

Medical Education Policy: Discipline – Dismissal

Facility: CMC
Origin Date: July 2009
Revision Date: January 2020
Sponsor: GMEC

1. PURPOSE:

To provide a mechanism that will allow the Program Director or the DIO to investigate and potentially dismiss a Resident from the Program and thereby terminate employment with the institution when it is determined that the continued presence of the resident exposes patients, employees, staff, visitors, or the Institution to significant risk. The institution must provide oversight of these actions, and Residents must be assured that the policy is followed.

2. SCOPE:

This Policy applies to all Accreditation Council for Graduate Medical Education (ACGME), Council on Podiatric Medical Education (CPME), and Commission on Dental Accreditation (CODA) accredited post-graduate training programs sponsored by Carilion Medical Center (CMC).

3. DEFINITIONS:

- 3.1 Adverse Action: an action described in this policy that may require the Resident to report the event as “disciplinary action” in future disclosures to hospitals, state and federal licensing agencies, certification boards, and other entities or organizations that may request such information, including the ACGME or AOA.
- 3.2 Dismissal: a formal adverse action taken by the Program Director or DIO when it is determined that the continued presence of a resident in a Program substantially interferes with the orderly function of the Program, or the Institution, or with the safety or welfare of employees, patients, staff or visitors. Events leading to Dismissal may include, but are not limited to:
- A. a significant violation of Institutional or medical education policies
 - B. a significant violation of professional or ethical behavioral expectations
 - C. engaging in illegal or inappropriate activity that adversely affects the Resident’s position in the Program⁴
 - D. an inability to demonstrate the professional competence or attributes necessary to advance in or complete the respective Program.

Dismissal by the Program Director or DIO may occur with or without a prior period of probation and is effective on the date determined by the DIO.

Right to Appeal: Yes

Appeal to: Panel of Department Chairs (finding and decision is final).

3.3 Other Definitions:

- 3.3.1 Appeal is a formal process whereby a Resident requests an opportunity to contest a prior formal action (see Appeal policy).
- 3.3.2 Business Days refers to Monday through Friday and exclude holidays that are recognized by CMC.
- 3.3.3 Designated Institutional Official (DIO) is the individual appointed by the Institution to provide oversight, administration, and accountability for CMCs accredited graduate medical Education programs.
- 3.3.4 Graduate Medical Education Committee (GMEC) is the committee authorized by the Board of Directors and administration of Carilion Medical Center to advise, monitor and evaluate all aspects of residency education. Membership is determined by GMEC policy.
- 3.3.5 Institution is CMC collectively and includes its subsidiaries.
- 3.3.6 Program or Residency Program: refers to an accredited post-graduate medical education program based at CMC.
- 3.3.7 Program Director is the lead physician / clinician appointed by the Institution and registered with the appropriate ACGME Residency Review Committee, or other accrediting body to provide academic and administrative oversight of the respective Residency Program.
- 3.3.8 Resident refers to all interns, residents, and fellows participating in a CMC accredited post-graduate medical education Programs.

4. PROCEDURE:

4.1 General Guidelines:

- 4.1.1 The timeframes described in this Policy are to be followed in the normal course, but they may be altered or adjusted for good reason. Additionally, the parties may agree in writing to waive a particular timeframe.
- 4.1.2 If hand delivery of a document is utilized under this Policy, the person delivering the document will ask the recipient of the document to sign and date the document to acknowledge receipt. If the recipient refuses to do so, the person delivering the document will note recipient refused to sign and date at ____ (time) on _____ (date).
- 4.1.3 If written notice is to be provided or delivered under this Policy, it may be accomplished by hand delivery, delivery by the USPS or delivery by

a reputable overnight delivery organization. Notice will be deemed to be received on the date of hand delivery, the day delivered by the overnight delivery organization or the second day following deposit of the written notice with the USPS. The most recent address on record should be used for USPS and overnight delivery.

4.2 Dismissal:

- 4.2.1 Dismissal of a Resident may be initiated by the Program Director or the DIO. If initiated by the Program Director, the DIO will oversee the process.
 - 4.2.1.1 The DIO may dismiss a resident without approval of the Program Director if deemed appropriate.
 - 4.2.1.2 A Program Director must have the approval of the DIO to dismiss a Resident.

- 4.2.2 When the Program Director becomes aware of allegations involving a resident that may warrant Dismissal, he/she must notify the DIO and the department chair as soon as possible.
 - 4.2.2.1 If the Dismissal is initiated by the Program Director, the Program Director must prepare a packet of information supporting the decision for the DIO's review.
 - 4.2.2.2 Allegations supporting dismissal may include but are not limited to:
 - 4.2.2.2.1 One-time egregious events
 - 4.2.2.2.2 Significant poor performance in any of the ACGME's six core competencies that has not shown adequate improvement despite appropriate recommendations by the Program.

- 4.2.3 If deemed necessary, the Program Director, with the guidance of the DIO, may commence an investigation of the matter leading to the proposed Dismissal. If an investigation is deemed to be necessary, the DIO will notify the resident that an investigation will be conducted.

- 4.2.4 If an investigation is conducted, the Resident will be given an opportunity to respond to allegations and provide information to be considered.

- 4.2.5 The DIO may elect to place the Resident on Institutional Suspension during an investigation (refer to the Discipline - Institutional Suspension Policy).

- 4.2.6 The DIO may choose to utilize the services of other members of the Institution to assist in the investigation.

- 4.2.7 If other Institutional policies are relevant to the allegations against the Resident, i.e. "Workplace Harassment," the investigation may also

include procedures or members of the Institution associated with those policies.

4.2.8 Absent compelling circumstances, the investigation will be completed no later than fifteen (15) business days after the allegations are brought to the DIO's attention.

4.2.9 At the end of an investigation or record review by the DIO: The DIO may recommend one of the following actions:

4.2.9.1 **Option 1: Failure to Find Merit:** The DIO may determine that the allegations against the resident are unfounded or uncorroborated. If so, the resident will be without any disciplinary action. The investigation will not become a part of the Resident's official record.

4.2.9.2 **Option 2: Dismissal:**

4.2.9.2.1 The Program Director and/or DIO will develop a written notice of Dismissal outlining the findings of the investigation and the decision to dismiss the Resident.

4.2.9.2.2 The notice will state that the Resident has the right to Appeal the Dismissal. A copy of the Appeal Policy will be given to the Resident at the time of notification.

4.2.9.2.3 The Resident will be requested to report to the office of the DIO to receive and sign the notice of Dismissal. Should the Resident fail to report as requested, the DIO will use another form of notification.

4.2.9.2.4 As long as the Resident reports to the office of the DIO as requested, the Resident will be given an opportunity to clarify his or her understanding of the components of the notice of Dismissal.

4.2.9.2.5 The Resident will be provided with a copy of the notice of Dismissal and a copy will be retained in the resident's official record.

4.2.9.2.6 The Resident will be escorted off the Institution's Campus after securing personal items.

4.2.9.3 **Option 3: Institutional Probation:** The Program Director or DIO may recommend a period of Institutional Probation (see Discipline – Institutional Probation policy).

4.2.9.3.1 The resident will be reinstated.

4.2.9.3.2 The Program Director will develop a Probationary Document as identified in the Discipline – Institutional Probation policy.

- 4.2.9.4 **Option 4: Academic Remediation:** The Program Director or DIO may recommend a period of Academic Remediation (see policy).
 - 4.2.9.4.1 The resident will be reinstated.
 - 4.2.9.4.2 The Program Director will develop a Remediation Document as identified in the Discipline – Academic Remediation policy.

- 4.2.9.5 **Option 5: Non-Renewal of Contract:** The Program Director or DIO may recommend Non-renewal of Contract (see Policy).
 - 4.2.9.5.1 The Resident will be reinstated for the remainder of the Resident's current contract year.
 - 4.2.9.5.2 The Program Director will invoke procedures as described in the Discipline – Non-Renewal of Contract policy.

4.3 Right to Appeal:

- 4.3.1 The Resident will be advised of his or her right to appeal Dismissal or the other possible outcomes identified above where appropriate.
- 4.3.2 The Appeal process will be governed by the Discipline – Appeal Process policy.
- 4.3.3 If the outcome of the Appeal Process is to reinstate the Resident, the Resident will be reinstated.

4.4 This policy does not preclude a dismissed Resident or a Resident on Institutional Suspension from utilizing any CMC affiliated clinical site for clinical services for himself / herself, a spouse or a child.

Name	Title	Dept./Committee	Date
Daniel Harrington, MD	DIO	GMEC	June 2010
Daniel Harrington, MD	DIO	GMEC	June 2012
Donald W. Kees, MD	DIO	GMEC	June 2016
Donald W. Kees, MD	DIO	GMEC	April 2017
Donald W. Kees, MD	DIO	GMEC	January 21, 2020