

GMDEC Reviewed: February 2010

GMDEC Approved: February 2010

DISCIPLINARY ACTIONS

The Accreditation Council for Graduate Medical Education (ACGME) requires that sponsoring institutions provide fair and reasonable written institutional policies and procedures for grievance and due process, which may be utilized when academic or other disciplinary actions taken against residents could result in dismissal, non-renewal of a resident's agreement or other actions that could significantly threaten a resident's intended career development, including non-promotion to a subsequent PGY level.

The Graduate Medical and Dental Education Committee (GMDEC) serves as the appeals body for all residents in programs sponsored by the Graduate School of Medicine, for dismissal, non-renewal or other actions that could significantly threaten a resident's intended career development, including non-promotion to a subsequent PGY level. Dismissal, non-renewal or non-promotion to a subsequent PGY level could occur because of failure to comply with the resident's responsibilities, failure to demonstrate appropriate medical knowledge or skill as determined by the program's supervising faculty, or failure to abide by the terms of the resident's contract of employment. The appeal mechanisms described below are open to a resident who has suffered an adverse action including dismissal during an academic year or non-renewal of contract for the following academic year in a categorical program.

Disciplinary actions are typically utilized for serious acts requiring immediate actions. These actions include academic failure, non-renewal, suspension, probation, and dismissal. The residency program nor the University of Tennessee Graduate School of Medicine (GSM) are under no obligation to pursue remediation actions prior to recommending a disciplinary action. All disciplinary actions are subject to the GME Academic Appeal process. All disciplinary actions will become a permanent part of the resident training record.

Academic failure

Residents are learners within our programs. When a resident fails to progress academically, it is the responsibility of the program director to document a warning period prior to instituting probationary status, dismissal, failure to reappoint, or failure to promote to the subsequent PGY level; to demonstrate efforts for the provision of opportunities for remediation; and to notify the Designated Institutional Official of the proposed adverse action(s). It should be very unusual to dismiss a resident for academic failure without a probationary period. Opportunities should be provided (and documented) for the resident to discuss with the program leadership the basis for probation, the expectations of the probationary period and the evaluation of the resident's performance during the probation.

Non-Renewal

Dismissal or non-renewal or non-promotion to a subsequent PGY level could occur because of failure to comply with the resident's responsibilities, failure to demonstrate appropriate medical knowledge or skill as determined by the program's supervising faculty, or failure to abide by the terms of the resident's contract of employment. This appeals mechanism is open to a resident who has suffered an adverse action including dismissal during an academic year or non-renewal of contract for the next academic year.

Suspension

A resident may be suspended from all program activities and duties by his or her program director, department chair, the Director of GME, the DIO or the Dean of the GSM. Program suspension may be imposed for program-related conduct that is deemed to be grossly unprofessional, incompetent, erratic, potentially criminal, noncompliant with the GME or UHS policies, procedures, and Code of Conduct, federal health care program requirements, or conduct threatening to the well-being of patients, other residents, faculty, staff, or the resident. A decision involving program suspension of a resident must be reviewed within three (3) working days by the department chair (or designee) to determine if the resident may return to some or all program activities and duties and/or whether further action is warranted (including, but not limited to counseling, fitness for duty evaluation, referral to the Resident Assistant Program, probation, non-renewal of contract, or dismissal). Suspension may be with or without pay at the discretion of institutional officials.

Probation

Probation is a disciplinary action that constitutes notification to the resident that dismissal from the program can occur at any time during or at the conclusion of probationary period. In most cases, remedial actions including but not limited to academic deficiency and remediation (ADR) are utilized prior to placement on probation; however, a resident may be placed on probation without prior remediation actions based upon individual program policies. Probation is typically the final step before dismissal occurs. However, dismissal prior to the conclusion of a probationary period will occur if there is further deterioration in performance or additional deficiencies are identified. Additionally, dismissal prior to the end of the probationary period may occur if grounds for suspension or dismissal exist. Each residency program is responsible for establishing written criteria and thresholds for placing residents on probation. Examples include, but are not limited to, the following: failure to complete the requirements of ADR, not performing at an adequate level of competence, unprofessional or unethical behavior, misconduct, disruptive behavior, or failure to fulfill the responsibilities of the program in which he/she is enrolled.

Dismissal

In addition to their academic responsibilities, residents have clinical responsibilities within our programs. Residents may be dismissed for a variety of serious acts. The resident does not need to be on suspension or probation for this action to be taken. Dismissal without warning may be justified in response to specific examples of misconduct. Examples include (but are not limited to) the following: lying; falsification of a medical record; violation of medical record privacy; being under the influence of intoxicants or drugs; disorderly conduct, harassment of other employees (including sexual harassment), or the use of abusive language on the premises; fighting, encouraging a fight, or threatening, attempting, or causing injury to another person on the premises.

Immediate dismissal will occur if the resident is listed as an excluded individual by any of the following:

- Department of Health and Human Services Office of the Inspector General's "List of Excluded Individuals/Entities", or
- General services Administration "List of Parties Excluded from Federal Procurement and Non-Procurement Programs"; or
- Convicted of a crime related to the provision of health care items or services for which one may be excluded under US Code, Title 42: 1320a–7. Exclusion of certain individuals and entities from participation in Medicare and State health care programs