

Policy 1.420 Graduate Medical Education Committee
Section Educational Administration
Subject Academic and Other Disciplinary Actions (Probations, Suspension, Non-renewal, Non-promotion, Dismissal)
Policy Requirements: ACGME Institutional: IV.C.1.b) ACGME Common Program Requirements: II.A.4.I)
Version History: Date Developed: 2/1999 Last Review/Revision: 4/2007, 1/2010, 5/2014, 4/2018 Replaces: policy of same name, dated 15/2003 Legal Review: 5/2018

Purpose

To outline due process relating to probation, suspension, non-renewal, non-promotion or dismissal regardless of when the action is taken during the appointment period.

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 must implement written criteria and processes for academic and other disciplinary actions within the program including, but not limited to probation, suspension, non-renewal, non-promotion and dismissal from the residency program. The specific actions of probation, suspension non-renewal, non-promotion 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, non-renewal, non-promotion and dismissal has the right to appeal according to the Graduate Medical Education Committee (GMEC) Policy, 1.410, Adjudication of Resident Grievances.

In the event of a disciplinary action, the Program Director must notify the Associate Dean of Graduate Medical Education (GME).

Probation

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 GMEC, UAMS 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.

Due Process

When a resident is placed on probation:

1. The Program Director shall notify the resident in writing. 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.
2. Prior to the end of the defined probation period, the program must notify the resident in writing of their probation status. Based upon a resident's compliance with the remedial steps and other performance during probation a resident's probation status may be:
 - a. removed from probation;
 - b. continued on probation;
 - c. placed on suspension; or
 - d. dismissed from the residency program.

Suspension

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 GMEC, UAMS 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.

Due Process

When a resident is suspended:

1. 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.
2. A copy of the statement of suspension shall be forwarded to the Associate Dean for GME 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.
 5. Once a determination of resident status has been made, program must provide written notification to the resident, Associate Dean for GME and the Assistant Dean for Housestaff Affairs.

Non-renewal/Non-promotion

The Program Director must notify the Associate Dean for GME if he/she intends to non-reappoint or non-promote a resident. The Program Director must notify the resident of the decision to non-promote or non-reappoint by a written notice at least four months prior (usually March 1) to the expiration of the current period of appointment, regardless of PGY level of the resident. However, if the primary reason(s) for the non-reappointment occur(s) within the four months prior to the end of the current appointment, the resident will be provided with as much written notice of the intent not to renew as the circumstances will reasonably allow, prior to the expiration of the current period of appointment.

Dismissal

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 GMEC, UAMS or the participating institutions;
- c. illegal conduct;
- d. unethical conduct;
- e. performance and behavior which compromise the welfare 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.

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.

Due Process

Prior to any proposed dismissal action, the Program Director must contact the Associate Dean for GME and provide written documentation outlining the reasons leading to the proposed dismissal action. Following Associate Dean for GME review and approval of proposed dismissal action, the Program Director shall notify the resident in a written statement that dismissal is being considered. This statement should include:

- a. reasons for the proposed action,
- b. the appropriate measures and timeframe for satisfactory resolution of the problem(s).

If the situation is not improved within the timeframe, the resident will be dismissed. 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.