

POLICY MANUAL

Date of Issue: 10/94	Policy #: GME-8242-028
Revisions: 1/98, 5/00, 12/01, 8/03, 2/08	Department of Primary Responsibility: Graduate Medical Education
Subject: Resident promotion, probation, dismissal, non-renewal of contract	Distribution: GMEC Committee, Program Directors, Program Managers and Coordinators, Residents, Department Chairs

Purpose

Each training program is structured to assure that residents assume increasing levels of responsibility commensurate with individual progress in experience, skill, knowledge, and judgment.

The term of the Ochsner Clinic Foundation Resident Agreement is one year. However, candidates accepting appointments have an expectation that they will be allowed to complete their training having shown satisfactory progression in meeting the training requirements of their program. The following policy outlines the considerations to take in to account for the promotion, dismissal and/or non-renewal of contract for a resident.

Definition(s):

The term **resident** used throughout this document refers to all interns, residents and subspecialty residents (fellows) enrolled in an Ochsner Clinic Foundation sponsored postgraduate training program.

Resident Standing:

A resident whose performance conforms to established evaluation criteria in a consistent and satisfactory manner will be considered to be in “good standing” with the program and institution. Misconduct, failure to comply with the policies and procedures governing the program or unsatisfactory performance based on one or more evaluations may adversely affect the residents standing in the program.

Promotion

After satisfactory completion of each year of GME experience, as attested to by the program director, a resident in good standing may be promoted to the next level of training subject to the terms, limitations and conditions described in this document and the Resident Agreement.

Promotion to the next level of training is determined by the program and the Sponsoring Institution. The decision to promote is dependent on several factors, which include, but are not limited to:

- satisfactory completion of all training requirements
- satisfactory performance
- documented competence commensurate with level of training
- successful completion and passing of the USMLE Step 3 prior to entering the PGY-3 level
- full compliance with all terms of the Resident Agreement
- continuation of the Sponsoring Institution and program ACGME accreditation

Discipline, Dismissal, Non-renewal of contract

Grounds for discipline, dismissal or non-renewal of contract of a resident include, but are not limited to, the following:

- Below satisfactory academic performance, defined as a failed rotation; relevant exam scores below program requirements; and/or marginal or unsatisfactory performance as evidenced by faculty evaluation, in the areas of clinical diagnosis and judgment, medical knowledge, technical abilities, interpretation of data, patient management, communication skills, interactions with patients and other healthcare professionals, professionalism, and/or motivation and initiative.
- Failure to comply with the bylaws, policies, rules, or regulations of the sponsoring or affiliate hospital, medical staff, department, or with the terms and conditions of this document.
- Commission by the resident of an offense under federal, state, or local laws or ordinances which impacts upon the abilities of the resident to appropriately perform his/her normal duties in the residency program.
- Conduct, which violates professional and/or ethical standards; disrupts the operations of the Health System, its departments, or affiliated hospitals; or disregards the rights or welfare of patients, visitors, or hospital/clinical staff.
- Ineligible for continued appointment based on ongoing absence/unavailability to perform training duties; failure to satisfy licensure; visa, immunization, registration or other eligibility requirements for training.

Procedures

Whenever performance with respect to any element of a resident's conduct, skills, duties or responsibilities is determined to be less than satisfactory, the Program Director shall meet and discuss the unsuitable performance with the resident. As a result of this less than satisfactory performance, the resident will be placed in the status of ***counseling and given:***

- Notice of performance deficiencies;
- An opportunity to remedy the deficiencies; and

- Notice of the possibility of probation, dismissal or non-renewal if the deficiencies are not corrected.

Counseling

The purpose of *counseling* is to give the resident specific notice of performance deficiencies and an opportunity to correct those deficiencies. The length of the counseling period may vary but it must be specified at the outset *in writing* and be of sufficient duration to give the trainee a meaningful opportunity to remedy the identified performance problems. Records should be maintained at the departmental level.

Probation

Depending on the resident's performance during counseling, the possible outcomes are: removal from counseling with a return to good academic standing; probation with new or remaining deficiencies cited and/or non-promotion to the next training level with further probationary training required. **Before a resident is placed on probation, the Program Director must present all counseling records and basis for such a determination to the GMEC Committee for approval.** On the recommendation of the Program Director and the approval of the GMEC, the program must notify the resident, in writing, that his/her performance is not satisfactory, and the resident has been placed on formal probation and include a description of the basis for such a determination. A copy of the probation notice shall be forwarded to the Chairman of the Graduate Medical Committee and the Department of Graduate Medical Education for inclusion in the resident's official academic file. As a result of probation, a resident's clinical duties and other activities may be restricted by the Program Director.

Residents placed on probation shall have their status reviewed and documented by the Program Director at defined intervals (eg weekly, monthly). If upon expiration of the first monthly period of probation, or during any extension thereof, the resident's performance has not improved to the extent considered acceptable by the Program Director and the Graduate Medical Education Executive Committee, the resident may be immediately *dismissed* from the program. Residents also may be immediately *dismissed* without counseling or probation for serious violations of ethical or legal standards of conduct.

Dismissal

The basis for dismissal may be failure to achieve the learning objectives of the program, unprofessional behavior, substandard clinical practice and judgment, failure to develop sufficient technical skill, failure to develop sufficient teaching skills, unprofessional teaching behavior, or substandard performance. Attempts at counseling and probation must have been made, documented and been unsuccessful. **Dismissal from a training program must be** at the recommendation of the program director and the departmental chairman (if they are not the same), and **approved by the Graduate Medical Education Committee.** The resident shall be advised of such, in writing, by the program director.

This notice shall include a brief description of the grounds for the termination. All related records and documentation, including attempts at remedial action, are to be maintained in the official academic record of the resident located in the Department of Graduate Medical Education. Individual programs may retain copies for file, if desired. Residents may appeal dismissal by invoking due process using the established grievance procedure (*Policy #GME-8242-012*). Residents also may be immediately *dismissed* without counseling or probation for serious violations of ethical or legal standards of conduct.

Non-Renewal of Contract

Notice of Non-Reappointment. In the event the Program Director elects not to reappoint the Resident to the Program not renewed, s/he will provide the Resident with a minimum of 120 days' (4 months) advance written notice of its determination on non-reappointment.

- Non-Reappointment Based on Institutional Factors. When non-reappointment is based on reasons other than the resident's performance, such non-reappointment when made by the GMEC shall be final and not subject to further appeal or review and shall not be grievable under the grievance procedure.
- Non-Reappointment Based on Resident Factors. When non-reappointment is based on the resident's unsatisfactory performance or noncompliance with his/her contract, remediation policies shall be invoked prior to any such determination being "final."

Policy Enforcement:

The GMEC is responsible for enforcing this policy throughout the Ochsner Health System for all Ochsner-Sponsored graduate medical education-training programs. Individual program directors are responsible for the consistent application of this policy within a given training program.

Exceptions:

Exceptions to this policy require the approval of the Executive Vice-President for System Medical Affairs/Chief Academic Officer/DIO prior to any action-taking place.

Hector O. Ventura, M.D., Chairman
Graduate Medical Education Committee

Date

William W. Pinsky, M.D., Executive Vice-President
for System Medical Affairs, Chief Academic Officer/DIO

Date

Policy History:

GME-8242-001 Selection, Evaluation, Promotion dismissal, Non-Renewal, and Supervision of Resident Policy