

**U.S. Department of Education**

**Staff Report  
to the  
Senior Department Official  
on  
Recognition Compliance Issues**

**RECOMMENDATION PAGE**

1. **Agency:** Liaison Committee On Medical Education (1952/2007)  
(The dates provided are the date of initial listing as a recognized agency and the date of the agency's last grant of recognition.)
2. **Action Item:** Petition for Continued Recognition
3. **Current Scope of Recognition:** The accreditation of medical education programs within the United States leading to the M.D. degree.
4. **Requested Scope of Recognition:** N/A
5. **Date of Advisory Committee Meeting:** December, 2012
6. **Staff Recommendation:** Continue the agency's recognition and require the agency to come into compliance within 12 months, and submit a compliance report that demonstrates the agency's compliance with the issues identified below.
7. **Issues or Problems:** It does not appear that the agency meets the following sections of the Secretary's Criteria for Recognition. These issues are summarized below and discussed in detail under the Summary of Findings section.
  - The agency needs to revise its policy regarding granting of good cause extensions to include under what kinds of circumstances an extension might be granted, and the period of time of the extension. In addition, the agency must provide documentation that it takes immediate adverse action if a program does not bring itself into compliance within two years, or grants an extension for good cause within the time frames required by this section. [§602.20(b)]
  - The agency needs to provide documentation of its timely notice

regarding negative decisions to all of the entities listed in the criterion.  
[§602.26(b)]

-- The agency needs to provide documentation of effective application of its policy regarding negative actions by other accreditors or indicate that it has not had an opportunity to apply its policy. [§602.28(b)]

-- The agency will need to provide documentation of its application of its revised policy for providing the Secretary with an explanation if it accredits a program that is under sanction by another recognized agency, or state that it has not had an opportunity to apply it. [§602.28(c)]

## **EXECUTIVE SUMMARY**

### **PART I: GENERAL INFORMATION ABOUT THE AGENCY**

The Liaison Committee on Medical Education (LCME) accredits medical education programs leading to the M.D. degree. Currently, LCME accredits 125 M.D. education programs in the United States and the Commonwealth of Puerto Rico, which are operated by universities or medical schools that are chartered in the United States.

The LCME is a programmatic accreditor, and, therefore, does not have to meet the separate and independent requirements as set forth in the Secretary's Criteria. Accreditation by LCME is a required element in enabling its programs to establish eligibility to participate in Federal non-HEA programs. Specifically, programs administered by the Department of Health and Human Services require that medical education programs be accredited by LCME and that LCME be recognized by the Secretary of Education in order to participate in a variety of programs, such as the Scholarship and Loan Repayment Programs and Health Professions Student Loan Program (including Primary Care Loans and Loans for Disadvantaged Students). The agency's programs also use its accreditation to receive Title VII funding administered by the Public Health Service.

#### **Recognition History**

The American Medical Association (AMA) and the Association of the American Medical Colleges (AAMC) initially evaluated medical schools independently. In 1942, the AMA and the AAMC formed the Liaison Committee on Medical Education (LCME), whose mission is to certify the quality of North American medical education programs, in order to ensure that the training provided by the medical schools equips graduates to provide optimal care. In the 1970s, a linkage was formed with the Committee on Accreditation of Canadian Medical Colleges to jointly accredit M.D. programs in Canada.

The Council on Medical Education and Hospitals of the American Medical Association (AMA) appeared on the first list of nationally recognized accrediting agencies that was published in 1952. The LCME was first recognized as a nationally recognized accrediting body in its own right in 1972. The recognition of the agency has been renewed several times since then.

In 1997, the agency's scope of recognition was changed from accrediting institutions and programs to only accrediting medical education programs. A full

review of the agency was conducted again in June 2002, after which the Secretary granted continued recognition for a period of five years.

The last full review of the agency continued recognition by the Secretary was conducted at the Spring 2007 NACIQI meeting, and again the Secretary granted the agency continued recognition for a period of five years.

## **PART II: SUMMARY OF FINDINGS**

### **§602.20 Enforcement of standards**

**(b) If the institution or program does not bring itself into compliance within the specified period, the agency must take immediate adverse action unless the agency, for good cause, extends the period for achieving compliance.**

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LCME's policies require it to take immediate adverse action against a program that fails to come into compliance within the time established. The timeframe for coming into compliance can be extended for a limited period of time for good cause. The agency considers a number of factors when determining whether to grant an extension for good cause, "including but not limited to, progress toward achieving full compliance, the complexity of changes that must be made, financial considerations, logistical considerations, and other circumstances internal or external to the medical school that might affect the time needed to come into full compliance." The agency did not provide any documentation of its granting of an extension for good cause.

#### **Analyst Remarks to Response:**

In response to the draft staff analysis the LCME provided its Rules of Procedure that state that "failure to achieve compliance within two years is grounds for withdrawal of accreditation unless the period for achieving compliance is extended for good cause shown." (Attachment 1, page 19). The agency's rules do not indicate under what circumstances it might grant a good cause extension, nor the maximum amount of time of such an extension. The agency needs to amend its rules to address these concerns.

The agency provided letters that they report illustrate a case where the LCME granted an extension for good cause. However, none of the letters expressly provided an extension for good cause. In its narrative, the agency indicates that the extension was granted in February 2012 to allow the institution to collect additional data regarding one standard with which it remained out of compliance. At that time, the school had already been out of compliance with the standard for nearly three years. Nonetheless, the agency's letter states that "the LCME is bound by the regulations of the United States Department of Education to document that the medical education program has brought all areas of noncompliance into compliance within two years. The two-year timeframe begins at the point that the initial decision that a standard is in noncompliance is made by the LCME." The letter also explicitly warns the program about the potential consequences of continued noncompliance. A similar note regarding the two-year timeframe for coming into compliance was included in the October 2011 letter, at which time the program had been out of compliance for over two years. It appears that the LCME is giving the program two years to come into

compliance with the identified standard after it had already been out of compliance for two years.

While the Department understands that the circumstances for extension illustrated in the documentation for School X was complex and it made demonstrating compliance with certain standards more difficult, the agency's letters were confusing about the periods of accreditation, the length of time being granted for coming into compliance, and the granting of an extension for good cause..

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### **§602.26 Notification of accrediting decisions**

**The agency must demonstrate that it has established and follows written procedures requiring it to provide written notice of its accrediting decisions to the Secretary, the appropriate State licensing or authorizing agency, the appropriate accrediting agencies, and the public. The agency meets this requirement if the agency, following its written procedures--**

**(b) Provides written notice of the following types of decisions to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies at the same time it notifies the institution or program of the decision, but no later than 30 days after it reaches the decision:**

- (1) A final decision to place an institution or program on probation or an equivalent status.
- (2) A final decision to deny, withdraw, suspend, revoke, or terminate the accreditation or preaccreditation of an institution or program;
- (3) A final decision to take any other adverse action, as defined by the agency, not listed in paragraph (b)(2) of this section;**

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The agency's policies provide notification to relevant licensing and accreditation bodies at the same time it notifies the program of final accrediting decisions to place programs on probation, or to deny or revoke accreditation within the 30-day timeframe. The agency's policy regarding notification to the Secretary of negative decisions (including probation) does not specify that the Secretary will be notified at the same time as the program. Rather, it states the Secretary will be notified within 30 days after the decision is made final.

The agency provided documentation that fails to demonstrate it follows its own policies. The letter to SACS regarding both positive and negative actions was sent more than 30 days following the LCME meeting; it included notification of an action to place a program on probation. However, it is not clear that the program was notified at the same time as the accrediting agency.

### **Analyst Remarks to Response:**

In response to the draft staff analysis the LCME submitted its revised Rules of Procedures (Attachment 1-October 2012 pg. 22) demonstrating its requirements including its policy to provides written notice to the Secretary, the appropriate State licensing or authorizing agency, and the appropriate accrediting agencies, at the same time it notifies the institution/program, but no later than 30 days after it makes the negative accreditation decisions listed in this section. The agency also provided; Notifications Following Oct 2012 LCME meeting (Attachment 37) a copy of a letter demonstrating its application of this requirement timely notification to the Secretary. However, the agency did not provide documentation of its notification to the other listed entities.

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### **§602.28 Regard for decisions of States and other accrediting agencies.**

**(b) Except as provided in paragraph (c) of this section, the agency may not grant initial or renewed accreditation or preaccreditation to an institution, or a program offered by an institution, if the agency knows, or has reasonable cause to know, that the institution is the subject of--**

**(1) A pending or final action brought by a State agency to suspend, revoke, withdraw, or terminate the institution's legal authority to provide postsecondary education in the State;**

**(2) A decision by a recognized agency to deny accreditation or preaccreditation;**

**(3) A pending or final action brought by a recognized accrediting agency to suspend, revoke, withdraw, or terminate the institution's accreditation or preaccreditation; or**

**(4) Probation or an equivalent status imposed by a recognized agency.**

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LCME's policies require it to not grant initial or renewed accreditation to a program during the time that is subject of actions by bodies listed in the Secretary's Criteria. If these actions do occur during a program's accreditation period, the agency will initiate a review of the program to determine its compliance with the accreditation standards and take action, if warranted. However, the agency did not provide any documentation of application of its policy.

### **Analyst Remarks to Response:**

In response to the draft staff analysis the LCME submitted its October 2012 revision of its Rules of Procedures (Attachment 1) requiring it to reconsider the status of a program when the institution offering the program has been the subject of an adverse action by, or has been placed on probation by, a regional accrediting agency or state chartering authority.

In the agency's narrative it details the application of its policy regarding negative actions by other agencies. The LCME provided supporting documentation of a situation where the institution housing a program it accredited was placed on probation by its institutional accrediting agency, where it reviewed the circumstances leading to the sanction and determined that they did not impact the program's compliance with LCME's standards. However, this situation is not one covered by this criterion, which address the granting of initial or renewed accreditation. The agency needs to provide documentation of its application of its policy, or indicate it has not had opportunity to apply it.

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**(c) The agency may grant accreditation or preaccreditation to an institution or program described in paragraph (b) of this section only if it provides to the Secretary, within 30 days of its action, a thorough and reasonable explanation, consistent with its standards, why the action of the other body does not preclude the agency's grant of accreditation or preaccreditation.**

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The agency's policy requires it to reconsider the accreditation status of a program when the sponsoring institution has been placed on probation by the regional accrediting agency or state chartering authority. In the case of probation or adverse action, if the agency decides to grant or continue accreditation, it will provide to the Secretary of Education, within 30 days of its action, a thorough and reasonable explanation of its decision consistent with its standards. However, this criterion requires that the agency specifically address in its explanation why the actions of the other entity do not preclude the granting of accreditation. The agency did not provide any documentation demonstrating application of this requirement.

**Analyst Remarks to Response:**

In response to the draft staff analysis the LCME narrative explains that the agency's policy that requires an explanation of why the negative actions of another entity do not preclude the agency from granting accreditation. are on page 22 of its LCME Rules of Procedures. The policy is not fully compliant with this criterion in that it does not require the agency to provide an explanation of why the actions of the other agency to deny accreditation or place the institution on probation do not preclude LCME's granting accreditation. The agency needs to revise its policy to meet the requirement of this section of the criterion. The agency also explains that its only opportunity to apply this requirement (Section 602.28(b)), occurred prior to the 2010-2011 regulations being issued and therefore it has not had a recent opportunity to apply its requirements. Staff note that there was no change to this regulation in 2010-2011. However, the circumstances described in the agency's response to 602.28(b) are not the same as those addressed by this criterion in that LCME had already accredited the program prior to the actions of the institutional accrediting agency. The

situation described is covered by section 602.28(d)). The agency will need to provide documentation of its application of its revised policy, or state that it has not had an opportunity to apply it.

### **PART III: THIRD PARTY COMMENTS**

The Department did not receive any written third-party comments regarding this agency.