

Housekeeping Reminders

- This is web meeting uses a platform with audio and video capabilities
- Please place yourself on mute when you are not speaking
- We encourage you to use the following features:
 - ▣ Chat box: to message NQF staff or the group
 - ▣ Raise hand: to be called upon to speak



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Appeals Board Orientation

April 11, 2022

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Welcome

Agenda

- Introductions
- Overview of Appeals Process
- Appeals Board Roles and Responsibilities
- Consensus Standards Approval Committee (CSAC) Chair and Vice Chair Roles and Responsibilities
- Appeals Board Meeting Procedures
- Next Steps

NQF Staff

- Elizabeth Drye, MD, MS, Chief Scientific Officer
- Tricia Elliott, DHA, MBA, CPHQ, FNAHQ, Senior Managing Director
- Matthew Pickering, PharmD, Senior Director
- Beth Flashner, MHA, Manager
- Mike DiVecchia, MBA, PMP, Director
- Mary McCutcheon, MPP, Analyst
- Kim Patterson, Executive Assistant

Appeals Board Members and Alternates

Appeals Board Members

- Lawrence Becker (co-chair)
- Laurel Pickering, MPH (co-chair)
- Ashrith Amarnath, MD, MS-SHCD
- William Golden, MD, MACP
- David Shahian, MD

Appeals Board Alternates

- Thomas Kottke, MD, MSPH
- Kristine Martin-Anderson, MPH

Meeting Objectives

The purpose of this meeting is to:

- Introduce the Appeals Board members to their role and the appeals process
- Provide an overview of Appeals Board meeting, including process, quorum, and voting

Overview of Appeals Process

Measure Review & Endorsement Overview

- NQF Standing Committees and subject matter experts evaluate measures based on [NQF's Consensus Developer Process \(CDP\)](#) criteria, then make endorsement recommendations to the CSAC.
- The CSAC reviews the Standing Committee recommendations and rationale, then provides their final endorsement decision for each measure.
- Only NQF-endorsed measures are eligible for appeal.
- The endorsement decisions are then made public during the 30-day appeals period.

Eligibility for Submitting Appeals

Eligible measure endorsement decisions may only be appealed on the following grounds:

- Procedural errors reasonably likely to affect the outcome of the original endorsement decision, such as a failure to follow NQF's CDP; or
- New information or evidence, unavailable at the time the CSAC made its endorsement decision, that is reasonably likely to affect the outcome of the original endorsement decision.

Process Following Receipt of Appeal

- NQF notifies relevant stakeholders, including the respective Standing Committee, the measure steward/developer, the Appeals Board, and the CSAC chairs
- The appeal is posted for a 10-day public comment period
- NQF coordinates with all relevant stakeholders to schedule an Orientation meeting and the Appeals Board meeting to review the appeal(s)
- NQF consolidates all meeting materials for the Appeals Board meeting, including the developer response to and the public comments received for the appeal
- NQF posts meeting materials to the Appeals Board webpage, meeting invites, and to the NQF calendar
- After the Appeals Board meeting, NQF posts the Appeals Board decision and meeting summary and finalizes the respective CDP technical report

Appeals Board Roles and Responsibilities

NQF's Appeals Board

- NQF's Appeals Board is a governing body that adjudicates all appeals submitted.
 - The Appeals Board consists of five members and two Alternates.
 - Appeals Board Alternates serve on the Appeals Board if an Appeals Board member has a conflict of interest with a measure under appeal review, or if an Appeals Board member is unable to attend the Appeals Board meeting.
- Appeals Board members are professionals with diverse stakeholder perspectives, experience reaching consensus, and have familiarity with NQF's CDP.
- Each member serves a two-year term.
- The Appeals Board is comprised of:
 - Former NQF Co-chairs and members of the CSAC
 - Former and current NQF Standing Committee members
 - Former members of the NQF Board of Directors

NQF's Appeals Board Disclosure-of-Interest

- The Appeals Board is subject to:
 - An annual Disclosure-of-interest (DOI)
 - A Measure-Specific Disclosure of Interest (MS-DOI), prior to each Appeals Board meeting.
 - An appellant organization DOI, prior to each Appeals Board meeting.

- Any recusals received are announced publicly before an appeal is considered.

Appeals Board Members Roles and Responsibilities

- Review the materials related to the measure appeal in advance of the meeting
- Actively participate in the meeting, including asking questions when appropriate
- Vote on items posed to the Appeals Board per NQF policy and procedure for an appeal of an endorsement decision

Appeals Board Co-Chair Roles and Responsibilities

- Participate in a Co-chair prep-call to prepare in advance of each Appeals Board meeting
- Serve as facilitator and lead discussant at the Appeals Board meeting
- Provide expertise on content-related issues for the Appeals Board, as requested by NQF project staff
- Ensure Appeals Board members stay on track with meeting objectives

Appeals Board Alternates Roles and Responsibilities

- Alternates are non-voting members, unless asked to serve in the Appeals Board meeting
- Alternates may serve on the Appeals Board if an Appeals Board member has a conflict of interest with a measure under appeal review, or if an Appeals Board member is unable to attend the Appeals Board meeting.
- If an Alternate is asked to serve on the Appeals Board, they assume the same roles and responsibilities as an Appeals Board member:
 - Review the materials related to the measure appeal in advance of the meeting
 - Actively participate in the meeting, including asking questions when appropriate
 - Vote on items posed to the Appeals Board per NQF policy and procedure for an appeal of an endorsement decision

CSAC Chair and Vice Chair Roles and Responsibilities

CSAC Chair and Vice-Chair Roles

- Appeals are related to the CSAC's decision to endorse measures based on the Standing Committee's recommendations
- The CSAC Chair and Vice-Chair represent CSAC at the Appeals Board meeting
 - Their role is limited to answering questions of the Appeals Board members based on CSAC's review and endorsement of the measure under appeal review

Appeals Board Meeting: Quorum, Process, and Voting Procedures

Appeals Board Decision Options

- The Appeals Board may render the following decisions:
 - Dismiss the appeal because it does not meet the grounds for appeal
 - Uphold the CSAC endorsement decision
 - Overturn the CSAC endorsement decision
- All votes require a simple majority vote to pass (i.e., 51 percent)
 - There is no consensus not reached threshold
 - There are no tie votes
- All decisions made by the Appeals Board are final
- The Appeals Board's actions and decisions regarding an appeal are publicly available within the technical reports on the respective project page(s) on the NQF website

Appeals Board Meeting Quorum

- Appeals Board seats five members with two alternate members
- Appeals Board meetings can be held with a minimum of four non-recused Appeals Board members, including any alternates that are deemed voting members for that meeting

Meeting Procedure

- NQF staff opens the meeting, conducts disclosures of interest, and provides an overview of the measure and the appeal
- The appellant gives an opening statement, followed by a response from the developer
 - Each party may have up to three (3) representatives speak on their behalf
 - Each party has up to seven (7) minutes for their opening statement
- Following opening statements, the Appeals Board has an opportunity to ask qualifying questions to the measure developer, appellant, or NQF staff

Meeting Procedure (cont'd)

- Following opening statements and clarifying questions, the Appeals Board moves to vote on whether the issue(s) presented in the appeal meet one or both of NQF's eligibility criteria. The Appeals Board will vote on each criterion separately.
 - *Procedural errors reasonably likely to affect the outcome of the original endorsement decision, such as a failure to follow NQF's CDP; or*
 - *New information or evidence, unavailable at the time the CSAC made its endorsement decision, that is reasonably likely to affect the outcome of the original endorsement decision*
- The outcome of the vote determines the next steps:
 - *If both votes are no, the measure stays endorsed, there is no public comment, and the meeting concludes*
 - *If either vote is yes, the meeting moves forward with immediate further consideration and discussion of the appeal regarding the CSAC endorsement decision*

Meeting Procedure (cont'd #2)

- The Appeals Board proceeds with the discussion of the merits of the appeal
 - Questions may be asked of the appellant, measure developer/steward, CSAC Chairs, and NQF staff
- Prior to the final vote, the Appeals Board opens the meeting for public and member comment
 - Each speaker is allowed up to two (2) minutes for their statement
 - The Appeals Board, the appellant, measure developer/steward, or CSAC chair and vice chair **do not** respond to each individual public commenter
- The Appeals Board moves to final discussions and a vote after public comment
 - **Vote:** *Based on review and discussion of the appeal, do you agree to uphold the CSAC endorsement decision? **Yes/No***
 - A **yes** vote upholds the CSAC endorsement decision
 - A **no** vote overturns the endorsement decision, and the measure is no longer endorsed

Vote Test - Poll Everywhere

Next Steps

Next Steps and Resources



Individual prep-calls are held with the Appeals Board Co-chairs, CSAC Chairs, the appellant, and the measure developer/steward prior to the Appeals Board meeting



NQF staff provide Appeals Board meeting materials and post them on the website for the public



The Appeals Board Meeting is on April 29, 2022, from 1-3:30 pm ET



Please contact the NQF project team with any questions or concerns at appeals@qualityforum.org



Visit the [NQF Appeals Board Page](#) for additional Appeals information

THANK YOU.

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