



Intercountry Adoption Accreditation and Maintenance Entity  
Policy and Procedure Manual

**Policy Name:** Adverse Action  
**Policy Number:** 006  
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**Revision Date:**

**Policy:** This policy outlines Intercountry Adoption Accreditation and Maintenance Entity's (IAAME) adverse action procedures related to accreditation/approval, renewal of accreditation/approval, and monitoring and oversight of agencies/persons for intercountry adoption services.

**1) Overview**

- a) IAAME imposes adverse action on an accredited/approved agency/person as it determines is appropriate in accordance with 22 CFR Part 96 Subpart K. Adverse actions include, but are not limited to, the following:
  - (i) Suspending accreditation or approval;
  - (ii) Cancelling accreditation or approval;
  - (iii) Refusing to renew accreditation or approval;
  - (iv) Requiring an accredited agency/approved person to take a specific corrective action to bring itself into compliance;
  - (v) Imposing other sanctions including, but not limited to, requiring an accredited agency/approved person to cease providing adoption services in a particular case or specific foreign country.
- b) During accreditation/approval and renewal of accreditation/approval, IAAME staff reviews data and supporting documentation to determine whether an accredited agency or approved person is in substantial compliance with applicable standards in 22 CFR Part 96 Subpart F.
- c) During monitoring and oversight, IAAME strives to ensure continued compliance with applicable accreditation standards in 22 CFR Part 96 Subpart F of the accreditation regulations, identifying deficiencies where appropriate



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and seeking to verify continued compliance by accredited/approved agencies/persons.

- d) Upon IAAME staff determining deficiencies in an agency or person's compliance with a standard or standards, IAAME staff will decide which adverse action to take based on the seriousness and type of violation and on the extent to which the accredited agency or approved person has corrected or failed to correct deficiencies of which it has been previously informed. Before taking adverse action, IAAME may, in its discretion, advise the agency/person in writing of any deficiencies in its performance that may warrant an adverse action and provide it with an opportunity to demonstrate that an adverse action would be unwarranted before the adverse action is imposed. If IAAME takes adverse action without such prior notice, it must provide a similar opportunity to demonstrate that the adverse action was unwarranted after the adverse action is imposed, and may withdraw the adverse action based on the information provided. IAAME, in its sole discretion, may allow an agency or person to demonstrate that an adverse action is unwarranted because corrective action has already been completed.

## 2) Adverse Action Process

- a) To begin adverse action IAAME staff provides an IAAME Manager with the review data, findings, and, if applicable, all additional information already provided by the agency or person regarding the deficiencies in compliance with the standard(s) in question. IAAME staff recommends the level of adverse action required for the agency or person to resolve its deficiencies in compliance with accreditation standards. The IAAME Manager reviews the data, reports and recommendation and must approve any initial action to be taken. The IAAME Manager works with the IAAME staff to finalize the recommendation for adverse action to be taken. The levels of adverse action are listed in the following sections of this policy. Corrective action plans may be implemented directly by the IAAME staff and the IAAME Manager; however, any recommendation for adverse action above the level of a corrective action plan must first be reviewed and approved by the IAAME Adverse Action Committee (IAAC).
- b) Once an agency or a person has been notified by IAAME of IAAME's intent to impose adverse action IAAME may, at its discretion, allow the agency or person to provide information and documentation to demonstrate adverse



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action is not warranted. Additionally, upon IAAME implementing adverse action, if the agency or person submits information and documentation to demonstrate the adverse action is unwarranted, IAAME may withdraw the adverse action.

- c) Corrective Action Plan
- i) IAAME may allow the agency or person to correct any noted deficiencies via a corrective action plan.
  - ii) To initiate a corrective action plan, IAAME staff contacts the agency or person and discusses the details of the corrective action plan.
  - iii) Following the contact, IAAME staff confirms the contact in writing and provides the agency or person with IAAME's determination of deficiencies in the agency or person's compliance with the applicable accreditation standards, reason(s) supporting its determination, and a date by which the actions outlined in the corrective action plan must be completed by the agency or person.
  - iv) IAAME staff remains in communication with the agency or person throughout establishment, implementation, and review of the corrective action plan to determine progress, respond to questions, request documentation of actions taken, and to provide technical assistance as needed.
  - v) If the agency or person cannot or does not provide the requested information about its completion of the corrective action plan, or if the information is insufficient, IAAME staff will determine that the agency or person remains out of compliance, and will recommend to the IAAME Manager the adverse action of either suspension of or cancellation of the agency or person's accreditation. If the Manager agrees with the recommendation, the matter will be referred to the IAAC.
  - vi) If, the agency or person completes its corrective action plan, but remains out of compliance, IAAME staff will provide an IAAME Manager detailed information and data associated with the steps taken with and by the agency or person to address the deficiencies and complete the corrective action plan. The information must



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also include information about how the agency or person remains deficient in its compliance with applicable standards. The IAAME Manager will present the information to the IAAC. IAAC reviews the information and decides whether additional corrective action is required, or any additional adverse action above the level of a corrective action plan are warranted.

d) Suspension of Service(s), and Suspension of Accreditation or Approval

- (1) In the event of cessation of services in a particular case or foreign country or suspension of accreditation/approval, the accrediting entity's Executive Director will contact the agency or person's CEO/President/Executive Director and notify them in writing of the specifics of the agency or person's continued non-compliance, IAAME's decision to impose cessation/suspension as an adverse action, the parameters of the cessation/suspension, timeframe of the cessation/suspension, actions necessary to demonstrate its compliance through actual performance, and, as needed, to request the agency or person to enact its transfer of cases plans for the particular case, or for cases related to the particular foreign country for which cessation is being imposed, and for all cases in the event of suspension of accreditation.
- (2) IAAME's Executive Director, based upon the decisions of the IAAC, will provide a timeframe for the cessation/suspension and will not lift any cessation/suspensions implemented until such a time as the agency or person has demonstrated, generally through actual performance, its compliance with the standards and supporting elements which initially led to the cessation/suspension.
- (3) All cessations/suspensions will be effective immediately unless otherwise approved by the IAAC and submitted in writing to the agency or person by the IAAME Executive Director.
- (4) If the agency or person does not provide IAAME with evidence of its compliance, generally by actual performance, with the standards within the specified timeframe of the cessation/suspension, IAAME's Executive Director will provide the IAAC with documentation and decisions made regarding the implicated accredited agency or approved person and all adverse actions taken to date. The IAAC shall review the information and recommend actions



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to be taken by IAAME staff to address any outstanding issues or to obtain any additional information from the accredited agency or approved person deemed necessary.

- e) At any time there is evidence of imminent harm to a child and/or fraud, IAAME may immediately suspend the agency or person's accreditation/approval and will enact emergency protocols for an unannounced on-site visit to the agency or person. IAAME may also require that the agency or person immediately enact its case transfer plan. If deemed necessary, IAAME will conduct an on-site visit and make a decision regarding whether any further adverse action is required or whether any existing adverse action is no longer necessary. The agency or person will be responsible for payment of all fees associated with the on-site visit.
  
- f) Cancellation of Accreditation or Approval
  - i) If documentation of the adverse actions imposed to date, if applicable, indicates the agency or person's remains out of compliance with the applicable standards, the IAAC and IAAME staff will begin the process of cancellation of the agency or person's accreditation/approval.
  
  - ii) IAAME's Executive Director will contact the agency or person's CEO/President/Executive Director to notify her/him of IAAME's decision to cancel accreditation/approval and to notify the agency or person of its need to put into action its case transfer plan.
  
  - iii) IAAME's Executive Director will provide the agency or person with written notification outlining the remaining deficiencies with respect to compliance with the standards and supporting elements, an overview of the corrective actions implemented, if applicable, the results of those actions, the decision to implement cancellation of the agency or person's accreditation/approval, and the need for the agency or person to enact its case transfer plans.
  
  - iv) IAAME reserves the right to implement any adverse action it deems necessary given the circumstances, reason(s) and degree of deficiencies. For deficiencies related to, but not limited to, significant child safety issues, and/or fraud, IAAME may determine the most appropriate first course of adverse action is the cancellation of the agency/person's accreditation/approval.



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- v) All cancellations will be effective immediately unless otherwise approved by the IAAC and submitted in writing to the agency or person by the Executive Director to the agency/person.
  
- g) IAAME may terminate an adverse action it has taken only if the agency or person demonstrates to IAAME's satisfaction that the deficiencies that led to the adverse action have been corrected.
  - i) If IAAME cancels or refuses to renew an agency's or person's accreditation or approval, and does not terminate the adverse action pursuant to paragraph (e) of this section, the agency or person may reapply for accreditation or approval. Before doing so, the agency or person must request and obtain permission to make a new application from IAAME, which will only grant such permission if the agency or person demonstrates to the satisfaction of the accrediting entity that the specific deficiencies that led to the cancellation or refusal to renew have been corrected.
  - ii) If the ASP is granted permission to reapply, the agency or person may file an application with IAAME in accordance with the steps outlined in IAAME's Initial and Renewal of Accreditation and Approval policy.
  - iii) Nothing in this section shall be construed to prevent IAAME from withdrawing an adverse action if it concludes that the action was based on a mistake of fact or was otherwise in error. Upon taking such action, IAAME will take appropriate steps to notify the applicable local state licensing body and the Secretary and the Secretary will take appropriate steps to notify the Permanent Bureau of The Hague Conference on Private International Law.
  
- h) Recommendation for Debarment

Anytime IAAME has documentation and supporting evidence of an accredited agency or approved person demonstrating a pattern of serious, willful, or grossly negligent failures to comply, or other aggravating circumstances indicating that continued accreditation or approval would not be in the best interests of children and families, pursuant to the requirements set forth in 22 CFR 96.85, IAAME may recommend to the Secretary that s/he debar the agency/person.

### 3) Reporting



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- a) IAAME will notify the Department of adverse actions as follows:
  - i) Quarterly reporting of agency/persons with corrective actions plans
  - ii) Immediate written notification of agency/persons being placed on cessation of services and the specifics related to the cessation
  - iii) Immediate written notification of suspension of agency/person's accreditation/approval and the specifics related to each suspension
  - iv) Immediate written notification of cancellation of an agency/person's accreditation/approval and the specifics related to the cancellation.
  - v) Immediate written notification of the accrediting entity's decision to refuse renewal of an agency/person's accreditation/approval
  
- b) In addition to the notifications above to the Department, IAAME will, in the event of suspension, cancellation, or refusal to renew accreditation/approval, notify the relevant state licensing authority of the change of accreditation/approval status for the agency or person.

#### 4) **Public Requests for Information**

Public requests for information related to an agency/person will be processed by IAAME Management. IAAME will only release information in accordance with applicable state and Federal law, including the regulations in 22 CFR Part 96.