



UCF/HCA Healthcare GME Policy regarding Trainee Performance, Renewal, Promotion, and Discipline (IV.C)



Purpose/Intent: The ACGME requires that sponsoring institutions have policies addressing resident and fellow (trainee) performance, promotion/advancement, and conditions of reappointment, including non-renewal and dismissal (IV.C)

Policy Summary: This policy details conditions for performance, renewal and promotion, methods of handling concerns about performance, and formal actions including a remediation/performance plan, suspension, non-renewal, and termination. A separate policy addresses the grievance process and appeals. Each residency program has a Clinical Competency Committee involved with assessing progress and advising the program director on performance, advancement, and formal actions.

Procedures: See each section for details.

1. Performance and Advancement

Each program must clearly define and establish the standards of academic performance, evaluation criteria, and criteria for advancement based on the principles of graduated responsibility and achievement of milestones. A Residency Clinical Competency Committee (CCC) that includes at least three key faculty members and program leadership and is appointed by the program director will meet regularly (at least twice a year) to evaluate each trainee's progress in attaining the advancement criteria and achieving milestones as defined by the ACGME and program. If the CCC membership and quorum is greater than three members, the program may select three members to meet immediately when urgent action regarding disciplinary or professionalism concerns arise.

The program director and supervising faculty must provide and document timely feedback on an ongoing basis for trainees including formative "on-the-spot" and summative feedback. This must include both positive feedback as well as feedback on performance or conduct concerns as they occur. Documentation must appropriately and accurately reflect the feedback provided.

2. Types of Concerns, Remediation and Discipline

Most concerns should be managed initially with feedback including informal verbal counseling by the program director and supervising faculty. Failure of the trainee to appropriately remediate after such intervention, or concerns that should not be addressed with informal verbal counseling alone should be managed with additional intervention (written Notice of Concern, written Remediation/Performance plan, Non-Promotion, Suspension, Dismissal or Non-renewal). Program directors are encouraged to use a written Notice of Concern to resolve minor instances of poor performance or misconduct that do not impact the health or safety of patients or others. Actions that may adversely impact health or safety of patients or others or significant concern are addressed by written Remediation/Performance Plan, Suspension and/or Immediate Dismissal.

Significant concerns and disciplinary actions must be reviewed and evaluated by each program's Clinical Competency Committee (CCC). The CCC should take into account the nature

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and/or severity of the deficiency, actions, or conduct, the trainee's overall performance, including previous evaluations, results of any informal counseling related to performance, etc. Review by the site Assistant DIO/Administrative Director of GME (ADME) is recommended prior to a decision of a Remediation/Performance plan. Consultation with the site Assistant DIO, UCF Human Resources and GME is required prior to a decision on Non-promotion, Dismissal, or Non-renewal.

3. Notice of Concern

A Notice of Concern may be issued by the appropriate program director when (1) a trainee's unsatisfactory performance or conduct is too serious to be dealt with by informal verbal counseling or (2) a trainee's unsatisfactory performance or conduct continues and does not improve in response to verbal counseling. A Notice of Concern must be in writing, provide an explanation of the unsatisfactory performance or conduct in competency-based language with the expectation of improvement and time frame outlined. The program director or designee will then review the Notice of Concern with the trainee, (preferred that trainee sign the notice), with a fully signed copy placed in the trainee's MedHub file. A Notice of Concern need not precede formal disciplinary actions. For the purposes of this policy and for responses to any inquiries, a Notice of Concern does not constitute a disciplinary action.

4. Significant actions (remediation, suspension, termination, etc) discussed below include but are not limited to any of the following examples:

- a) Failure to satisfy the academic or clinical requirements or standards of the training program expected for the level of training;
- b) Any inadequacy which adversely bears on the individual's performance, such as attitude, conduct, interpersonal skills, communication skills.
- c) Violations of professional responsibility, policies and procedures, state or federal law or any other applicable rules and regulations.
- d) Substantial change in oversight is necessary.

5. Remediation or Performance plan

If a trainee's academic or clinical performance, attitude, behavior, or interpersonal or communication skills puts him/her in jeopardy of not successfully completing the requirements of the training program or other deficiencies exist which have not or cannot be addressed by informal verbal counseling or Notice of Concern, the trainee will be placed on a Remediation or Performance plan.

Remediation may include, but is not limited to, special requirements or alterations in scheduling a trainee's responsibilities, a reduction or limitation in clinical responsibilities or enhanced supervision. These temporary modifications of the trainee's participation in or responsibilities within the training program are designed to facilitate the accomplishment of the program requirements. The maximum length of the remediation or performance plan is 90 days, and actionable improvement items are agreed upon by the program director and CCC. The trainee will be informed in writing by the program director that he/she is being placed on a remediation or performance plan. The program director will use the template remediation letter found on MedHub, with review by site ADME, and fully signed copies uploaded to the resident's folder on MedHub. The remediation letter should include an explanation of the

deficiencies, performance or conduct in competency-based language giving rise to the remediation or performance plan, remediation requirements (what the trainee must accomplish in order to come off remediation/performance plan), the anticipated duration of the plan (see below), method of ongoing evaluation, and a faculty advisor/supervisor. All rotations during the plan should be within major participating sites. The site directors and core faculty in the participating sites where the trainee rotates during this time period will be notified of the remediation or performance plan and expectations. Failure to meet the terms of the remediation/performance plan may result in further remediation, dismissal from the training program or non-renewal of contract. Being placed on an initial remediation or performance plan is not grounds for appeal.

Continued Remediation or Performance plan: If a trainee is not improving in accordance with the plan, they can be placed on continued remediation for up to an additional 90 days. If the trainee still fails to improve, that may result in non-promotion, non-renewal, or termination. If the trainee is on remediation within 4 months of the end of the contract year, such shall serve as notice that their contract may not be renewed or they may be dismissed from the program if they do not sufficiently improve. Trainees may appeal being placed on a Continued Remediation/performance plan, using the formal grievance procedure (remediation for medical knowledge is not grounds for appeal).

6. Promotion or Non-promotion of a Trainee

Each individual residency/fellowship program must have criteria for promotion of a trainee to the next level of training. The program director and CCC together make a decision to promote the trainee. If a trainee has not sufficiently met the program standards in his or her current training level, the CCC and program director may make a decision not to promote that trainee to the next level of training in lieu of dismissal from the program. Such decisions and the notice letter must be reviewed by the assistant DIO/ site ADME and UCF, created using a template found in MedHub, with fully signed copy presented to GME office. The trainee should be notified of this decision as soon as circumstances reasonably allow, usually at least four months prior to the end of the contract year (unless resident is already on administrative leave or remediation during the four months prior to the end of the contract year). The notice of non-promotion should outline the corrective steps to be accomplished prior to the trainee's advancement to the next level and provide an estimation of the amount of time anticipated for the completion of corrective steps ("corrective plan"). As determined by the applicable specialty/subspecialty board, the total training time in the program may be lengthened by the additional time required to advance to the next level. The trainee will be paid at his or her present level until he/she is advanced to the next level. If the trainee does not successfully complete the corrective plan, they may be terminated from the program. The trainee may appeal his/her non-promotion using the grievance procedure.

7. Administrative Leave or Suspension

In urgent circumstances, a trainee may be suspended from all or part of assigned responsibilities by his/her department chair (if applicable), program director, the DIO or Associate DIO, the assistant DIO/ADME for cause, including but not limited to failure to meet general or specific academic standards, failure to provide patient care in a manner consistent with expectations, potential impairment of the trainee, potential misconduct by the trainee,

or failure to work in a collegial manner with other providers. In addition, the Hospital Chief Medical Officer, a hospital site director or core faculty member may also place a trainee on administrative leave for an event occurring at that site; however the program director, the site ADME, UCF HR and UCF GME office must be notified immediately. Pay status during suspension or administrative leave is determined according to reason for the disciplinary action, and programs must consult with the consortium GME leadership and UCF human resources about pay status. A trainee may be placed on administrative leave first pending an investigation of an allegation of any of the above concerns and then a decision may be made as to whether to proceed to suspension, remediation/performance plan, or dismissal, as described in other policy sections. A trainee must be notified in writing as to the reason for the administrative leave. The program shall maintain documentation that the trainee has received written notification and a copy of the notification must be sent to the GME Office. Unless otherwise directed by the program director, a trainee suspended from clinical services may not participate in other program activities. If allowed by program director, trainees on administrative leave may participate in educational activities, but not in clinical services. Suspension and/or administrative leave must be time-limited but can be extended as appropriate. Suspension and/or administrative leave may be coupled with or followed by other academic actions such as a Remediation/Performance plan, suspension, termination or conclude in reinstatement. Moonlighting is not allowed while a trainee is suspended or on administrative leave. Trainees may appeal suspensions exceeding 3 months using the grievance procedure. Referrals to the Professional Resources Network (PRN) Impaired Physicians program are not subject to appeal action or grievance process.

8. Non-Renewal of Contract or Non-Renewal of Appointment

While trainees are generally granted a renewal of contract annually until they have achieved board eligibility, the CCC and program director may determine that continuation in the program is not warranted because of deficiencies in academic progress or for other reasons. A prior Remediation/Performance plan or suspension is not required. A decision regarding reappointment should be reached by the program director no later than 4 months prior to end of the current contract year (March if the contract goes through June) unless the resident is on suspension/administrative leave or a remediation/performance plan within the last four months of the appointment year. The notice of non-renewal of contract must use a templated format and be approved by the assistant DIO/site ADME and UCF GME and HR, with signed copy forwarded to GME office. The notification will be made in writing to the trainee with a copy to the official MedHub GME file. If the primary reason for the non-renewal occurs within the four months prior to the end of the contract, the program must provide the trainee with as much written notice of the intent not to renew as the circumstances will reasonably allow. The trainee may be offered the opportunity to conclude the remainder of the academic year or to resign from the program. For those who continue for the remainder of the contract year, full credit for the year may be given to the trainee at the discretion of the program director and guidelines of the individual board. If deficiencies in professional competence that may endanger patients arise during continued training under a non-renewal status, the trainee may be terminated or suspended immediately after consultation with the assistant DIO/site ADME and UCF HR. A decision of non-renewal of appointment may be appealed using the grievance procedure.

9. Dismissal or Termination

A trainee may be dismissed from a program because of failure to correct deficiencies or progress as expected; suspension or revocation of the trainee's license or permit; conduct constituting criminal activity; gross and serious violation of expected standards of patient care; falsification of records; failure to abide by the behavioral standards or the applicable policies and regulations of the UCF COM/HCA GME Consortium and clinical facilities to which the trainee may rotate; gross and serious failure to work in a collegial manner with other providers; and unapproved absences.

A dismissal decision must involve the CCC, the program director, the departmental chair (if applicable), the assistant DIO/site ADME, and UCF GME and HR. Dismissal may, depending upon the situation, be immediate or follow a period of suspension or remediation. Insofar as is possible, a trainee should be notified in person and must be notified in writing about the dismissal decision using a template found in MedHub. This notification must include the reason for the dismissal decision, the date of the dismissal, and method for appeal and must be reviewed by site ADME/Assistant DIO and UCF. Credit for training may be given in the event of any satisfactory performance prior to dismissal, per the guidelines of the individual American Board of Medical Specialties (ABMS) certification board. Trainees may appeal being dismissed using the grievance procedure.