

## **UCF/HCA Healthcare GME Physician Learner Performance, Renewal, Promotion, and Discipline Policy (IV.D)**

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

**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 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.

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### **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 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 minimum 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.

### **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 Program Intervention, written Remediation/Performance plan, Probation, 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, Probation and/or Immediate Dismissal.

**Significant concerns and disciplinary actions should be reviewed and evaluated by each**

**program's Clinical Competency Committee (CCC). The CCC should take into account the nature 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 of the remediation plan by the site Administrative Director of GME (ADME) or division Assistant Vice President of GME (AVP) is suggested prior to a decision of a Remediation/Performance plan. Consultation by program director with GME leadership and UCF Human Resources (HR) is required prior to a final decision and written notification of Probation, Non-promotion, Dismissal, or Non-renewal. Use of template notices with recommended wording is best practice; completed notices should be placed in resident official GME file with timely notification to UCF HR and GME offices.**

**3. Program Intervention: Notice of Concern or Coaching Plan**

A Notice of Concern or Individual Coaching Plan may be issued by the 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. These program interventions 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 should review the Notice of Concern with the trainee, (preferred trainee sign the notice), with a fully signed copy placed in the trainee's official GME file. **These** program interventions do not constitute disciplinary actions, are not subject to appeal, and are not reportable to outside entities.

**4. Formal actions (remediation or probation, 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, Probation 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 Program Intervention, the trainee may be placed on a Remediation/Performance plan, or Probation (for continued or serious issues).

Remediation or Probation may include, but are 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.

Remediation/Performance plans are focused written 90-day plans, include actionable improvement items agreed upon by the program director and CCC, and provide regular documented feedback

(outlined in the remediation plan) to trainee. The trainee will be informed in writing by the program director that they are being placed on a remediation or performance plan with copy in trainee's official GME file.

Remediation may be appealed to Step 1 of the formal grievance procedure. The program director and CCC may reevaluate the plan after 90 days and extend remediation by 30 or 60 days maximum, and such extensions cannot be appealed using grievance policy.

Failure to meet the terms of the remediation/performance plan may result in probation, non-promotion, non-renewal of contract, or dismissal from the program.

Trainees who successfully complete remediation and their training program requirements will not have remediation reported to outside entities.

**Probation:** If a trainee is not improving in accordance with their formal remediation plan or for more serious concerns, they may be placed on probation. Probation includes a 6-month written individualized learning plan with actionable improvement items agreed upon by the program director and CCC, and provide regular documented feedback to trainee. If the trainee does not meet the requirements of the probation plan, it may result in non-promotion, non-renewal, or termination. Probation can be appealed through Step 2 of the formal grievance procedure. Note that episodes of probation may be subject to reporting to outside entities.

A Final Warning may be issued in the last six (6) months of the program if resident exhibits gross misconduct or similar concerns, and failure to abide by the warning may result in termination. Final warnings may be appealed through Step 2 of grievance process.

#### 6. Promotion or Non-promotion of a Trainee

Each individual residency/fellowship program has defined 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 decide not to promote the trainee to the next level of training in lieu of dismissal from the program. The trainee will be notified in writing of this decision with copy in trainee's official GME file. The notice of non-promotion will 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. 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 steps, they may be terminated from the program. Non-promotion can be appealed through grievance procedure.

#### 7. Administrative Leave or Suspension

In urgent circumstances, a trainee may be suspended from all or part of assigned responsibilities by their department leadership, the DIO, division GME leadership, or hospital leadership. Cause for suspension or administrative leave includes, but are 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. Pay status during suspension or being placed on administrative leave is determined according to reason for the disciplinary action, and pay status will be defined by UCF HR.

A trainee may be placed on administrative leave by UCF HR 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. The trainee must be notified in writing as to the reason for the administrative leave, and a copy of the letter will be sent to UCF HR and retained in the trainee's official GME file.

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 may be coupled with or followed by other academic actions such as a Remediation/Performance plan, probation, termination or conclude in reinstatement. Moonlighting is not allowed while a trainee is suspended or on administrative leave. Trainees may appeal suspensions exceeding 30 days using the grievance procedure. Referrals to the Professional Resources Network (PRN) Impaired Physicians program are not subject to appeal 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 due to deficiencies in academic progress or for other reasons including patient safety concerns. A prior Remediation Plan or suspension is not required. A decision regarding reappointment should be reached by the program director in a timely manner in order to provide timely notice to the resident as circumstances allow. The notice should be in writing using language approved by UCF GME and HR and a copy placed in trainee's official GME file.

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 GME leadership and UCF HR. Physician learners may resign from the program and their employment prior to the effective non-renewal date. A decision of non-renewal of appointment may be reportable to outside agencies and may be appealed using the grievance procedure.

#### 9. Dismissal or Termination

A trainee may be dismissed from a program for reasons including ( but not limited to): 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 and safety; falsification of records; failure to abide by the behavioral standards or the applicable policies and regulations of UCF COM/HCA HealthcareGME 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, GME leadership, 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. This notification should be reviewed by UCF and include the reason for the dismissal decision, the date of the dismissal, and method for appeal. If the written notice cannot be given in person, it will be mailed to the home address on file. 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. Physician learners may resign from the program and their employment prior to the effective termination date. Physician learners may appeal being dismissed through all steps of grievance procedure. Termination is reportable to outside agencies.