

GRADUATE MEDICAL EDUCATION
POLICIES FOR HOUSE STAFF

EVALUATION, REVIEW, AND APPEALS PROCESS

Purpose

The purpose is to establish criteria for evaluation, promotion and graduation process for Residents. These Residents will be those in programs not leading to certification and those in programs leading to certification but not university affiliated. This policy covers all house staff in programs based at Long Beach Memorial Medical Center (LBMMC) or a clinic setting under the direction of LBMMC.

Definitions

For the purpose of these Guidelines, the term "medical disciplinary cause or reason" applies to a Resident who holds a license from the State Medical Board of California and means that aspect of a licentiate's competence or professional conduct that is reasonably likely to be detrimental to patient safety or to the delivery of patient care in accordance with Business and Professional Code section 805.

For the purpose of these Guidelines, the term Program Director means the Residency Program Director for the resident's specialty or subspecialty, or designee.

A. Evaluation

Residents are evaluated on the six (6) ACGME competencies described in the *Evaluation of Resident Performance Policy*.

All Residents must be evaluated at least semi-annually on their skills and professional growth using appropriate advice from members of the teaching staff. The evaluation is the responsibility of the program director with advice from members of the teaching staff. The evaluation process must be reported to the Graduate Medical Education Committee as part of the overall evaluation of the residency program.

As a Resident progresses through his/her training he/she is to assume greater responsibility and require greater professional abilities as judged by the program director and the program's faculty. The resident should periodically advance to positions of higher responsibility based upon the evaluation of his/her readiness for advancement.

The evaluation is to provide the Resident an assessment of his/her performance. For this reason, the Resident should sign and date the evaluation. Evaluations are then sent to the Graduate Medical Education (GME) Department.

B. Removal of Documents from File

By mutual agreement, documentation of an action may be removed from the Resident's file after a specified time, or upon compliance with specified conditions, or upon the successful completion of the training program. However, removal of documentation of action(s) from the Resident's

file does not preclude GME Department from relying on the removed documentation should any subsequent action be taken, or from communicating the information to any appropriate third party such as a hospital, hospital medical staff, or professional licensing board when such communication is intended to aid in the evaluation of the qualifications, fitness, character, or insurability of the Resident, or upon receipt of an authorization from the Resident.

ACADEMIC ACTIONS – NON-DISMISSAL

A. Administrative Actions

1. Automatic Suspension

The Resident will automatically be suspended from the Residency Program for any of the following reasons:

- a. failure to complete and maintain medical records as required by the medical center or hospital in accordance with the center's/hospital's medical staff bylaws and/or rules and regulations; or
- b. failure to comply with state licensing requirements of the California State Medical Board; or
- c. failure to maintain proper visa status; or
- d. unexcused absence from the Residency Program for five or more days.

The period of automatic suspension should not exceed 14 (fourteen) days; however, other forms of academic action may follow the period of automatic suspension.

The Program Director will promptly notify the Resident of his/her automatic suspension. In addition, for subsections b, c, and d above, the Resident will be provided the documentation upon which the suspension is based and a written notice of the intent to consider the Resident to have automatically resigned at the end of the suspension period (see Part II.A.2. below). The Resident may utilize the suspension period to rectify (a) or to respond to the notice of intent under (b), (c) or (d) which can include correcting the problem identified in (b) or (c). If the Resident is suspended under (a) and does not complete the medical records as required within the 14-day suspension period, other academic action may be instituted.

The Resident will not receive any academic credit during the period of automatic suspension. The Resident's stipend will continue to be paid while on automatic suspension status.

2. Automatic Resignation

Automatic resignation from the Residency Program will occur for the following reasons:

a. **Failure to Provide Visa or License Verification**

Failure of the Resident to provide verification of an appropriate and currently valid visa or verification of current compliance with state licensing requirements of the state Medical Board of California during the 14-day automatic suspension period may result in the Resident's automatic resignation from the Residency Program.

b. **Absence Without Leave**

A Resident may submit a written explanation of any absence taken without leave. The Program Director or designee will review any materials submitted by the Resident regarding any absence without leave and notify the Resident of his/her decision. Failure to respond to the written notice of intent or failure to adequately explain the unexcused absence to the satisfaction of the Program Director or designee will result in the Resident's automatic resignation from the Residency Program.

3. **Leaves**

Investigatory leave and conditional leave of absence are not intended to replace any leaves that a Resident may otherwise be entitled to under state or federal law, or GME policy.

a) **Investigatory Leave**

A Program Director may place a Resident on investigatory leave in order to review or investigate allegations of deficiencies. The leave will be continued in writing stating the reason(s) for and the expected duration of the leave. The alleged deficiency should be of a nature that warrants removing the Resident from the Residency Program. The Program Director should, as soon as possible under the circumstances, conclude the investigation and either return the Resident to the program or initiate action under these Guidelines. The Resident will be paid for the period of investigatory leave.

b) **Conditional Leave**

A conditional leave of absence from the Residency Program may be provided only under exceptional circumstances, at the Program Director's discretion and upon the Resident's request. At the end of the conditional leave, the Program Director will determine whether to re-admit the Resident conditionally, unconditionally, on probation, or to seek the Resident's dismissal pursuant to the procedures contained in these Guidelines. The Resident will not be paid a stipend for the period of the conditional leave.

B. Non-Reviewable Academic Actions

The following actions are non-reviewable: 1) counseling letter; 2) notice of concern; and 3) suspension.

1. **Counseling Letter**

A counseling letter may be issued by the Program Director to a Resident to address an academic deficiency that needs to be remedied or improved. A counseling letter must be in writing and should describe the nature of the deficiency and any necessary remedial actions required on the part of the Resident. The Program Director will review the counseling letter with the Resident. Failure to achieve immediate and/or sustained improvement or a repetition of the conduct may lead to other actions. A counseling letter should not be used for minor, isolated problems that can be communicated and addressed less formally. For the purposes of this policy and for responses to any inquiries, a counseling letter does not constitute a disciplinary action.

2. **Notice of Concern**

A notice of concern may be issued by the Program Director to a Resident who is not performing satisfactorily. Notices of concern should be in writing and should describe the nature of the deficiency and any necessary remedial actions required on the part of the Resident. The Program Director will review the notice of concern with the Resident. Failure to achieve immediate and/or sustained improvement or a repetition of the conduct may lead to additional actions.

3. **Suspension**

The Program Director may suspend the Resident from part or all of the Resident's usual and regular assignments in the Residency Program, including clinical and/or didactic duties, when the removal of the Resident from the clinical service is required for the best interests of the Resident and/or the Residency Program. The Suspension will be confirmed in writing, stating the reason(s) for the suspension and its expected duration. Suspension generally should not exceed sixty days. Suspension may be coupled with or followed by other academic actions. The Resident will continue to be paid while the Resident is on suspension status.

C. Academic Actions Reviewable by the Graduate Medical Education Committee (GMEC)

GMEC Review Procedures

1. The Resident will be notified as soon as reasonably possible that s/he has received an overall marginal or unsatisfactory annual evaluation, or is required to repeat the current academic year or of the decision of the Program Director to not grant the Resident a Certificate. The Resident will also be provided the name of and manner by which to contact the GMEC Chair to appeal the Program's decision.
2. The Resident may, within ten days of this notification, provide the GMEC Chair a written statement detailing the reasons s/he believes s/he should not be required to repeat the academic year, should have had his/her appointment renewed (for the Resident notified non-renewal within the first 8 months of the beginning of the academic year) or should not have received an overall marginal or unsatisfactory evaluation, or should be granted a Certificate of Completion of Training. The GMEC will review the Resident's statement within 10 days of its receipt. The GMEC will orally notify the Resident of its decision within three days of its meeting and provide the Resident a written decision within 10 days of the oral notification, the decision of the GMEC will be final. Failure by the Resident to timely request a review before the GMEC will be deemed an acceptance by the Resident of the academic action.

The following actions are reviewable by the GMEC: 1) An Adverse Annual Evaluation; 2) Probation; 3) Non-renewal of appointment before 8 months; 4) The requirement of a Resident having to repeat an academic year; and 5) The denial of a Certificate of Completion of Training.

1. Adverse Annual Evaluation

Residents will only be entitled to a review by the GMEC for annual evaluations that are adverse (overall unsatisfactory or marginal) ["Adverse Annual Evaluation"]. Residents will be notified by the Program Director of any overall marginal or unsatisfactory evaluations or letters sent to their specialty/subspecialty board.

2. Probation

Probation should be used by the Program Director for Residents who are in jeopardy of not successfully completing the requirements of a Residency Program. Conditions of probation will be communicated to the Resident in writing and should include: a description of the reasons for the probation, any required remedial activity, and the expected time frame for the required remedial activity. Failure to correct the deficiency within the specified period of time may lead to an extension of the probationary period or other academic actions. Probation should be used instead of a notice of concern when the underlying deficiency requires added oversight.

3 Non-Renewal of Appointment Before 7 Months

The Resident's appointment is for one-year duration, which is normally renewed annually. Due to the increasing level of responsibilities and increasing complexity of clinical care over the course of the Resident's training, satisfactory completion of prior academic year(s) or rotation(s) does not ensure satisfactory proficiency in subsequent years or rotations. A Resident may have his/her appointment not renewed at any time there is a demonstrated failure to meet programmatic standards.

The Program Director should provide each Resident with a written evaluation at least twice per year. The first evaluation should occur by the end of the sixth month of the appointment term. If prior to the end of seven months, or no later than February 28 of the academic year, the Program Director concludes that the Resident's Appointment should not be renewed for the following year, the Program Director will notify the Resident that his/her appointment will not be renewed for the following year. The resident will be permitted to conclude the remainder of the academic year unless further academic action is taken. A Resident who is

notified of the non-renewal of his/her appointment for the following academic year prior to the conclusion of the seventh month of the academic year, or no later than February 28 of the academic year, will be entitled only to the procedures contained in this Part II C 2 or these Guidelines. (A Resident who is notified of the non-renewal of his/her appointment for the following year after the seventh month of the academic year will be entitled to the procedures contained in Part III.B. of these Guidelines.)

4. Requirement that Resident Must Repeat an Academic Year

A Resident may be required to repeat an academic year in lieu of dismissal from the Program due to unsatisfactory progress in the training program. The decision whether to permit the Resident to repeat an academic year is at the sole discretion of the Program Director.

5. Denial of Certificate of Completion

If the Program Director, in consultation with the Executive Director for Medical Education/DIO, decides not to award the Resident a Certificate, the Program Director will notify the Resident as soon as reasonably possible of this intent.

ACADEMIC ACTIONS – DISMISSAL

A. Grounds for Action

The following actions, if grieved, are reviewable by the Executive Director for Medical Education/DIO

- Dismissal from the Residency Program, including termination of appointment at any time for a medical disciplinary cause or reason:
- Non-renewal of appointment after 8 months

1. Dismissal from Residency Program

Based on the Program Director's discretion as approved by the Executive Director for Medical Education/DIO, a Resident may be dismissed from a Residency Program for academic deficiencies, including any of the following reasons:

- a. A failure to achieve or maintain programmatic standards in the Residency Program;
- b. A serious or repeated act or omission compromising acceptable standards of patient care, including an act which constitutes a medical disciplinary cause or reason;
- c. Unprofessional, unethical or other behavior that is otherwise considered unacceptable by the Residency Program;
- d. A material omission or falsification of a Residency Program application, medical record, or medical document.

2. Non-Renewal of Appointment After 7 Months

The non-renewal of the Resident's appointment later than 8 months after the start of that academic year, whether or not the Resident has been subject to any other actions, may be reviewed by the Executive Director of Medical Education/DIO.

B. Due Process (*Refer to Due Process Policy*)