

DEPARTMENT OF ANESTHESIOLOGY



Standard Operating Procedure Title: Corrective Actions for Residents – Warning, Probation and Dismissal

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CORRECTIVE ACTION

Corrective Action is taken to address any concern about the house officer's performance or conduct which is too serious to be resolved by Informal Counseling or was not corrected by Informal Counseling. Performance or conduct issues subject to corrective action include, but are not limited to, the following examples:

- Insufficient medical knowledge;
- Inability to apply medical knowledge effectively, whether in patient care, research, or performance of technical skills;
- Any deficiency or conduct which adversely bears on the individual's performance, such as attitude, conduct, interpersonal or communication skills, or other misconduct;
- Failure to progress or perform at the expected level of training;
- Violations of professional responsibility, University or Medical Center by-laws, policies and procedures, state or federal law or any other applicable rules and regulations.

1. Initiation of Corrective Action

There may be concerns regarding the performance or conduct of a house officer which have not been remedied or should not be addressed with feedback or Informal Counseling.

In those situations, one of the disciplinary actions listed below (Warning(s), Probation, Summary Suspension, Dismissal or Non-renewal) is initiated, depending on the nature and/or severity of the deficiency, actions, or conduct. In determining which level of intervention is appropriate, the Program Director should take into account the house officer's overall performance, including previous evaluations, Informal Counseling, Warnings, and Probationary Periods.

a. Warning

A Warning is appropriate if concerns arise or continue regarding the performance or conduct of a house officer which are too serious to be dealt with by Informal Counseling but which do not impact the health or safety of patients or others. (Actions that may adversely impact on health or safety of patients or others are addressed by Probation, Summary Suspension and/or Immediate Dismissal.) A Warning will be given to the house officer explaining why the conduct or performance is unacceptable. Examples of such unacceptable conduct/performance include, but are not limited to, failure to respond to Informal Counseling, unprofessional conduct, and poor in-service scores. A Warning may be given verbally or in writing, but will be documented in the house officer's departmental file, with a copy to the Associate Dean for GME. The house officer will be advised by the Program Director or designee about expectations for improvement of the deficiency or conduct and be given a time frame in which to meet these expectations.

During or at the end of the Warning Period the house officer will meet with the Program Director or designee to advise the house officer whether the deficiency or conduct has been corrected or whether further corrective action will be taken. If the house officer does not correct or improve the conduct or deficiency within the Warning Period, or if the same or additional conduct or deficiency occurs within

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that period, then the Program Director may immediately place the house officer on Probation, recommend non-renewal, or recommend immediate dismissal. At any time, whether before or after the Warning Period has passed, the Program Director may recommend further action.

b. Probation

If a house officer's academic performance, performance of duties, attitude, deportment, or interpersonal or communication skills falls below acceptable standards or other deficiencies exist which are not corrected by Informal Counseling or a Warning, or are of a serious nature such that Informal Counseling or a Warning is not appropriate, the house officer is placed on Probation by the Department Chair, Program Director, or Associate Dean for GME. The house officer will be informed in writing by the Department Chair, Program Director, or Associate Dean for GME that he/she is being placed on Probation. The notification should include an explanation of the deficiencies, performance or conduct giving rise to Probation, and the time period of the Probation. The length and conditions of the Probationary Period are determined by the Department Chair and/or Program Director, after consultation with the Associate Dean for GME. A copy of the written notification of Probation shall be sent to the Associate Dean for GME and the house officer. The effective date of the Probationary Period will be the date of the written notification.

Expectations for improvement of the house officer's performance, deficiency or conduct are conveyed to the house officer by the Department Chair and/or Program Director, together with a copy of these guidelines. During the Probationary Period, efforts are made to advise and assist the house officer to address the performance issues and/or correct deficiencies or conduct with the goal of the house officer successfully completing the program. If at any time during the Probationary Period additional performance or conduct issues arise, or if the issues which resulted in the Probation continue, the Program Director may extend the Probation, recommend Nonrenewal, or move to Summary Suspension or Immediate Dismissal. At the end of the Probationary Period, the Department Chair or Program Director determines which of the following actions will be taken and notifies the house officer:

1. Remove the house officer from probationary status.
2. Extend the probationary period.
3. Notify the house officer of non-renewal of his/her appointment.
4. Notify the house officer of his/her immediate dismissal.

The Associate Dean for GME is notified of the actions in 1 through 4 above.

c. Summary Suspension

If at any time a house officer's conduct requires that immediate action be taken to protect the health or safety of patients or others, or to reduce the substantial likelihood of immediate injury or damage to the health or safety of patients or other persons, any member of the Medical Staff, the Hospital Administrator on Call, or the Associate Dean for GME shall have the authority to summarily suspend the house officer. If a house officer exhibits performance or conduct that is too serious to warrant a Warning or Probation, the house officer may also be summarily suspended by the Department Chair, Program Director, or Associate Dean for GME. The Summary Suspension will be reported immediately in writing to the Associate Dean for GME and the house officer's Program Director and Department Chair, with a copy to the house officer. The house officer will remain in paid status while on Summary Suspension. The Associate Dean for GME, after review of the circumstances giving rise to the Summary Suspension and after consultation with the Chairman and Program Director, determines a course of action which includes one or more of the following:

1. Lifting, modifying or extending the Summary Suspension
2. Probation

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3. Notification of non-renewal of his/her appointment
4. Immediate Dismissal

The resident is notified in writing, with copies to the resident's Program Director and Chair, of the action taken, and that he/she may not be present in the clinical areas or otherwise participate in on-campus GME activities unless specifically instructed. In the event of Summary Suspension or Immediate Dismissal, if the resident wishes a review, he/she should notify the Associate Dean for GME in writing (drop off at the GME Office, 209 Light Hall, during the business hours 8:00 a.m. – 4:30 p.m.) within five business days of the time written notification of the action was provided to the resident or sent to the resident's home address.

d. Dismissal

Performance issues or conduct not resolved by a Warning or Probation, or other serious actions or behavior may result in Immediate Dismissal. If at any time, including during or at the end of a probationary period, the Department Chair or Program Director determines that Immediate Dismissal is warranted, he/she, notifies both the house officer and the Associate Dean for GME. The house officer is relieved of all clinical duties upon notification that the dismissal is warranted. The Department Chair or Program Director will consult with the Associate Dean for GME to determine the effective date of termination. The resident will be notified in writing of the action taken, and that he/she may not be present in the clinical areas or otherwise participate in on-campus Graduate Medical Education activities. Any Medical Center equipment including, but not limited to, pagers, ID badges, keys, PDAs, parking cards, laptops is revoked upon dismissal. In addition, all access to VU computers and email is terminated.

e. Response of House Officer

The house officer has five business days from the time written notification of the dismissal recommendation is provided to the house officer or sent to the house officer's home address to choose one of two alternatives:

1. Accept the Dismissal without requesting a review.
2. Request a review of the Dismissal.

The response of the house officer must be submitted in writing to the Associate Dean for GME and received in the GME Office by 4:30 p.m. on the fifth business day after notification of dismissal. Failure to notify the Associate Dean's office within this time frame is considered acceptance of the Dismissal.

f. Review Procedure for Summary Suspension or Dismissal

Residents can request a review of a Summary Suspension or Dismissal. In the event that the house officer submits a written request for review after Summary Suspension or Dismissal, the Associate Dean/Director of GME or his/her designee asks the Chair of the Graduate Medical Education Committee (GMEC) to convene the Review Committee of the GMEC ("Review Committee") 14 calendar days from the date of the house officer's request for review, unless the Chair of the GMEC determines there are valid reasons to extend this time frame. The review should be completed within 30 calendar days of the request for review. The Review Committee will review the circumstances leading to this action. (See *House Staff Manual* for full description of the Review Committee and process.)

Retaliation against a resident for requesting a review of the dismissal is not tolerated and will result in appropriate disciplinary action. Any potential witness who has concerns about participating in the Review

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process should contact the Associate Dean of Graduate Medical Education or the Equal Opportunity, Affirmative Action, and Disability Services office.

g. Non-renewal or non-promotion

Non-renewal of a house officer's contract or non-promotion of a house officer to the next level of training may be appropriate for a number of reasons, including but not limited to, insufficient medical knowledge, incompetence in patient care, lack of professionalism, inability to effectively use resources, poor interpersonal and communication skills, and inability to participate in practice-based learning. Ordinarily, written notice of non-renewal of a house officer's contract or nonpromotion of a house officer to the next level of training shall be given no later than four months prior to the end of the house officer's current contract. In the event that notice cannot be given within four months, it shall be given as soon as possible.

If a house officer receives notice of non-renewal or non-promotion and chooses to initiate a review, he/she must notify the Associate Dean of Graduate Medical Education within fourteen days and request the initiation of the House Staff Complaint/Grievance Procedure in the House Staff Manual. If, in the event that within the fourteen day period, the Departmental Chairman/Clinical Service Chief and the house officer have resolved the matter to their mutual satisfaction (and the Departmental Chairman/Clinical Service Chief notifies the Dean in writing), a Review Committee of the GMEC need not be convened and the request for review will be considered withdrawn. In either case, the Program Director and the Associate Dean for GME are advised of the outcome.