

POLICY 320: Litigation for Advanced Practice Provider Programs

Costs of Compliance with Third-Party Discovery Requests

The costs of compliance with third-party discovery requests made regarding an advanced practice provider program can be high and cannot be reasonably anticipated for budgeting purposes. To defray these costs in part, where reimbursement for the expense of producing the documents is not provided by the party serving the subpoena or document request, ACEN and ARC-PA may charge the advanced practice provider programs with the costs of production, including the costs of copying and delivering the documents and attorney's fees incurred in compliance with the subpoena or request.

Sponsoring Organizational Financial Obligations Following Litigation

Any advanced practice provider program that takes legal action against ACEN and/or ARC-PA regarding a joint accreditation decision and withdraws its case or loses its case is responsible for assuming all costs incurred by ACEN and/or ARC-PA while defending its decision, including attorney's fees. These costs must be paid in full within 45 calendar days following the advanced practice provider program's receipt of the invoice, unless other arrangements are approved by the Executive Committee acting on behalf of the ACEN Board of Commissioners and ARC-PA Commissioners.

Choice of Law, Jurisdiction, and Venue

As a condition of ACEN and ARC-PA joint accreditation, each advanced practice provider program acknowledges that all agreements created by the ACEN and ARC-PA granting any status shall be deemed to have been entered into in Fulton County, Georgia, and shall be interpreted in accordance with the laws of the State of Georgia. Further, each advanced practice provider program agrees that jurisdiction and venue for any action which might arise from any joint accreditation agreement between the advanced practice provider program and ACEN and/or ARC-PA, regardless of which party shall initiate the action, shall be exclusively in the United States District Court for the Northern District of Georgia or the state courts of Fulton County, Georgia, whichever of these courts shall have proper subject matter jurisdiction.

Policy 320 History
Initial Approval: ___ 2023