



ETA Review and Appeals Process

Policy

Under certain circumstances, certification status may be denied, suspended, or active certification status may be revoked. Any individual who is denied access to certification or whose certification has been revoked or suspended has the right to appeal the decision. ETA has an established review and appeals process for individuals seeking an amendment of this decision. This process offers any individual the opportunity to have his or her concerns heard in a fair, objective forum. However, individuals will not be entitled to receive a copy of either the certification examination or the answers to any questions on the examination.

Any individual whose certification has been withdrawn as a result of the failure to pay any required dues or fees, or an individual whose professional license has been denied, revoked, or suspended by a state licensure agency, shall have no right to pursue an appeal. Such individuals may, however, present written evidence that the factual predicate for the denial, revocation or suspension of certification is incorrect: such evidence shall be reviewed and appropriate action taken.

To ensure an impartial appeals process, an Appeals Panel consisting of three (3) ETA Board members is formed: the Chairperson and two other voting members. The Chairperson of the panel will be the ETA Board Chairperson, who will appoint the other two voting members from the existing ETA Board. If the Chairperson chooses an Appeals Panel member who has a personal or financial conflict of interest, that Panel member will be withdrawn from the Panel.

The Appeals Panel reviews each case individually and then processes the results of the review directly with the individual requesting the appeal. The ETA Board grants to the Appeals Panel full and final authority to deny, suspend, revoke, or reinstate ETA certification.

The chairperson of the Appeals Panel will chair all meetings of the Panel, which will be held, as needed, by conference call unless an in-person review is requested and paid for by the appellant. Dates and times for review will be determined by the Chairperson. Panel members and the appellant will be informed of the date at least one (1) month prior to the conference call. All materials available for the review will be provided in writing to the members in advance of the review.

Procedure

1. An individual must submit a written request for an appeal, which must be signed by the individual and notarized, to the Chairperson of the ETA Board. The request must include a statement of the appellant's reasons for believing that the decision was erroneous, along with five copies of any supporting materials/ documentation, and a statement of the desired outcome. The request (for an appeal) must be sent to the ETA office by certified mail to the attention of the ETA Chairperson and postmarked within 60 days of the date of mailing of notification of denial suspension, or revocation. Any materials not postmarked within this 60-day period will not be considered in the review and appeals process.

2. Following the receipt of the appellant's request, the ETA Board Chairperson shall, as soon as practical, appoint two members of the ETA Board to serve as that individual's Appeals Panel.
3. After receipt of a request for an appeal, and selection of the Appeals Panel, the Panel will consider the case as soon as practical.
4. In advance of the review, all supporting materials for the case will be sent to the Appeals Panel by the ETA office.
5. At the request of individual members of the Panel, the Chairperson may, but need not, submit additional questions in writing to the appellant. The appellant will have the opportunity to respond in writing.
6. Panel members and the appellant will be informed of the date for the review at least one (1) month prior to the conference call.
7. If the appellant desires an opportunity to address the Panel in person or by conference call, the appellant may do so but must bear the cost of such in-person review. The appellant can contact the ETA office for an estimate of such costs. If the appellant desires an in-person review, the request must be included with the statement of the appellant described in step 1.
8. An appellant may be represented by legal counsel at any meeting at which the appellant addresses the Panel, whether in person or by conference call.
9. The voting members of the Panel will review each case and reach a majority decision. A unanimous vote is required to overturn the decision to deny, suspend, or revoke certification. The decision of the Appeals Panel will be final.
10. The Chairperson of the Appeals Panel will send the appellant the Panel's decision in writing by certified mail as soon as practical after the review.
11. Written materials considered in the Appeals Process and written decisions of the Appeals Panel will be securely stored and retained in the ETA office for 3 years.

