



Intercountry Adoption Accreditation and Maintenance Entity  
Policy and Procedure Manual

**Policy Name:** Adverse Action  
**Policy Number:** 006  
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**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.

### Overview

1. IAAME imposes adverse action on an accredited agency or approved person as it determines is appropriate in accordance with 22 CFR Part 96 Subpart K. IAAME may impose any of the following authorized adverse actions:
  - a) Suspending accreditation or approval;
  - b) Cancelling accreditation or approval;
  - c) Refusing to renew accreditation or approval;
  - d) Requiring an accredited agency or approved person to take a specific corrective action to bring itself into compliance;
  - e) Imposing other sanctions including, but not limited to, requiring an accredited agency or approved person to cease providing adoption services in a particular case or specific foreign country.
2. During accreditation/approval and renewal of accreditation/approval, IAAME staff review 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.



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3. During monitoring and oversight, including review and processing of complaints, IAAME staff examine the accredited agency's or approved person's continued compliance with applicable accreditation standards in 22 CFR Part 96 Subpart F, identifying deficiencies where appropriate and verifying continued compliance by accredited agencies or approved persons.
4. Upon determining deficiencies in an accredited agency's or approved person's compliance with a standard or standards, IAAME staff will decide which adverse action to take based on, among other factors, the seriousness and type of violation and the extent to which the accredited agency or approved person has corrected or failed to correct deficiencies of which it has been previously informed. Other factors include the pervasiveness of the activities demonstrating non-compliance, the risk to children and families, and prior adverse actions about the same or related standards.

### **Adverse Action Process**

1. Following a finding of non-compliance with applicable standard(s), IAAME staff provide an IAAME Manager or designee with the review data, findings, and, if applicable, all additional information already provided by the accredited agency or approved person regarding the deficiencies in compliance with the standard(s) in question. IAAME staff recommend the level of adverse action required for the accredited agency or approved person to resolve its deficiencies in compliance with accreditation standards. The IAAME Manager or designee reviews the data, report(s), and recommendation. The IAAME Manager or designee works with 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. The IAAME Adverse Action Committee (IAAC) reviews all recommended adverse actions and makes the final decision on findings of non-compliance, adverse action determinations (including duration), and the date the adverse action will be initiated, extended, changed, or terminated.
2. IAAME will notify the accredited agency or approved person in writing of the decision to impose adverse action. The notice will include identification of the deficiencies prompting adverse action, the decision made by IAAME to impose



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adverse action, the type of adverse action to be imposed, the date on which the adverse action will be imposed. The notice will also address if the accredited agency or approved person must enact case transfer plans.

3. Before taking adverse action, IAAME may, in its discretion, advise the accredited agency or approved person in writing of any deficiencies in its performance that may warrant an adverse action and provide an opportunity, before the adverse action is imposed, to demonstrate that an adverse action would be unwarranted because it was based on a mistake of fact or was otherwise in error. If IAAME takes adverse action without such prior notice, it must provide a similar opportunity after the adverse action is imposed to demonstrate that the adverse action was unwarranted. IAAME may withdraw the adverse action based on any information provided.
4. IAAME may terminate an adverse action it has taken only if the accredited agency or approved person demonstrates to IAAME's satisfaction that the deficiencies that led to the adverse action have been corrected.
5. Nothing in this policy 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.
6. If IAAME cancels or refuses to renew an accredited agency's or approved person's accreditation or approval, the agency or person may reapply for accreditation or approval. Before doing so, the agency or person must request and obtain permission from IAAME to make a new application. IAAME will only grant such permission if the agency or person demonstrates to IAAME's satisfaction that the specific deficiencies that led to the cancellation or refusal to renew have been corrected. If the agency or person 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.



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Corrective Action

1. If the IAAC decides the appropriate adverse action is corrective action, IAAME will allow the accredited agency or approved person an opportunity to correct any noted deficiencies via a corrective action plan.
2. IAAME staff will provide the accredited agency or approved person with a written notice (“Notice”), which will convey IAAME’s determination of deficiencies in the accredited agency or approved person’s compliance with the applicable accreditation standards and will outline the reason(s) supporting the determination. The Notice will also inform the accredited agency or approved person of the date by which the accredited agency or approved person must provide to IAAME for approval a corrective action plan. The corrective action plan will outline the actions and tasks the accredited agency or approved person will take to correct the noted deficiency and the associated timeframes for anticipated completion of such actions and tasks.
3. Following transmission of the Notice, IAAME staff will communicate with the accredited agency or approved person to finalize and approve the details of the corrective action plan.
4. IAAME staff will remain in communication with the accredited agency or approved person throughout the 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.
5. If the accredited agency or approved 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 may determine that the accredited agency or approved person remains out of compliance and will recommend to an IAAME Manager the adverse action of either suspension of or cancellation of the agency’s accreditation or person’s approval. If the Manager agrees with the recommendation, the matter will be referred to the IAAC.
6. If the accredited agency or approved person completes its corrective action plan but remains out of compliance, IAAME staff will provide an IAAME Manager or designee detailed information and data associated with the steps taken with and by the accredited agency or approved person to address the deficiencies and complete the corrective action plan. The information must also include information about how the accredited agency or approved person remains deficient in its compliance with applicable standards. IAAME staff will present the



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information to the IAAC. The IAAC will review the information and decide whether to extend or modify the corrective action plan or if any additional adverse action in addition to a corrective action plan is warranted.

Cessation of Service(s) (“Cessation”) and Suspension of Accreditation or Approval (“Suspension”)

1. If the IAAC determines that cessation of services (“cessation”) in a particular case or foreign country or suspension of accreditation or approval (“suspension”) is appropriate, IAAME’s Executive Director, or designee, will contact the agency or person’s CEO/President/Executive Director and notify them in writing of the specifics of the agency’s or person’s non-compliance, IAAME’s decision to impose cessation/suspension as an adverse action, the parameters of the cessation/suspension, timeframe of the cessation/suspension, and actions necessary to demonstrate its compliance through actual performance. IAAME will also as needed, 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, or for all cases in the event of suspension of accreditation.
2. IAAME, based upon the decisions of the IAAC, 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, or designee.
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, or designee, will provide the IAAC with documentation and decisions made regarding the accredited agency or approved person and all adverse actions taken to date. The IAAC shall review the information and recommend actions to be taken to address any outstanding issues or to obtain any additional information from the



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accredited agency or approved person deemed necessary and may recommend extension of the cessation/suspension or a different level of adverse action.

5. At any time there is evidence of imminent harm to a child and/or fraud, IAAME may immediately suspend the agency's or person's accreditation/approval and may enact 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, via the IAAC, 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 any on-site visit.

#### Cancellation of Accreditation or Approval

1. If the IAAC determines to impose the adverse action of cancellation of accreditation or approval, IAAME's Executive Director, or designee, will contact the agency or person's CEO/President/Executive Director to notify her/him of IAAME's decision. IAAME's Executive Director, or designee, will provide the agency or person with written notification outlining the 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.
2. IAAME reserves the right to implement any adverse action it deems necessary given the circumstances of, reason(s) for, 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.
3. All cancellations will be effective immediately unless otherwise approved by the IAAC and submitted in writing by IAAME's Executive Director, or designee, to the accredited agency or approved person.



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Refusal to Renew

1. If an accredited agency or approved person seeking renewal is out of compliance with the standards, including after imposition of adverse action, ten business days before their accreditation or approval is set to expire, IAAME will contact the accredited agency or approved person in writing to inform them they are at risk for refusal to renew. IAAME will also notify the accredited agency or approved person that they must begin to prepare for case transfer in the event of a refusal to renew.
2. Up until the date of expiration, the accredited agency or approved person may choose to proceed with their pending renewal application and possibly experience a refusal to renew, which is an adverse action for which they can seek judicial review if desired. Or, the accredited agency or approved person may choose to voluntarily withdraw their pending renewal application in writing, sign a form acknowledging that they are aware new applicants are unable to seek judicial review of accreditation decisions according to the regulations, and start afresh as a new applicant if desired.
3. IAAME will stay in contact with the agency or person until their cases have been successfully transferred due to a voluntary withdrawal or refusal to renew.

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 accredited agency or approved person.

**Reporting**

1. IAAME will notify the Department of adverse actions as follows:
  - a. Quarterly reporting of agencies or persons placed on corrective action;
  - b. Immediate written notification of the IAAC's decision that an agency or person should cease providing adoption services in a case or foreign country or to





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- suspend its accreditation or approval and the specifics related to the adverse action decision;
- c. Immediate written notification that an agency or person has been notified of an adverse action of suspension or cessation of services and the specifics related to each adverse action;
  - d. Immediate written notification when the corrective action, cessation or suspension is lifted or withdrawn;
  - e. Immediate written notification of the IAAC's decision to cancel accreditation/approval and the specifics related to the adverse action decision;
  - f. Immediate written notification that an agency or person has been notified of an adverse action of cancellation of accreditation/approval and the specifics related to the cancellation;
  - g. Immediate written notification of IAAME's decision to refuse to renew an agency's or person's accreditation/approval;
  - h. Immediate written notification that an agency or person has been notified of an adverse action of refusal to renew and the specifics related to each adverse action;
  - i. Semi-annual reports that summarize the preceding six-month period of all adverse action taken against an agency or person. This report should be submitted to the Department within 30 business days of each time period, unless the Department has granted IAAME an extension.
2. In addition to the notifications above to the Department, a Manager or Executive Director will, in the event of suspension, cancellation, or refusal to renew accreditation/approval, notify the relevant state licensing authority in writing of the change in the accreditation/approval status for the agency or person.

## Public Information

Information maintained on the IAAME website will include the agency's or person's name, the adverse action taken, and a brief description of the reason for the adverse action. Dates the adverse action was imposed and when the adverse action will be or was lifted will also be posted as applicable to each agency or person. IAAME will make every effort to update the website information regarding adverse actions and the reasons for such adverse actions for each agency or person at the time the action is implemented or changes, however IAAME will, at a minimum, post this information on a quarterly basis. Public requests for information related to an agency or person will be processed by IAAME Management staff. IAAME will only release information as authorized to do so by State and Federal guidelines and in keeping with the scope and authority of an accredited entity as outlined in 22 CFR Part 96.