards and Criteria for Advanced Practice Provider programs.

### **Reliability of Processes**

Reliability is ensured by:

- Analysis of internal consistency and reliability of the accreditation status recommendations/decisions across the three levels of review trended over time;
- Identification of strengths and areas needing development by Criterion across the three levels of review trended over time; and
- Analysis of the perceived effectiveness of the planning and conduct of the accreditation site visit by the Advanced Practice Provider program and the site visit teams trended over time.

### **Communication and Broad Consultation Practices**

Communication is ensured by:

- Solicitation of comments on proposed new or revised policies from interested parties;
- Distribution of the Annual Report findings as aggregated data trended over time; and
- Broad consultation across constituencies.

### **Planned Use of Data Analysis**

Data analysis is used to:

- Maintain validity and relevance of the Advanced Practice Provider Standards and Criteria for Advanced Practice Provider programs;
- Maintain reliability of the accreditation processes and practices;
- Continue to identify and disseminate information in appropriate arenas regarding specific education needs of programs and peer evaluators as groups;
- Continue to identify and disseminate information in appropriate arenas regarding specific developmental needs of individual programs and peer evaluators; and
- Continue to identify and disseminate information in appropriate arenas regarding areas in which change needs to be facilitated.

### **Evaluation of the Site Visit**

For each site visit, the Advanced Practice Provider program, program administrator, team chair, and team members have an evaluation form to complete. The information is used to:

- Improve the quality of the accreditation process and
- Identify potential team chairs.

## **Annual Report**

All accredited Advanced Practice Provider programs are required to submit an Annual Report.

The Annual Report will request, at a minimum, the following information:

- Program participation data and
- Program outcomes data.

The ACEN and ARC-PA staff will review the information to ensure that programs continue to comply with policies and reporting requirements. Significant changes will be referred to the ACEN Board of Commissioners and ARC-PA Commissioners, and action may be taken as appropriate. Failure to submit the Annual Report could result in the Commissioners taking appropriate action, including potentially altering the Advanced Practice Provider program's accreditation status.

Data will be compiled by the individual programs for monitoring purposes and reported in aggregate form, trended over time.

**POLICY 318: Staff Relationship to the ACEN Board of Commissioners and ARC-PA Commissioners for Advanced Practice Provider Programs**

ACEN and ARC-PA staff members are expected to advise and inform the ACEN Board of Commissioners and ARC-PA Commissioners on matters relative to an advanced practice provider program. They should offer advice or provide information at their own initiative or at the request of the Commissioners. Such advice and information do not supplant the peer review process, but rather provide additional insight in reaching an informed judgment.

**Procedural Guidelines**

1. To maintain the strength and consistency of the process, staff members provide information and advice as appropriate when assisting the Commissioners in making a decision on the accreditation status of a program. Particularly germane is historical information on similarly situated advanced practice provider programs and procedural and substantive advice on how the advanced practice provider policies and Advanced Practice Provider Standards and Criteria have been interpreted and could be applied to a program's case, including possible action and follow-up. This information may be presented orally during the Commissioner's discussion.
2. The staff role in the deliberations is an active role. Staff members provide information and advice, which may include evidence and evidence-based professional opinions on an advanced practice provider program's patterns, progress, and suggested action.
3. The staff's role in the process will not supplant the peer review and decision process.

**POLICY 319: Fees and Expenses for Advanced Practice Provider Programs**

It is the obligation of every accredited advanced practice provider program to pay all fees and expenses when due. Failure to pay fees and expenses when due shall be deemed a voluntary withdrawal from joint accreditation pursuant to Policy #307.

A billing statement for annual joint accreditation fees shall be issued annually to every accredited advanced practice provider program, and fees are payable upon receipt.

A billing statement of fees and expenses incurred by ACEN and ARC-PA in carrying out its accreditation functions shall be issued, and fees are payable upon receipt.

A schedule of current fees and expenses is available at: [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org)

## **POLICY 320: Litigation for Advanced Practice Provider Programs**

### **Costs of Compliance with Third-Party Discovery Requests**

The costs of compliance with third-party discovery requests made regarding an advanced practice provider program can be high and cannot be reasonably anticipated for budgeting purposes. To defray these costs in part, where reimbursement for the expense of producing the documents is not provided by the party serving the subpoena or document request, ACEN and ARC-PA may charge the advanced practice provider programs with the costs of production, including the costs of copying and delivering the documents and attorney's fees incurred in compliance with the subpoena or request.

### **Sponsoring Organizational Financial Obligations Following Litigation**

Any advanced practice provider program that takes legal action against ACEN and/or ARC-PA regarding a joint accreditation decision and withdraws its case or loses its case is responsible for assuming all costs incurred by ACEN and/or ARC-PA while defending its decision, including attorney's fees. These costs must be paid in full within 45 calendar days following the advanced practice provider program's receipt of the invoice, unless other arrangements are approved by the Executive Committee acting on behalf of the ACEN Board of Commissioners and ARC-PA Commissioners.

### **Choice of Law, Jurisdiction, and Venue**

As a condition of ACEN and ARC-PA joint accreditation, each advanced practice provider program acknowledges that all agreements created by the ACEN and ARC-PA granting any status shall be deemed to have been entered into in Fulton County, Georgia, and shall be interpreted in accordance with the laws of the State of Georgia. Further, each advanced practice provider program agrees that jurisdiction and venue for any action which might arise from any joint accreditation agreement between the advanced practice provider program and ACEN and/or ARC-PA, regardless of which party shall initiate the action, shall be exclusively in the United States District Court for the Northern District of Georgia or the state courts of Fulton County, Georgia, whichever of these courts shall have proper subject matter jurisdiction.

## **POLICY 321: Advertising and Recruitment of Trainees into Advanced Practice Provider Programs**

### **Advertising, Publications, Promotional Literature**

The sponsoring organization/advanced practice provider program ensures in the sponsoring organization's publications that:

1. The advanced practice provider program and sponsoring organization services offered to facilitate trainee success are the primary emphasis of all advertisements, publications, promotional literature, and recruitment activities.
2. All statements and representations are clear, factually accurate, and current. Supporting information is kept on file and readily available for review.
3. The publications are freely accessible (e.g., website, print copy) and accurately depict the current:
  - a. sponsoring organization and advanced practice provider program purpose and goals
  - b. participation requirements and procedures for all trainees
  - c. trainee obligations to the sponsoring organization
  - d. end-of-program learning outcomes and program outcomes
  - e. trainee conduct rules
  - f. trainee terms and conditions of employment, including employee benefits
  - g. trainee grievance policy and procedures
  - h. trainee achievement data that is consistent with Standard 5 – Outcomes

All trainee achievement data reported/published for any purpose is expected to reflect an accurate and verifiable portrayal of trainees' performance in an advanced practice provider program, which is subject to review for integrity, accuracy, and completeness. The ACEN and ARC-PA reserves the right to request that a sponsoring organization/advanced practice provider program provide verification by an external source of an advanced practice provider program trainees' achievement data that the ACEN and ARC-PA relies on, in part, in making a joint accreditation decision. The sponsoring organization/ advanced practice provider program is responsible for any cost related to verification by an external source of an advanced practice provider program's trainee achievement data.

### **Advanced Practice Provider Trainee Recruitment**

1. Advanced Practice Provider trainee recruitment is conducted by well-qualified recruitment staff, staff of the sponsoring organization, or and trained volunteers whose credentials, purpose, and position or affiliation with the sponsoring organization are clearly specified.
2. Independent contractors or agents used by the sponsoring organization for recruiting purposes are governed by the same principles as sponsoring organization employees.



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3. Sponsoring organizations do not engage in the following practices:
  - a. offering or assuring benefits for completion of the advanced practice provider program that cannot be verified,
  - b. misrepresenting trainee obligations to the advanced practice provider program or sponsoring organization, or
  - c. making disparaging comparisons of other healthcare services agencies or agencies offering an advanced practice provider program.

**POLICY 322: Agreement for Education-Related Component from an External Source for Advanced Practice Provider Programs**

As sponsoring organizations/advanced practice provider programs seek ways to provide a quality program for trainees, the sponsoring organization/ advanced practice provider program may find that it is practical or efficient to engage an external source to directly deliver to trainees a component or components of the advanced practice provider program. The components of the advanced practice provider program that can be directly delivered from an external source to trainees include traditional instructional delivery methods, hybrid instructional delivery methods, and distance education instructional delivery methods.

Education-related components from external sources can include, but are not limited to:

1. Engaging another provider/organization to directly educate trainees enrolled in its advanced practice provider program.
2. Participating in a consortium to directly educate trainees using selected components of the sponsoring advanced practice provider program curriculum.

A sponsoring organization/advanced practice provider program accredited by the ACEN and ARC-PA is responsible for all activities conducted under its name. All Advanced Practice Provider Standards and Criteria, policies, and procedures apply to any agreement with an external source for any advanced practice provider-related component(s). The sponsoring organization/ advanced practice provider program should be especially mindful of Policy #311 Reporting Program Changes and Policy #315 Complaints Against an Accredited Advanced Practice Provider Program.

The following are required for a sponsoring organization and its advanced practice provider program entering into an agreement with an external source to provide an education-related components or components, whether the external source holds or does not hold sponsoring organization and/or programmatic accreditation:

1. The primary purpose of the component(s) is to support trainees' success.
2. The sponsoring organization/ advanced practice provider program is responsible for the accuracy of all advertising, recruiting, and promotional materials.
3. The sponsoring organization/ advanced practice provider program is responsible for informing the external source that the agreement does not imply or extend ACEN and ARC-PA joint accreditation to the external source.
4. Every component must be consistent with the sponsoring organization's/ advanced practice provider program's mission and objectives as they were at the time of the last evaluation conducted by the ACEN and ARC-PA.

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5. Every component must be consistent with the published end-of-program learning outcomes and program outcomes for the advanced practice provider program.
6. While the sponsoring organization's personnel may or may not teach the component(s), the advanced practice provider program educators and appropriate sponsoring organization representatives must retain overall accountability for and control of the integrity, rigor, and currency of the program related component(s).
7. The sponsoring organization/ advanced practice provider program must ensure ongoing collaboration between the advanced practice provider program educators, appropriate sponsoring organization representatives, and the external source to safeguard the integrity, rigor, and currency of the advanced practice provider program. Evidence of collaboration, including periodic and adequate review of work performed by the external source, must be available.
8. The sponsoring organization/ advanced practice provider program is ultimately responsible for all aspects of its advanced practice provider program, including but not limited to:
  - a. Trainees' successful achievement of end-of-program learning outcomes and program outcomes;
  - b. Admissions to the advanced practice provider program;
  - c. Review and approval of all program related component(s);
  - d. Review and approval of the appointment/selection of all program educators, whether or not the advanced practice provider program educator is employed by the sponsoring organization of the advanced practice provider program;
  - e. Quality of resources and services available to trainees;
  - f. Trainee and program educator access to resources and services that support the advanced practice provider program; and
  - g. Ensuring the privacy of trainees and the security of their records.

There must be a written agreement between the sponsoring organization/ advanced practice provider program and external source that is executed by duly designated officer(s) of the sponsoring organization/ advanced practice provider program and appropriate counterparts from the external source.

The agreement clearly establishes and defines:

1. The scope and nature of the work to be performed by each party;
2. A mechanism to account for the scope and nature of the work provided by each party;

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3. The period of the agreement and the conditions under which any possible renewal, renegotiation, or termination could take place;
4. Appropriate protection for participating trainees in the event that the agreement is terminated or renegotiated;
5. Appropriate avenue(s) for addressing perceived breaches of the agreement;
6. How appropriate representatives from both parties will periodically review the success of the agreement;
7. The compensation and other considerations for the advanced practice provider program-related component provided by both parties;
8. What and how necessary trainee and program educator support services and resources will be assured;
9. How trainee and program educator access to support services and resources will be assured;
10. The procedure for a trainee grievance regarding any aspect of the advanced practice provider program-related component; and
11. How outcomes assessment will be conducted on the advanced practice provider program-related component(s), if appropriate;

The agreement is:

1. Submitted to federal and/or state agencies for approval, when required;
2. Submitted to the ACEN and ARC-PA for approval, when required, as specified in Policy #311 Reporting Program Changes; and
3. Available on request to the ACEN and ARC-PA and peer evaluators acting on its behalf.

### **POLICY 323: Integrity for Advanced Practice Provider Programs**

A sponsoring organization and/or advanced practice provider program shall demonstrate honesty and integrity in all disclosures to the ACEN and ARC-PA and its representatives, trainees, and the public. A sponsoring organization/advanced practice provider program in disclosing any information to the ACEN and ARC-PA and its representatives, trainees, and the public shall:

1. Disclose all voluntary, required, or requested information in a timely manner;
2. Fully, accurately, and straightforwardly disclose all voluntary, required, or requested information, including data, whether complimentary or otherwise; and
3. Comply with all the accreditation requirements, policies, guidelines, decisions, and requests.

The ACEN and ARC-PA jointly accredit advanced practice provider programs, not individuals. Therefore, any individual who reports to the ACEN and ARC-PA on behalf of a sponsoring organization/advanced practice provider program, either by virtue of his or her office (e.g., program administrator) or as delegated by the designated administrative officer of the sponsoring organization, obligates the sponsoring organization and advanced practice provider program in all matters regarding integrity. Additionally, to comply with the requirements for honesty and integrity, appropriate representatives (e.g., program administrator, designated administrative officer, etc.) of the sponsoring organization are obligated to review and ensure the honesty and integrity of the information disclosed.

With due regard for confidentiality, a sponsoring organization/advanced practice provider program applying for Candidacy or seeking joint initial or joint continuing accreditation shall provide the ACEN and ARC-PA and its representatives with unrestricted access to all aspects of its operations, including information about the sponsoring organization's/advanced practice provider program's affairs, including, but not limited to, reports of other accrediting, licensing, and auditing agencies.

If the ACEN and/or ARC-PA has reason to believe that a sponsoring organization/advanced practice provider program has breached this policy, the ACEN and ARC-PA will investigate and issue a report of its findings. The investigation will use an appropriate process. The sponsoring organization/advanced practice provider program will have the opportunity to respond to any alleged breach prior to imposing a sanction.

Presenting false, distorted, or incomplete information of any type, either through intent or through failure to exercise care and diligence, is considered a breach of this policy. Failure to respond appropriately to the ACEN and ARC-PA decisions and requests in a timely manner, or to make complete, accurate, and honest disclosure, is sufficient reason, in and of itself, for the imposition of a sanction.

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Verified breaches may adversely affect the sponsoring organization's/advanced practice provider program's accreditation status with the ACEN and ARC-PA. Depending on the seriousness of the breach, sanctions by the ACEN Board of Commissioners and ARC-PA Commissioners may result in a letter of censure, being placed on contingent status, being denied joint continuing accreditation and being removed from the list of accredited advanced practice provider programs, or being denied joint initial accreditation. Only the decisions by the ACEN Board of Commissioners and ARC-PA Commissioners to deny joint initial accreditation or to deny joint continuing accreditation and remove a sponsoring organization/advanced practice provider program from the list of accredited advanced practice provider programs are appealable actions.

### **POLICY 324: Candidacy for a Sponsoring Organization/Advanced Practice Provider Program Seeking Joint Initial Accreditation**

A sponsoring organization/advanced practice provider program seeking joint initial accreditation with the ACEN and ARC-PA must apply for Candidacy. The sponsoring organization/advanced practice provider program seeking joint initial accreditation must:

1. Demonstrate that the sponsoring organization and advanced practice provider program are eligible for joint ACEN and ARC-PA joint accreditation; See Policy #303.
2. After the eligibility of the sponsoring organization and advanced practice provider program have been established by ACEN and ARC-PA staff, pay the required Candidacy fee(s).
3. Demonstrate that the advanced practice provider program has the potential to achieve joint initial accreditation based on requirements for the Candidacy Presentation and within the timeframe established by the ACEN and ARC-PA.

### **Approval, Deferral, or Disapproval of Candidacy**

Based on the established requirements, the ACEN Chief Executive Officer and ARC-PA Executive Director may (a) approve an advanced practice provider program for Candidacy, (b) defer an advanced practice provider program for Candidacy, or (c) disapprove an advanced practice provider program for Candidacy.

A program may be approved for Candidacy to pursue joint initial accreditation for a maximum of two years. Once approved for Candidacy, an advanced practice provider program must host an initial accreditation site visit prior to the expiration of Candidacy.

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Approval of Candidacy

Approval of Candidacy is granted when, in the professional judgment of the ACEN Chief Executive Officer and ARC-PA Executive Director, informed by the professional judgement of the ACEN and ARC-PA staff, the advanced practice provider program either:

- h. Makes a Candidacy Presentation that demonstrates the advanced practice provider program is currently compliant with the requirements for the Candidacy Presentation and based upon the Candidacy Presentation, has the potential to achieve joint initial accreditation; or
- i. Makes a Candidacy Presentation that demonstrates the advanced practice provider program has the potential to be compliant with the requirements for the Candidacy Presentation within two calendar years of the date of notification, and based upon the Candidacy Presentation, has the potential to achieve joint initial accreditation.

Being approved for Candidacy informs the sponsoring organization/advanced practice provider program and the public that the advanced practice provider program demonstrated the potential to achieve joint initial accreditation based upon the staff's professional judgment regarding requirements for the Candidacy Presentation at the time the advanced practice provider program was approved for Candidacy. Being approved for Candidacy does not guarantee that the ACEN Board of Commissioners and ARC-PA Commissioners will determine that the advanced practice provider program is in compliance with all the Advanced Practice Provider Standards and Criteria at the time the ACEN Board of Commissioners and ARC-PA Commissioners reviews the advanced practice provider program for joint initial accreditation. See Policy #304.

Advanced practice provider programs approved for Candidacy must publicly disclose the following information exactly as illustrated below.

**Effective [insert date of notification letter], this advanced practice provider program is a candidate for joint initial accreditation by the Accreditation Commission for Education in Nursing and Accreditation Review Commission on Education for the Physician Assistant (ARC-PA). This candidacy status expires on [insert expiration date in notification letter].**

The disclosure must include the name, address, telephone number, and web address of the ACEN and ARC-PA as illustrated below.

Accreditation Commission for Education in Nursing (ACEN)  
3390 Peachtree Road NE, Suite 1400  
Atlanta, GA 30326  
404-975-5000  
[www.acenursing.org](http://www.acenursing.org)

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Accreditation Review Commission on Education for the Physician Assistant (ARC-PA)  
3325 Paddocks Parkway, Suite 345  
Suwanee, GA 30024  
770-476-1224  
[www.arc-pa.org](http://www.arc-pa.org)

Note: Upon granting of joint initial accreditation by the ACEN Board of Commissioners, the effective date of joint initial accreditation is the date the advanced practice provider program was approved as a Candidate program by the ACEN that resulted in the ACEN Board of Commissioners granting joint initial accreditation.

### Deferral of Candidacy

Deferral of Candidacy is granted when, in the professional judgment of the ACEN Chief Executive Officer and ARC-PA Executive Director, informed by the professional judgement of the staff, the advanced practice provider program:

- a. Makes an inconsistent Candidacy Presentation that does not demonstrate that the advanced practice provider program is currently compliant with the requirements of the Candidacy Presentation. Deferral indicates the advanced practice provider program may have the potential to demonstrate compliance with the Candidacy Presentation with the opportunity to resubmit the Candidacy Presentation.

Being deferred for Candidacy informs the sponsoring organization/advanced practice provider program that the advanced practice provider program demonstrated that it may have the potential to achieve Candidacy based upon the staff's professional judgment regarding requirements for the Candidacy Presentation at the time the advanced practice provider program was deferred for Candidacy. Being deferred for Candidacy does not guarantee that the advanced practice provider program will be approved for Candidacy if the advanced practice provider program resubmits the Candidacy Presentation.

Deferral of Candidacy is not an appealable action.

If deferred, the advanced practice provider program has up to one calendar year of the date of notification to resubmit the Candidacy Presentation for reconsideration without restarting the entire Candidacy Process and paying related fee(s) again. Upon resubmission of the Candidacy Presentation, the advanced practice provider program must be (a) approved for Candidacy or (b) disapproved for Candidacy.

### Disapproval of Candidacy

Disapproval of Candidacy is made when, in the professional judgment of the ACEN Chief Executive Officer and ARC-PA Executive Director, informed by the professional judgement of the staff, the advanced practice provider program either:



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- a. Does not make a Candidacy Presentation that demonstrates that the advanced practice provider program is currently compliant with the requirements for the Candidacy Presentation and based upon the Candidacy Presentation, does not have the potential to achieve joint initial accreditation; or
- b. Does not make a Candidacy Presentation that demonstrates that the advanced practice provider program has the potential to be compliant with the requirements for the Candidacy Presentation within two calendar years of the date of notification, and based upon the Candidacy Presentation, does not have the potential to achieve joint initial accreditation.

Disapproval of Candidacy is not an appealable action.

If disapproved, to seek joint initial accreditation with ACEN and ARC-PA, the advanced practice provider program is required to restart the Candidacy Process and pay related fee(s) again. The advanced practice provider program may restart the entire Candidacy process at any time after being disapproved for Candidacy.

Failure to Meet Any Timeline

During the Candidacy process, failure to meet any established timeline established will result in an advanced practice provider program losing its approval for Candidacy status. If an advanced practice provider program fails to meet any required timeline prior to hosting an initial accreditation site visit, then the advanced practice provider program must restart the entire Candidacy process, pay related fee(s), and submit a new Candidacy presentation, which may result in approval, deferral, or disapproval. Submission of a new Candidacy Eligibility Application and Candidacy Presentation reinitiates the Candidacy process for the advanced practice provider program, and the effective date of joint initial accreditation will be based on the new date that the advanced practice provider program is approved to pursue joint initial accreditation.

The Candidacy process can be restarted at any time after an advanced practice provider program loses its approval for Candidacy status or voluntarily withdraws from the Candidacy process.

Obligations of Sponsoring Organization and Advanced Practice Provider Program Approved for Candidacy

Each sponsoring organization/advanced practice provider program making a Candidacy Presentation or approved for Candidacy agrees to certain requirements concerning financial obligation, choice of law, jurisdiction, and venue. As a condition of reviewing any Candidacy Presentation or of being approved for Candidacy, each sponsoring organization/advanced practice provider program agrees to the following:

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- a. The sponsoring organization/advanced practice provider program agrees to abide by Policy #320 Litigation.
- b. It is the obligation of every sponsoring organization/advanced practice provider program seeking Candidacy to pay all fees and expenses when due. Failure to pay all fees and expenses when due shall be deemed a voluntary withdrawal from the Candidacy process. A schedule of current fees and expenses is available at [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org)

The sponsoring organization/advanced practice provider program must notify the ACEN and ARC-PA, in writing, of (a) all unexpected changes that occur within 30 calendar days of the change or (b) all expected changes that are planned to occur no less than 120 calendar days prior to the change occurring. Failure to report an unexpected or expected change may delay or jeopardize an advanced practice provider program from being approved for Candidacy; hosting an initial accreditation site visit; or being granted joint initial accreditation by the ACEN Board of Commissioners and ARC-PA Commissioners.

Changes requiring notification include but are not limited to:

- a. change in the program administrator
- b. the advanced practice provider program relocates to a new location
- c. change in the sponsoring organization's and/or advanced practice provider program's status with a regulatory agency or for international programs a change in the approval status with any regulatory agency that oversees nursing in the country
- d. change in the status with the sponsoring organization's accrediting agency
- e. change in the sponsoring organization's accrediting agency
- f. change in the advanced practice provider program's curriculum
- g. addition and/or deletion of a new location where the advanced practice provider program is offered

The written notification must address the requirements for the Candidacy Presentation related to the change (e.g., for a change in the curriculum and/or new program option, all the required Criteria in the Candidacy Presentation for Standard 4 Curriculum).

If the ACEN Board of Commissioners and ARC-PA Commissioners grant initial accreditation but determines there is an unreported change, the Commissioners may decide to exclude the unreported change in its joint initial accreditation decision of the advanced practice provider program. If the Commissioners excludes the unreported change in its joint initial accreditation decision, then the advanced practice provider program is required to submit the unreported change through the program change policy, undergo the subsequent review process, and is obligated for any related expense(s) that results from the program change process. See Policy #312.

**POLICY 325: Program Accreditation Status in Relation to State and Other  
Accrediting Agency Actions for Advanced Practice Provider Programs**

1. If the ACEN and ARC-PA are notified that the accreditation status of the sponsoring organization of an accredited advanced practice provider program was changed by its institutional accrediting agency, the ACEN and ARC-PA will promptly review the program to determine what action should be taken. See Policy #314.
2. If the ACEN and ARC-PA are notified that the approval status of the sponsoring organization of an accredited advanced practice provider program was changed by a state agency, the ACEN and ARC-PA will promptly review the program to determine what action should be taken. See Policy #314.
3. If the ACEN and ARC-PA are notified that the status of an accredited advanced practice provider program was changed by a state agency, the ACEN and ARC-PA will promptly review the program to determine what action should be taken. See Policy #314.

## **POLICY 326: Trademarks for Advanced Practice Provider Programs**

### **Purpose**

The ACEN and ARC-PA supports the use of their trademarks and service marks, and the ACEN and ARC-PA name when used in an appropriate manner. The ACEN and ARC-PA adopted this policy to communicate the appropriate and permissible way its trademarks may be used. Doing so maintains the reputation of the ACEN and ARC-PA and protects its trademarks and service marks, and the ACEN and ARC-PA name.

### **ACEN and ARC-PA Trademarks and Service Marks**

The ACEN and ARC-PA require that all its trademarks and service marks, and the ACEN and ARC-PA names are always used properly. The ACEN and ARC-PA maintain a portfolio of trademarks and service marks, which take various forms and include but are not limited to trade dress, type style, letters, words, logos, designs, images, slogans, colors, product shapes, product packaging, sound, and the look, design, and overall commercial impression. The ACEN and ARC-PA trademarks and service marks that may be used by an entity are accessible through the following hyperlink: [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org). This list may be updated as other trademarks and service marks are created or registered. All other ACEN and ARC-PA trademarks and service marks not available at the aforementioned [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org) may not be used by any entity other than the ACEN and ARC-PA.

The ACEN and ARC-PA acknowledges that the use of a trademark or service mark, or the ACEN and ARC-PA name may be necessary and encourages the appropriate use of an ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name. All use must be accurate and descriptive in nature and comply with this policy. Any use of an ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name must comply with the following:

- I. A reference to any ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name must be clearly identified, truthful, accurate, not misleading, and used for which the ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name was originally intended by the ACEN and ARC-PA.
2. The use of any ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name must maintain the integrity of the ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name
  - a. Any trademark or service mark, or the ACEN and ARC-PA name must be used as an adjective with a noun that properly and accurately identifies the ACEN and ARC-PA product, service, program, material, or technology to which a user is referencing. Never reference any trademark or service mark as a noun.
  - b. Always use the proper spelling for any ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name.

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- c. Always use any ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name in the singular form; do not use in the plural or possessive form.
3. The use of any ACEN and ARC-PA trademark or service mark, or the ACEN and ARC-PA name must be applied correctly.
  - a. Always use the registered trademark and service mark symbol "®" when referring to an ACEN and ARC-PA registered trademark and service mark (e.g., \_\_\_\_\_®).
  - b. Always use the unregistered trademark and service mark symbol "TM" when referring to an ACEN and ARC-PA unregistered trademark and service mark.
  - c. Use the proper symbol ("®" or "TM") with each ACEN and ARC-PA trademark and service mark and apply the proper symbol consistently in every copy of communication, document, packaging, or other material in which an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name appears, regardless of the medium.
4. While another entity's mark can be used in context with an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name to indicate a relationship between the ACEN and ARC-PA and the other entity, the ACEN and ARC-PA trademark, service mark, or the ACEN and ARC-PA name must remain distinct. A reference to an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name must be clearly, visually distinguishable and separate from any product, service, program, material, or technology as well as any other logos, trademarks, or service trademarks.

Certain activities may constitute infringement or dilution of an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name and are not permitted. Prohibited and unauthorized use an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name include but are not limited to the following:

1. Do not use an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name in a manner that is likely to dilute, defame, disparage, or harm the reputation of the ACEN and ARC-PA.
2. Do not use an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name in a manner that is likely to cause confusion about the ACEN and ARC-PA, the ACEN and ARC-PA mission, purpose, or goals, or ACEN and ARC-PA joint accreditation.
3. Do not use an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA, or any designation that is confusingly similar to the ACEN and ARC-PA, the ACEN

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and ARC-PA name, or an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name.

4. Do not use an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name in any way not intended by the ACEN and ARC-PA.
5. Do not use an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name in a manner that is likely to give the impression or otherwise imply an affiliation or association between another entity or the entity's product, service, program, material, or technology.
6. Do not alter, adapt, modify, animate, or morph an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name. Examples include but are not limited to abbreviating or shortening any ACEN and ARC-PA trademark or service mark; combining or hyphenating any ACEN and ARC-PA trademark or service mark with another prefix or word; or using a slash mark with any ACEN and ARC-PA trademark or service mark.
7. Do not copy or imitate an ACEN and ARC-PA trade dress, type style, letters, words, logos, designs, images, slogans, colors, product shapes, product packaging, sound, or product packaging or the look, design, or overall commercial impression of an ACEN and ARC-PA website, blog, or other materials.
8. Do not register or use any domain name that incorporates an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name.
9. Do not register or seek to register an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name or any restricted or trademark or service mark, or name that is confusingly similar to an ACEN and ARC-PA trademark, a service mark, or the ACEN and ARC-PA name.

### **How to Report Any Misuse or Abuse of This Policy**

Please report any misuse or abuse of this policy at [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org) and provide as much information as possible about the use that might be an infringement. The ACEN and ARC-PA will investigate the use and take appropriate action, if warranted.

**POLICY #327**  
**Arbitration**

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This Arbitration Policy shall apply only to an adverse action by the ACEN and ARC-PA Board of Commissioners and ARC-PA Commission that has been fully and finally determined by a written decision of the Reexamination Committee pursuant to Policy #309.

- I. As a condition of seeking initial accreditation or continuing joint accreditation with the ACEN and ARC-PA and ARC-PA, each advanced practice provider program seeking initial accreditation and each advanced practice provider program seeking continuing accreditation consents to resolving disputes regarding a decision by the Reexamination Committee in accordance with the arbitration procedures set forth in this Policy.
  - a. **Governing Law**  
The arbitration process in this Policy shall be governed by the Federal Arbitration Act, 9 U.S.C. §1-16 (Act), which shall be deemed to pre-empt any State arbitration provisions that may otherwise be applicable.
  - b. **Jurisdiction of the Arbitrators**  
The arbitrators shall have jurisdiction to determine whether the final decision of the Reexamination Committee was rightly decided and to make all rulings necessary and incidental thereto. The arbitrators shall have no jurisdiction or authority to enter a recommendation for monetary damages. The recommendation of the arbitrators shall be limited to recommending affirmance or reversal of the decision of the Reexamination Committee and the reasons therefor.
  - c. **Recommendation by the Arbitrators**  
All recommendations by the arbitrators shall be by majority vote.
2. **Arbitrators**
  - a. **Roster of Arbitrators**  
The ACEN and ARC-PA shall jointly maintain a roster of arbitrators. An arbitrator may be nominated by any sponsoring organization/advanced practice provider program whether jointly accredited by the ACEN and ARC-PA or not, or by self-nomination. There shall be no limit to the number of persons who may be nominated by any entity, and there shall be no limit to the number of arbitrators on the roster, though the ACEN and ARC-PA will endeavor to have at least a total of 12 persons listed on the roster. Arbitrators will be composed of nurse practitioners, physicians, physician assistants, nurse educators, physician assistant educators, program administrators, program educators, and public members (see Policy #302 for further details). The term an arbitrator may remain on the roster is five years unless otherwise removed or resigned. The term of an arbitrator may be renewed, and there is no limit to the number of terms an arbitrator may serve.

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b. Qualifications of Arbitrators

An arbitrator must be a nurse practitioner, physician, physician assistant, nurse educator, physician assistant educator, program administrator, program educator, or public member (see Policy #302 for further details).

1. For an arbitrator serving as nurse practitioner, physician, physician assistant, nurse educator, physician assistant educator, the majority of the person's career experience must be in this role with a minimum of ten years' experience in the role.
2. For an arbitrator serving as a nurse educator, physician assistant educator, program administrator, program educator, the majority of the person's career experience must be in this role with a minimum of five years' experience in the role.
3. For an arbitrator serving as a representative of the public the person may have experience from inside or outside higher education. If a representative is from inside higher education, then the representative may be currently working at a sponsoring organization with an advanced practice provider program however, the representative may not be employed as a nurse (at any level of licensure) or not employed as a physician assistant.
4. An arbitrator need not be a lawyer or have legal training, though both are considered desired qualifications.
5. An arbitrator need not have any formal training in arbitration, though such training is considered a desired qualification.
6. Arbitrators may not include current ACEN Board of Commissioners, ARC-PA Commissioners, current Reexamination Committee members, or current or former ACEN and ARC-PA employees.
7. No person who is a current or previous employee affiliated or associated with any nursing accreditation agency such as Commission on Collegiate Nursing Education (CCNE), National League for Nursing Commission for Nursing Education Accreditation (NLN CNEA), or National Nurse Practitioner Residency & Fellowship Training Consortium (NNPRFTC) may serve as an arbitrator;
8. No person who is a current or previous employee affiliated or associated with any nursing organization, such as the American Association of Colleges of Nursing (AACN), American Nurses Association (ANA), or National League for Nursing (NLN) may serve as an arbitrator;

c. Acceptance of Arbitrators

Annually, there will be a public announcement seeking volunteers to serve as nurse educator/clinician arbitrators, nurse clinician/practitioner arbitrators, administrator arbitrators, and public arbitrators. All volunteers will be added to the list of arbitrators upon self-attestation that the volunteer meets the qualifications to serve as an arbitrator.

3. Commencement of an Arbitration Proceeding

a. Notice of Arbitration, Deposit, and Payment of Expenses

The sponsoring organization of the advanced practice provider program shall



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submit a notice of arbitration in writing by its administrative officer of the advanced practice provider to the ACEN CEO and ARC-PA Executive Director by email within ten business days of the sponsoring organization's/advanced practice provider program's receipt of the written final accreditation decision of the Reexamination Committee. The original notice of arbitration shall be sent by overnight delivery with proof of receipt to the ACEN CEO and ARC-PA Executive Director at the same time it is sent by email. The original notice of arbitration shall be accompanied by a non-refundable check per the fee schedule found at [www.ACEN-ARCPA.org](http://www.ACEN-ARCPA.org) as a deposit payable to the ACEN and ARC-PA for expenses such as the travel, lodging, meals, and venue charges incurred by the arbitrators and the ACEN and ARC-PA in convening and pursuing the arbitration; credit cards are not an acceptable form of payment. The sponsoring organization/advanced practice provider program submitting the matter to arbitration is responsible for all expenses of the arbitration, including ACEN and ARC-PA's representation/counsel fees. If the expenses incurred exceed the deposit, the sponsoring organization/advanced practice provider program will be assessed the additional amount. The arbitrators shall submit expense vouchers to the ACEN and ARC-PA in the form and manner prescribed by the ACEN and ARC-PA for the reimbursement of reasonable expenses incurred.

b. Contents of the Notice

The notice of arbitration need not be in any particular form but must clearly identify the decision of the Reexamination Committee and state that the sponsoring organization/advanced practice provider program submits the decision of the Reexamination Committee to arbitration in accordance with this policy. The notice need not specify the basis for the arbitration. The notice of arbitration is sufficient to challenge the decision of the Reexamination Committee on all legal grounds.

c. Effect of the Notice

A timely notice of arbitration in accordance with this policy shall have the immediate effect of continuing the advanced practice provider program in joint accreditation with the ACEN and ARC-PA in the same status as it was prior to the adverse action until the arbitration recommendation is rendered. The ACEN and ARC-PA shall provide notice to any constituencies previously notified of the result of the appeal that a timely notice of arbitration has been filed and the effect thereof.

#### 4. Selection of the Arbitrators

a. Number and Method of Selection

An arbitration proceeding under this policy shall require a combination of three qualified arbitrators from any category, which represent three different categories. No arbitrator who resides in the same state as the main location of the advanced practice provider program or who has a conflict of interest with the sponsoring organization/advanced practice provider program per Policy #301 may be eligible for selection as an arbitrator.

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- b. Upon receipt of the Notice of Arbitration, the ACEN CEO and ARC-PA Executive Director shall provide to the administrative officer of the advanced practice provider program's sponsoring organization the names of eligible arbitrators from the current Roster of Arbitrators.
  1. The administrative officer of the advanced practice provider program's sponsoring organization shall select one arbitrator from any category on the current Roster of Arbitrators within five business days of receipt of the Roster and shall so notify the ACEN CEO and ARC-PA Executive Director in writing within one business day of making a selection.
  2. The ACEN CEO and ARC-PA Executive Director shall select one arbitrator from any category on the current Roster of Arbitrators and shall so notify the administrative officer of the advanced practice provider program's sponsoring organization in writing within five business days of the advanced practice provider program's selection.
  3. The ACEN CEO and ARC-PA Executive Director shall so notify the selected arbitrators in writing with a copy of the selection letter to the administrative officer of the advanced practice provider program's sponsoring organization. These two arbitrators shall confer and select one additional arbitrator from any category on the current Roster of Arbitrators within five business days and shall so notify the ACEN CEO and ARC-PA Executive Director in writing within one business day of making a selection. The ACEN CEO and ARC-PA Executive Director shall so notify the selected arbitrator within five business days in writing with a copy of the selection letter to the administrative officer of the advanced practice provider program's sponsoring organization.

b. Conflict of Interest and Recusal

The selected arbitrators shall be governed by the conflict-of-interest provisions of Policy #301. The ACEN CEO and ARC-PA Executive Director shall provide the selected arbitrators with a copy of Policy #301 and request that any selected arbitrator who has a conflict of interest recuse themselves and so notify the ACEN CEO and ARC-PA Executive Director. If a selected arbitrator discovers a conflict after the convening of the arbitration, such an arbitrator shall recuse themselves from further proceedings.

In the instance of a selected arbitrator being unable to serve or continue serving for any reason, the entity originally selecting such arbitrator shall select a replacement in accordance with this policy.

c. Challenge of an Arbitrator

Either the ACEN, ARC-PA, or the sponsoring organization/advanced practice provider program may challenge the qualifications of any arbitrator, and unless the challenged arbitrator steps down, the remaining arbitrators must rule on the challenge.

d. Convening the Arbitration and Administrative Conference

Once three qualified arbitrators without a conflict of interest have been selected,

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it is the responsibility of the arbitrators to convene within a reasonable period of time by conference call, video conference, or in person; to select a chair, who shall preside at all further proceedings and shall ensure this policy is complied with; and to establish the time and manner of the arbitration proceedings within the procedures set forth in this policy. All dates for the taking of actions under this policy thereafter are calculated from the date the chair is selected. At the request of any party or upon the arbitrators' own initiative, the arbitrators may conduct an administrative conference with the parties to address timing and any other administrative matters which may coincide with the convening of the arbitration.

e. Communications with Arbitrators

No party and no one acting on behalf of any party shall communicate ex parte with any arbitrator. All communications with the arbitrators shall be with all three and shall simultaneously be provided to the other party. It shall not be deemed an ex parte communication forbidden by this policy for ACEN and ARC-PA staff to discuss logistical and procedural matters with arbitrators, including but not limited to such things as the venue of proceedings, travel, lodging, meals, and expense reimbursement.

f. Confidentiality

The arbitrators shall maintain as confidential all information provided to them by either party. After the conclusion of the arbitration the arbitrators shall destroy and not retain any documents, in whatever form, provided to them in the course of the arbitration.

5. Arbitration Procedures

a. Time for Completion of the Arbitration

The arbitration proceedings shall be completed within 90 business days of the date of the convening of the arbitration. The completion of the proceedings shall be evidenced by the written recommendation of the arbitrators.

b. Record on Review

The review of the decision of the Reexamination Committee by the arbitrators shall be on the record presented to the Reexamination Committee, including the Administrative Record, the Briefs of the Parties, the Transcripts of the Appeal Hearing and any pre-hearing proceedings, any additional evidence submitted to the Reexamination Committee, any rulings thereon, and the decision of the Reexamination Committee. It shall be the duty of the ACEN CEO and ARC-PA Executive Director, assisted by the Chair of the Reexamination Committee, to assemble the Record on Review and submit it to the arbitrators and to the representatives of the parties within 30 business days of the convening of the arbitration. The Record on Review shall be submitted electronically.

c. Discovery and the Submission of Additional Evidence

There shall be no discovery in the arbitration proceeding. There shall not be any

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additional evidence/information submitted to the arbitrators beyond the Record on Review.

d. Standard of Review

The sponsoring organization/advanced practice provider program shall bear the burden of persuading the arbitrators that the decision of the Reexamination Committee is clearly erroneous in accordance with the Advanced Practice Provider Accreditation Standards, Policy #309, and in accordance with applicable law.

e. Location and Manner of the Proceedings

The arbitration proceedings shall take place in the Atlanta, Georgia Metropolitan Area at a venue arranged for by the ACEN and ARC-PA in consultation with the arbitrators and the parties. With the unanimous consent of the parties and the arbitrators, the proceedings may take place at another venue within or outside the Atlanta, Georgia Metropolitan Area; however, financial arrangements must be made and agreed to in advance. With the unanimous consent of the parties and the arbitrators, some or all the proceedings may take place remotely, by telephonic or other electronic means, so long as all parties and all arbitrators can participate equally.

f. Representation

Any party may participate pro se without representation or by counsel or any other representative of the party's choosing unless such choice is prohibited by applicable law. A party intending to be so represented shall notify the other party and the arbitrators of the name, telephone number, physical address, and email address of the representative at least seven business days prior to the date set for the hearing at which that person is first to appear. When such a representative responds for a party, notice is deemed to have been given.

g. Preliminary Hearing

At the discretion of the arbitrators a preliminary hearing may be scheduled, and if deemed necessary, it should be scheduled as soon as practicable. The parties should be invited to attend along with their representatives. The parties and the arbitrators should be prepared to discuss and establish a procedure for the conduct of the arbitration proceedings within the procedures set forth in this policy.

h. Briefs

The sponsoring organization/advanced practice provider program initiating the arbitration shall submit its principal brief within 14 business days of receipt of the Record on Review. The ACEN and ARC-PA shall submit its response brief within 14 business days of receipt of the brief of the sponsoring organization/advanced practice provider program. The arbitrators may request briefs of the parties on such other matters and at such times as they may determine. All briefs shall be submitted electronically as determined by the

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ACEN CEO and ARC-PA Executive Director (e.g., email, flash drive, cloud access).

- i. Hearing  
The hearing shall take place per the arrangements outlined in Section 5e. The hearing on the issues raised by the parties to the arbitration shall be heard by the arbitrators at a date scheduled by the arbitrators. The arbitrators may request argument of the parties on such other matters and at such times as they may determine.
- j. Attendance at the Proceedings  
All arbitration proceedings are private and are not open to the public.
- k. Stenographic and Other Recordings  
Any party desiring a stenographic record shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements at least three business days in advance of the hearing. The requesting party or parties shall pay the cost of the record. No other means of recording the proceedings are permitted absent the agreement of the parties or the direction of the arbitrators.
- l. Waiver  
Any party who proceeds with the arbitration after knowledge that any provision or requirement of this policy has not been complied with and fails to object in writing shall be deemed to have waived the objection.
- m. Form and Delivery of the Recommendation  
The recommendation shall be signed by a majority of the arbitrators and shall be executed in the form and manner required by the Federal Arbitration Act. The recommendation shall state the reasons for the recommendation and shall rule on the substantial claims of the parties. The recommendation of the arbitrators shall be limited to recommending affirmance or reversal of the decision of the Reexamination Committee, stating the reasons therefor. The recommendation shall be delivered electronically to the email addresses of the parties and to their representatives.
- n. Acceptance of the Recommendation

The recommendation of the arbitrators shall be deemed accepted if neither party notifies the other in writing by 5 pm Eastern Time ten calendar days from delivery of the recommendation as provided in 5.m. above. If the recommendation is accepted by ACEN, ARC-PA, and the sponsoring organization/advanced practice provider program, the ACEN Board of Commissioners and ARC-PA Commission shall make the recommendation of the arbitrators its final decision.