

Medical Education Policy: Institutional Probation

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

1. PURPOSE:

It is expected that all residents will progress in their training programs according to criteria set by the program. Carilion Clinic recognizes that there are times when the academic performance or behavior of a resident deviates significantly from expected norms or Institutional or departmental policies. There are several options for a Program Director to help a resident reach the expected academic performance when a resident does not progress as expected. Institutional Probation is one such process. The Graduate Medical Education (GME) office and the Graduate Medical Education Committee (GMEC) will provide oversight of the process and residents will be assured that the policy 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 Adverse Action: an action described in this policy that requires 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. The Program Director must also report the action on the final summative evaluation of the respective resident.

3.2 Institutional Probation: a formal adverse action applied to a Resident when 1) a prior period of Academic Remediation fails to correct deficiencies and continuation of the Resident in the Program is in jeopardy, or 2) a significant action, omission or behavioral event has occurred without a prior period of Academic Remediation, such as a serious lack of professionalism, an endangerment to the well-being of patients or co-workers, a disregard for medical protocol, an illegal action, or any other serious violation of Institutional policies, procedures and corporate compliance requirements for residents and all employees.

3.3 Probationary Document: a written document developed by the Program Director, in coordination with the Office of Graduate Medical Education, for each period of probation identifying the specific areas of deficiency and the expected corrective action plan to include remedial activities that the Resident must engage in and outcome measures to assess the Resident's progress. The Document must identify the potential consequences of failure to meet the expectations of the corrective action plan, including dismissal from the Program or non-renewal of contract and must identify a specific time line and duration.

3.4 Other Definitions:

- 3.4.1 Ad hoc subcommittee of the GMEC is a committee appointed to hear appeals, when allowed by this policy (see Appeal policy).
- 3.4.2 Appeal is a formal process whereby a Resident requests an opportunity to contest a prior formal action (see Appeal policy).
- 3.4.3 Business Days refers to Monday through Friday and excludes holidays recognized by Carilion Clinic.
- 3.4.4 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.
- 3.4.5 Graduate Medical Education Committee (GMEC) is the committee authorized by the Board of Directors and administration of (CMC), to advise, monitor and evaluate all aspects of residency education. Membership is determined by GMEC policy.
- 3.4.6 Institution is Carilion Medical Center.
- 3.4.7 Program or Residency Program: refers to an accredited post-graduate medical education program based at Carilion Clinic.
- 3.4.8 Program Director (PD) is the lead physician appointed by the Institution and registered with the appropriate ACGME Residency Review Committee or), CPME or CODA to provide academic and administrative oversight of the respective Residency Program.
- 3.4.9 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 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 third 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 Institutional Probation:

- 4.2.1 In most instances the PD will confer with the program’s Clinical Competency Committee (CCC) about a Resident’s poor performance. If the CCC and/or the PD believe the Resident is not progressing in the training program as expected despite attempts at correction of these deficiencies or the Resident has engaged in a significant act, omission or behavioral event, the PD may place the resident on Institutional Probation. The PD must develop a Probationary Document prior to placing the Resident on probation.
- 4.2.2 Initial Review: The Probationary Document will be reviewed and approved by the DIO prior to notification of the Resident.
- 4.2.3 The PD will provide verbal and written notification to the Resident of the decision to place the Resident on Institutional Probation. The written notice must include the Probationary Document.
- 4.2.4 The Resident will be required to report to the office of the PD as soon as reasonably possible after verbal notification to receive and sign the Probationary Document.
- 4.2.5 The Resident will be given an opportunity to clarify his or her understanding of the components of the Probationary Document.
- 4.2.6 The Resident will be provided with a copy of the Probationary Document and a copy will be retained in the Resident’s file.
- 4.2.7 The Resident will be informed that failure to correct the identified deficiencies or abide by the terms of the Probationary Document may result in dismissal from the Program.

- 4.2.8 If the Resident is unable to report to the office of the PD in a reasonable period of time (three business days), the Probationary Document will be delivered to the Resident.
 - 4.2.9 The PD will provide to the GMEC regular reports on the progress of residents on Probation.
 - 4.2.10 The time period of Probation must be specified and shall not exceed six (6) months.
 - 4.2.11 For the Resident who remains on probation at the regular time of promotion, Institutional Probation may result in failure of promotion if in the view of the CCC the Resident does not appear ready for the next level of responsibility.
- 4.3 Outcomes of Institutional Probation:
- 4.3.1 Resident meets the requirements and outcomes of Probation: Program Director removes the Resident from Probation.
 - 4.3.1.1 The Probation Document must remain in the Resident's permanent training file and will not be removed at the time of completion of the program.
 - 4.3.1.2 On the Resident's final summative evaluation, the PD must report that the resident was on Institutional Probation during their training.
 - 4.3.2 Resident fails to meet the requirements and outcomes of Probation:
 - 4.3.2.1 Option 1: The PD extends the period of Probation:
 - 4.3.2.1.1 The initial Probationary Document must be amended to include the ongoing or new deficiencies and the new time frame.
 - 4.3.2.1.2 The DIO will review and approve the amended Probationary Document.
 - 4.3.2.1.3 The amended Document will be provided to the Resident, as above.
 - 4.3.2.2 Option 2: PD dismisses the Resident from the Program.
 - 4.3.2.3 Option 3: Non-renewal of the Resident's contract
 - 4.3.2.3.1 DIO review: The decision to dismiss the resident, non-renew the contract or extend the probation must be reviewed and approved by the DIO prior to notifying the Resident of the action.
- 4.4 Right to Appeal: **YES**

- 4.4.1 The Resident will be advised of the right to appeal each instance of Institutional Probation at the time of notification.
- 4.4.2 Right to Appeal is to an ad hoc subcommittee of the GMEC.
- 4.4.3 At the time the Resident is notified of the Institutional Probation, the Discipline-Appeals Process Policy will be given to the Resident.
- 4.4.4 See Appeal Policy for Appeal options and procedure.

Name	Title	Dept./Committee	Date
Daniel Harrington, MD	DIO	GMEC	June 19, 2012
Donald Kees, MD	DIO	GMEC	January 19, 2016
Donald Kees, MD	DIO	GMEC	August 20, 2019