

## DISCIPLINARY AND ADVERSE ACTIONS

Disciplinary actions are typically utilized for serious acts requiring immediate action.

These actions include suspension, probation, and dismissal. The residency program, University of Tennessee Graduate Medical Education, or the University of Tennessee Health Science Center are under no obligation to pursue remediation actions prior to recommending a disciplinary action. All disciplinary actions are subject to the University of Tennessee Graduate Medical Education Academic Appeal process. All disciplinary actions will become a permanent part of the resident training record.

Adverse actions may result when continued remediation actions have been unsuccessful.

These actions may include probation, denial of Certificate of Completion, or non-renewal of agreement and will become a permanent part of the resident training record. All significant adverse actions are subject to the University of Tennessee Graduate Medical Education Academic Appeal process.

- **Suspension**

A resident may be suspended from all program activities and duties by his or her program director, department chair, the Associate Dean for Graduate Medical Education, or the Dean of the College of Medicine. Program suspension may be imposed for program-related conduct that is deemed to be grossly unprofessional; incompetent; erratic; potentially criminal; noncompliant with the University of Tennessee policies, procedures, and Code of Conduct, federal health care program requirements, UT Medical Group Corporate Compliance Agreement; or conduct threatening to the well-being of patients, other residents, faculty, staff, or the resident. All suspensions must be reported to the DIO.

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. Additional action may include, but is not limited to counseling, fitness for duty evaluation, referral to the Aid for Impaired Residents program (see GME Policy #260), 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 or adverse action that constitutes notification to the resident that dismissal from the program can occur at any time during or at the conclusion of a probationary period. In most cases, remedial actions including but not limited to Academic Deficiency and Remediation (see GME Policy #610) are utilized prior to placement on probation; however, a resident may be placed on probation without prior remediation actions based upon individual program policies. A copy of the probation notification, signed by the program director and resident, must be sent to the DIO.

Probation is typically the last opportunity to correct deficiencies and 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 immediate 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 Academic Deficiency and Remediation (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.

- **Non-renewal of Agreement**

A decision of intent to not renew a resident's contract should be communicated to the resident in writing by the program director no later than four months prior to the end of the contract year. If the primary reason for non-renewal occurs during the last four months of the contract year, the program will provide the resident with as much written notice as circumstances reasonably allow. A copy of the notification, signed by the program director and resident, must be sent to the DIO.

- **Denial of Certificate of Completion**

A resident may be denied a certificate of completion of training as a result of overall unsatisfactory performance during the final academic year of residency training. This may include the entire year or overall unsatisfactory performance for at least 50% of rotations during final academic year.

Additionally, some programs may deny a certificate of completion to a resident who fails to pass the annual written in-service examination during the final year of training. Each residency program is responsible for establishing specific written criteria for denial of certificate of completion.

Residents denied a certificate of completion must be notified in writing of unsatisfactory performance by the program director at least four (4) months prior to scheduled completion of program. In most situations, the resident should be notified of this pending action as soon as possible. A copy of the notification, signed by the program director and resident, must be sent to the DIO.

In certain situations, a resident denied a certificate of completion may be offered the option of repeating the academic year but only at the discretion of the program director. (See Remediation Actions, GME Policy #610)

- **Dismissal**

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. These acts include but are not limited to the following: serious acts of incompetence, impairment, unprofessional behavior, falsifying information or lying, or noncompliance.

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 42 USC 1320a-7(a).