

**Work Item 0809002:** According to the GOM, there is no requirement that I can see that the submitters of unresolved objections be advised of their right to an appeal. According to the ANSI ER (§2.6), they must be advised in writing of this right. The way I read the GOM, the negative voter has 60 days from the final approval of the ballot to appeal. It used to and should be 30 days.

The change to §14.03.04 in revision cycle 0805 allowing the TSC to open the consensus group for a subsequent normative ballot of the same content calls for a specific entry in the notice of normative ballot [§14.02]. However, it is unclear when or how the notice of normative ballot is used other than for an initial normative ballot (see §14.03.01) nor is there allowance for additional content.

Source: Karen Van Hentenryck; HL7 Associate Executive Director

Ratified by the EC: 09/08/2008

GOC analysis/rationale: The notice to submitters of unresolved negative comments of the right to appeal should be included in the notice of normative ballot for recirculation. That should meet ANSI requirements as well as set expectations for the consensus group considering the unresolved negative comments. The content of the notice of normative ballot should be defined in §14.02 versus §14.03.01 as it is applicable to more than just an initial normative ballot.

Proposed revision:

## 1 14 Normative Ballot

### 2 14.02 Notice of Normative Ballot

3 | ~~The notice of normative ballot shall be provided to the membership, the headquarters or~~  
4 | ~~secretariat of cooperating ANSI Accredited Standards Developers (ASD), and the general public~~  
5 | ~~via the HL7 Newsletter, ANSI Standards Action, press releases, e-mail announcements or~~  
6 | ~~special mailings as appropriate. This notice will be released at least thirty (30) days prior to the~~  
7 | ~~start of a normative ballot period.~~

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8 | ~~For an initial normative ballot and for those subsequent normative ballots of the same content~~  
9 | ~~allowing additional enrollment, the notice of normative ballot shall include the date that~~  
10 | ~~enrollment in the consensus groups will be available. Interested parties may indicate their intent~~  
11 | ~~to participate in a normative ballot by enrolling in the appropriate consensus groups via the HL7~~  
12 | ~~Ballot Desktop found in the Members Only section of the website. Enrollment shall remain open~~  
13 | ~~and available until one week prior to the close of the normative ballot period. In the case of a~~  
14 | ~~recirculation ballot [§14.11] the notice of normative ballot shall include notification of the right to~~  
15 | ~~appeal an unresolved negative comment [§14.12].~~

### 16 14.03.01 Member Participation in the Consensus Group

17 | [The first paragraph of this section is not affected by this revision.]

18 | ~~▼~~  
19 | [The third paragraph of this section is not affected by this revision.]

20 | [The fourth paragraph of this section is not affected by this revision.]

Deleted: The notice of normative ballot shall include the date that enrollment in the consensus groups will be available. Members may indicate their intent to ballot by enrolling in the appropriate consensus groups via the HL7 Ballot Desktop found in the Members Only section of the website. Enrollment shall remain open and available until one week prior to the close of the initial normative ballot period.

### 21 14.12 Appeal

22 | Any individual who has been or will be adversely affected by any procedural action or inaction by  
23 | HL7 with regard to the development and subsequent approval by normative ballot of a proposed  
24 | American National Standard or the revision and subsequent approval by normative ballot of an  
25 | existing American National Standard, shall have the right to appeal. The burden of proof to show  
26 | adverse effect shall be on the appellant. Appeals of actions shall be made within ~~thirty (30)~~ days  
27 | of the purported infraction; appeals of inactions may be made at any time.

Deleted: sixty (60)

28 [The second paragraph of this section is not affected by this revision.]

29 [The third paragraph of this section is not affected by this revision.]