Manual M-3, Research and Development in Medicine. Part I, General

Chapter 10, Appeals from Decisions (Paragraphs 10.01 through 10.05)

This document includes:

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Text for Chapter 10, dated March 5, 1985



Research and Development in Medicine General

March 5, 1985

Part I, "General," VA Department of Medicine and Surgery Manual M-3, "Research and Development in Medicine," is published for the compliance of all concerned.

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Distribution: RPC: 1041

FD

Printing Date: 5/85

FOREWORD

VA (Department of Veterans Affairs) Veterans Health Administration Manual M-3, "Research and Development in Medicine," Part I, "General," April 27, 1982, has been completely rewritten to incorporate all policy and procedural changes arid additions in the administration of research and development since that date. Parts II, III, and IV have also been completely rewritten to provide a convenient, readable set of documents for clear communication and effective administration of research and development. Similar reissuances are planned at 2-year intervals in the future.

The Research and Development Manual covers all three Research and Development Services and is organized as follows:

The provisions of this manual apply to all medical, rehabilitation and health services research conducted in VA medical centers, both locally and centrally reviewed.

RESCISSIONS

The following material is rescinded:

1. COMPLETE RESCISSIONS

a. Manuals

M-3, part I, chapter 9, dated March 5, 1985, and change 3 dated January 6, 1988 M-3, part I, chapter 12, dated January 31, 1989

b. Interim Issues

II 10-68-2

II 10-68-3

II 10-69-14

II 10-81-44

c. Circulars

10-84-75

10-84-198 and Supplement No. 1

10-85-128

10-87-27 and Supplement No. 1

10-87-53 and Supplement No. 1

10-87-110 and Supplement No. 1

10-89-034 and Supplement No. 1

10-89-131 and Supplement No. 1

10-90-044 and Supplement No. 1

10-90-046 and Supplement No. 1

10–90–052 and Supplement No. 1

10-90-069 and Supplement No. 1

10-90-115

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CHAPTER 10. APPEALS FROM DECISIONS

10.01 BASIS FOR APPEAL

In a few instances, decisions concerning R&D (research and development) projects, programs, facilities, or funds are considered to be erroneous and detrimental. Such decisions may be appealed. Opinions, for example those of such advisory bodies as the Merit Review Boards, are not decisions in this sense and cannot be appealed. Exception may be taken to them as part of an appeal when it seems likely that they have influenced a decision.

10.02 APPEAL OF LOCAL DECISIONS

Within the health care facility, a local decision can be appealed to the facility Director within 30 days of written notification to the investigator. The Director usually refers the appeal to the R&D Committee for its advice and may submit the matter to the appropriate R&D service director, VA Central Office, through the appropriate channels.

10.03 APPEAL OF OUTSIDE DECISIONS

Appeal of a decision made outside the facility must be reviewed by the R&D Committee and by the Director. If the latter decides that the appeal has validity and significance, it is forwarded through channels to the appropriate R&D service director, VA Central Office, with written comments by the committee and the facility Director.

10.04 APPEAL PROCEDURES

An appeal to VA Central Office shall be accompanied by all available relevant documentation and submitted in a timely fashion. It shall be addressed through the proper channels to the Director of the appropriate R&D service. If the facility Director deems it advisable, the appeal can be sent to the ACMD/R&D (Assistant Chief Medical Director for Research and Development) or, in unusual cases, to the Chief Medical Director. Appeals, however, should be kept at a minimum consistent with sound review and fairness.

10.05 MERIT REVIEW APPEAL PROCEDURES

Merit Review results may be appealed only if the program is disapproved or received a priority score that precludes funding. The basis for the appeal should focus on the actions of the particular review board and may be made when, in the opinion of the investigator, the board did not understand the research, missed relevant points, possible bias, etc. Additional information regarding the appeal procedures established by each of the three R&D services is contained in M-3, parts II, 111, and IV.