

## Medical Education Policy: Discipline – Non-Renewal of Contract

Facility: CMC  
Origin Date: July 2009  
Revision Date: August 2019  
Sponsor: GMEC

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### 1. PURPOSE:

Program directors must have a mechanism to identify and release residents who are failing to progress in the program. The Institution must provide oversight of this action and residents must be assured that the identified process is followed.

### 2. SCOPE:

This Policy applies to all 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 Non-adverse Action is an action described in this policy that requires neither the Resident nor the program to report the disciplinary event in future disclosures.

3.2 Non-Renewal of Contract: a formal non-adverse action taken by the Program Director when a determination is made to withhold reappointment or renewal of a resident contract for a subsequent period of training in the program. In most, but not all, cases, non-renewal of contract occurs after a Resident has failed to correct identified deficiencies in a prior period of academic remediation. Non-renewal of contract allows a program to terminate a Resident without taking a reportable formal adverse action against the Resident.

The DIO must provide an initial review and approval of the Non-renewal action prior to the Program Director notifying the Resident of the action.

**Right to Appeal: Yes**

**Appeal to: ad hoc subcommittee of the GMEC**

### 3.3 Other Definitions:

3.3.1 Ad hoc subcommittee of the GMEC is a committee appointed to hear appeals, when allowed by this policy (see Appeal policy).

3.3.2 Appeal is a formal process whereby a Resident requests an opportunity to contest a prior formal action (see Appeal policy).

- 3.3.3 Business Days refers to Monday through Friday and excludes holidays recognized by Carilion Clinic.
- 3.3.4 Designated Institutional Official (DIO) is the individual appointed by the Institution to provide oversight, administration, and accountability to Carilion Clinic's accredited Graduate Medical Education programs.
- 3.3.5 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.
- 3.3.6 Institution is Carilion Medical Center (CMC) Program or Residency Program: refers to an accredited post-graduate medical education program based at Carilion Clinic.
- 3.3.7 Program Director is the lead physician appointed by the Institution and registered with the appropriate ACGME Residency Review Committee to provide academic and administrative oversight of the respective Residency Program.
- 3.3.8 Resident refers to all interns, Residents, and fellows participating in Carilion Clinic 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, via delivery of the United States Postal Service (USPS) or via overnight delivery by a reputable overnight delivery organization. Notice will be deemed to be received on the date of hand delivery, on the day delivered by the overnight delivery organization or on 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. Non-Renewal of Contract:

- 4.2.1. Initial Review: The Program Director must present to the DIO the events leading to the decision of Non-Renewal of the Resident.
- 4.2.2. The PD will develop a written notice of contract non-renewal which must include an explanation of the reason for the non-renewal of contract. The written notice must be approved by the DIO.
- 4.3. Once the written notice of non-renewal of contract is approved by the DIO, the PD will send it to the Department Chair as notification of this action.
  - 4.3.1. The Program Director must provide the Resident with verbal and written notification of a Non-Renewal of Contract decision no later than four (4) months prior to the end of the Resident's current contract period. However, if the primary reason(s) for the Non-Renewal occurs within the four (4) months prior to the end of the current contract period, the Program Director must provide as much written notification to the Resident prior to the end of the current contract as circumstances will reasonably allow.
  - 4.3.2. The Resident will be required to report to the office of the Program Director as soon as reasonably possible after verbal notification to receive and sign the written notice of Non-Renewal.
  - 4.3.3. The Resident will be given an opportunity to clarify his or her understanding of the components of the written notice of Non-Renewal.
  - 4.3.4. The Resident will be provided with a copy of the notice of Non-Renewal and a copy will be retained in the Resident's file.
  - 4.3.5. If the Resident is unable to report to the office of the Program Director in a reasonable period of time (three business days), the notice of Non-Renewal will be delivered to the Resident.
- 4.4. Right to Appeal:
  - 4.4.1. The Resident will be advised of his or her right to appeal the Non-Renewal of contract at the time of notification.
  - 4.4.2. See Appeal Policy for Appeal options and procedure.

<b>Name</b>	<b>Title</b>	<b>Dept./Committee</b>	<b>Date</b>
Daniel Harrington, MD	DIO	GMEC	June 19, 2012
Donald W. Kees, MD	DIO	GMEC	September 20, 2016
Donald W. Kees, MD	DIO	GMEC	August 20, 2019