11.1a- Policy for Appeals

An appeals process is available to any individual who has applied for or received a BPS certification and wishes to contest any adverse decision or proposed action affecting their application for certification or recertification status.

The Board of Pharmacy Specialties (BPS) provides a two-step appeals process for resolution of any questions or complaints concerning an action or decision by the BPS Board of Directors. The first step of the process includes a reconsideration review procedure which is handled by BPS. The second step of the process is an appeals procedure which is handled by a specially appointed Appeals Committee. The individual must first file the request for reconsideration before filing an appeal.

Those areas not subject to appeal are identified under the section heading “Exceptions to the Right of Appeal”. Any individual who does not submit a request for an appeal within the required timeframe shall waive the right to appeal.

Scope of the Right of Appeal

Throughout the certification process, individuals may appeal certain decisions made by BPS.

Examples for an appeal include:

- Decisions to grant, reverse, deny, suspend, or withdraw certification
- Decisions regarding eligibility to take exam
- Examination scores, except failed scores
- Eligibility time limits
- Unauthorized use of marks/logos
- Any other action that impedes the attainment of certification

Exceptions to the Right of Appeal

1. The setting of a passing score which cannot be changed but may result in a failure of the certification exam, may not be appealed.
   - NOTE: Validation of the accuracy of the scoring of an examination is permitted. To validate that an exam was properly keyed and scored, hand scoring of paper-based exams and a comparative review of computer-based exams will be conducted by the test administrator at the examinee’s written request and expense.
2. Existence of an eligibility requirement may **not** be appealed.
   - **NOTE:** The Appeal Policy does provide for the appeal of the interpretation of the eligibility requirements in an individual applicant’s circumstances

3. Content of the examination, such as poor questions or incorrect answers are subject to appeal, when received as feedback during the post-exam survey, however candidates may **not** have access to the examination or answer key as part of the appeal.

**Please follow the flowchart below to complete the two-step process.**
STEP 1: RECONSIDERATION

Complete online form for a request for reconsideration using the link below and attach any relevant supporting documentation

CLICK HERE

Is this submission request within 60 days of notification that you received from BPS?

Yes

BPS will review your request for reconsideration and provide a written response to you within 60 days

If your request for reconsideration is approved, the initial decision from BPS will be reversed and you will receive notification that your request for reconsideration has been granted.

No

Your request for reconsideration cannot be processed

If your request is denied, you will receive written notification and can file an appeal. (See STEP 2-APPEALS)
STEP 2: APPEALS

Complete online form for a request for appeal using the link below and attach any relevant supporting documentation

CLICK HERE

Is this submission request within 60 days of notification regarding your request for reconsideration that you received from BPS?

No

Your request for appeal cannot be processed

END

Yes

BPS will notify you of the decision in writing. No further action will be taken. The decision is “FINAL”

END

BPS will assemble an “Appeals Committee” within 30 days of receiving the request for an appeal.

The Appeals Committee will make a decision and provide a written response to you within 60 days

Has the request for appeal been “Approved”?

No

BPS will notify you of the decision in writing. No further action will be taken. The decision is “FINAL”

Yes

If your appeal is approved, you will be provided with a written decision and a decision rescinded status will be documented by BPS.

END

Appeals may also be submitted in writing and must be mailed to BPS. Please provide five (5) printed and sealed copies of the appeals form and supporting documentation, which will be used by the Appeals Committee.