

DISCIPLINARY AND ADVERSE ACTIONS, INCLUDING DISMISSAL**Disciplinary actions are typically utilized for serious acts requiring immediate action.**

These actions include suspension, probation (including remediation), and dismissal. The residency program, the University of Tennessee College of Medicine Chattanooga (UT College of Medicine Chattanooga) Graduate Medical Education (GME) Programs, and 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 (GME) Academic Appeals 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 (GME) Academic Appeal Process.

Suspension

A Resident may be suspended from all program activities and duties by his or her Program Director, Department Chair, the Director of GME, the Associate Dean /DIO, or the UT College of Medicine Chattanooga Dean. 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, or conduct threatening to the well-being of patients, the Resident, other Residents, Faculty, or staff. All suspensions must be reported to the Director of GME and the Associate Dean/DIO.

A decision involving program suspension of a Resident must be reviewed within three (3) working week 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. This suspension review by the Chair is unrelated to an official appeal of an adverse decision. Additional action following suspension may include, but is not limited to counseling, fitness for duty evaluation, referral to the Aid for Impaired Residents Program (See GME Policy #320), probation, drug testing, non-reappointment to the program, or dismissal. Suspension may be with or without pay at the discretion of institutional officials. At the discretion of the Program Director, suspension may include loss of up to one week of the three total weeks leave provided to all Residents or may include unpaid leave days as determined appropriate by the Program Director with the approval of the Associate Dean/DIO.

Performance Difficulties and Probation

Probation is a serious disciplinary action that constitutes notification to the Resident that dismissal from the program can occur at any time during or at the conclusion of probationary period. In most cases, remedial actions including but not limited to Academic Performance Improvement (see GME Policy #705) 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 Associate Dean/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. Also, dismissal prior to the end of the probationary period may occur if grounds for 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 a Performance Improvement Plan (PIP)
- not performing at an adequate level of competence
- unprofessional or unethical behavior
- misconduct
- disruptive behavior, including excessive tardiness or absenteeism which effectively disrupts training.
- failure to fulfill the responsibilities and requirements of the program in which the Resident is enrolled

Non-Reappointment

A decision of intent not to reappoint a Resident to the program should be communicated to the Resident in writing by the program as soon as possible but hopefully no less than four months prior to the end of the academic year (March 1 for Residents on a regular July 1 academic cycle). If the primary reason for non-reappointment occurs during the last four months of the academic year, the program will provide the Resident with as much written notice as circumstances reasonably permit. A copy of the notification, signed by the Program Director and the Resident, must be sent to the Director of GME and the Associate Dean/DIO.

Note: A Resident can be immediately dismissed without prior written notification at any time during the contract year due to the occurrence of a serious act as described below under “Dismissal.”

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. 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 notification, signed by the Resident, Program Director, and Associate Dean/DIO, should be sent to the Director of GME and will be maintained by the Associate Dean/DIO. In certain situations, given available

funding, a Resident denied a certificate of completion may be offered the option of repeating the final academic year or period but only at the discretion of the Program Director and Associate Dean/DIO.

Dismissal

Residents may be dismissed for a variety of serious acts. The Director of GME and the Associate Dean/DIO must review all dismissals. Prior written notice will not be provided to the Resident when it is determined that the seriousness of the act requires immediate dismissal. The Resident does not need to be on suspension or probation for this action to be taken. Note: Residents who are dismissed from the program are not eligible for a certificate of completion.

These acts may include but are not limited to the following:

- serious acts of incompetence
- impairment
- unprofessional behavior
- job abandonment
- falsifying information or lying
- noncompliance
- behavior that undermines patient safety

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"
- General Services Administration "List of Parties Excluded from Federal Procurement and Non-Procurement Programs"
- 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)

*The term Resident refers to both Resident and Fellow trainees.

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