

Policy of the Graduate Medical Education Committee
Section: Educational Administration
Subject: Academic and Other Disciplinary Actions (Probation, Suspension and Dismissal)
Number: 1.420
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Replaces: previous policy of same name, dated 5/03
ACGME Requirement: Institutional IV.C.1.b); Common II.A.4.I)

Purpose

To define the circumstances which may result in probation, suspension or dismissal from the residency program (includes fellowship programs) and to establish fair policies and procedures for academic or other disciplinary actions taken against residents.

The position of resident (the term “resident” applies to interns, residents, and fellows) presents the dual aspects of a student in a post-graduate educational program and a participant in the delivery of patient care. A resident’s continuation in the residency program is dependent upon satisfactory professional standards in the educational program and in the care of patients. Behavior that reflects poorly on professional standards, ethics, and collegiality are all components of a resident’s academic evaluation.

Definitions

Probation: a trial period in which a resident is permitted to redeem academic performance or behavioral conduct that does not meet the standard of the program.

Suspension: a period of time in which a resident is not allowed to take part in all or some of the activities of the program. Time spent on suspension may not be counted toward the completion of program requirements.

Dismissal: the condition in which a resident is directed to leave the residency program, with no award of credit for the current year, termination of the resident’s Agreement of Appointment, and termination of all association the University of Arkansas for Medical Sciences College of Medicine and its participating teaching hospitals.

Policy

Each Program Director, in consultation with the Departmental Chairperson and Departmental Education Committee, must implement written criteria and processes for academic and other disciplinary actions within the program including, but not limited to, probation, suspension and dismissal from the residency program. The specific actions of probation, suspension, and dismissal must follow the guidelines listed below. The particular administrative action imposed shall be based on individual circumstances and will not necessarily follow the sequential order in which they are described below. A resident involved in any of the actions of probation, suspension, dismissal has the right to appeal according to the GMEC Policy, 1.410, Adjudication of Resident Grievances.

Procedure

Probation

1. A resident may be placed on probation by a Program Director for reasons including, but not limited to any of the following:
 - a. failure to meet the performance standards of an individual rotation;
 - b. failure to meet the performance standards of the program;
 - c. failure to comply with the policies and procedures of the GME Committee, the UAMS Medical Center, or the participating institutions;
 - d. misconduct that infringes on the principles and guidelines set forth by the training program;
 - e. documented and recurrent failure to complete medical records in a timely and appropriate manner;
 - f. when reasonably documented professional misconduct or ethical charges are brought against a resident which bear on his/her fitness to participate in the training program.
2. When a resident is placed on probation, the Program Director shall notify the resident in writing in a timely manner, usually within a week of the notification of probation. The written statement of probation will include a length of time in which the resident must correct the deficiency or problem, the specific remedial steps and the consequences of non-compliance with the remediation.
3. Based upon a resident's compliance with the remedial steps and other performance during probation, a resident may be:
 - a. continued on probation;
 - b. removed from probation;
 - c. placed on suspension; or
 - d. dismissed from the residency program.

Suspension

1. A resident may be suspended from a residency program for reasons including, but not limited, to any of the following:
 - a. failure to meet the requirements of probation;
 - b. failure to meet the performance standards of the program;
 - c. failure to comply with the policies and procedures of the GME Committee, the UAMS Medical Center, or the participating institutions;
 - d. misconduct that infringes on the principles and guidelines set forth by the training program;
 - e. documented and recurrent failure to complete medical records in a timely and appropriate manner;
 - f. when reasonably documented professional misconduct or ethical charges are brought against a resident which bear on his/her fitness to participate in the training program;
 - g. when reasonably documented legal charges have been brought against a resident which bear on his/her fitness to participate in the training program;
 - h. if a resident is deemed an immediate danger to patients, himself or herself or to others;

- i. if a resident fails to comply with the medical licensure laws of the State of Arkansas.
2. When a resident is suspended, the Program Director shall notify the resident with a written statement of suspension to include:
 - a. reasons for the action;
 - b. appropriate measures to assure satisfactory resolution of the problem(s);
 - c. activities of the program in which the resident may and may not participate;
 - d. the date the suspension becomes effective;
 - e. consequences of non-compliance with the terms of the suspension;
 - f. whether or not the resident is required to spend additional time in training to compensate for the period of suspension and be eligible for certification for a full training year.

A copy of the statement of suspension shall be forwarded to the Associate Dean for Graduate Medical Education and the Assistant Dean for Housestaff Affairs.
3. During the suspension, the resident will be placed on “administrative leave”, with or without pay as appropriate depending on the circumstances.
4. At any time during or after the suspension, resident may be:
 - a. reinstated with no qualifications;
 - b. reinstated on probation;
 - c. continued on suspension; or
 - d. dismissed from the program.

Dismissal

1. Dismissal from a residency program may occur for reasons including, but not limited to, any of the following:
 - a. failure to meet the performance standards of the program;
 - This disciplinary action should be the result of an unsuccessful progressive discipline process.
 - b. failure to comply with the policies and procedures of the GME Committee, the UAMS Medical Center, or the participating institutions;
 - c. illegal conduct;
 - d. unethical conduct;
 - e. performance and behavior which compromise the welfare and of patients, self, or others;
 - f. failure to comply with the medical licensure laws of the State of Arkansas;
 - g. inability of the resident to pass the requisite examinations for licensure to practice medicine in the United States, if required by the individual residency program.
 - h. misrepresentation of information in the residency appointment application.
2. The Program Director shall contact the Associate Dean for GME and provide written documentation which led to the proposed action.
3. When performance or conduct is considered sufficiently unsatisfactory that dismissal is being considered, the Program Director shall notify the resident with a written statement to include:
 - a. reasons for the proposed action,

- b. the appropriate measures and timeframe for satisfactory resolution of the problem(s).
4. If the situation is not improved within the timeframe, the resident will be dismissed.
5. Immediate dismissal can occur at any time without prior notification in instances of gross misconduct, including, but not limited to, theft of money or property; physical violence directed at an employee, visitor, or patient; use of, or being under the influence of, alcohol or controlled substances while on duty; patient endangerment; illegal conduct.
6. When a resident is dismissed, the Program Director shall provide the resident with a written letter of dismissal stating the reason for the action and the date the dismissal becomes effective. A copy of this letter shall be forwarded to the Associate Dean for GME and the Assistant Dean for Housestaff Affairs.