

**Risk Management Inquiry:
Resident Participation in Interviews or Root Cause Analyses Related to Patient Safety,
Peer Review, Quality Improvement, and Other Compliance Activities, and Guidance
Related to Legal Proceedings.**

The goal of this policy is to ensure that residents are well-informed about when and how to properly participate in interviews, legal proceedings, and other activities with clinical training sites, by, for example, serving as team members in real and/or simulated interprofessional clinical patient safety and quality improvement activities (such as root cause analyses or other activities that include analysis, as well as formulation and implementation of actions), all as required by Section VI.A.1.a).(2).(b) of the ACGME Common Program Requirements.

What to do when a resident *was not* involved directly or indirectly in an underlying patient care, competency, conduct, or professionalism activity.

When it is clear that a resident was not involved directly (e.g., as a provider) or indirectly (e.g., as a witness) in any patient care activities that resulted or may have resulted in undesirable or unexpected patient outcomes with respect to any specific case(s), the resident should generally fully cooperate with clinical site representatives and participate in interviews and root cause analyses related to patient safety, peer review, quality improvement, and similar compliance activities related to such case(s). Examples of patient care activities that may result in undesirable or unexpected patient outcomes include acts or omissions that result in improper or ineffective patient care, injury, and/or death.

Likewise, when it is clear that a resident was not involved directly or indirectly in other kinds of acts or omissions of providers and staff at the clinical site (e.g., competency, conduct, professionalism) that do not necessarily affect the outcome of a specific patient, the resident should generally fully cooperate with clinical site representatives and participate in interviews and root cause analyses related to patient safety, peer review, quality improvement, and similar compliance activities related to such instances.

What to do when a resident *was or may have been* involved directly or indirectly in an underlying patient care, competency, conduct, or professionalism activity.

In instances in which the resident was or may have been involved directly or indirectly in any potentially undesirable or unexpected patient outcomes or in any acts or omissions that relate to a resident's competency, conduct, or professionalism, the resident may receive a request for an interview/discussion from a clinical site department or committee, such as the site's legal department, risk management, peer review committee, quality improvement committee, patient safety committee, and similar bodies. The resident may also receive informal or formal requests for an interview from state agencies.

Whenever the resident was or may have been either directly involved as a provider or indirectly involved as a witness, it is critical for the resident to not have any communication with clinical site

representatives or others regarding such requests until the resident promptly has reported any and all such requests from a clinical site department, committee, or State agency to the Program Director and to UT's Office of General Counsel at 901-448-5615. See also, UTHSC GME policy #640 "Hospital Procedures for Handling Resident Disciplinary Issues (Malpractice Allegations)." The UT Office of General Counsel will review the clinical site's request and make recommendations regarding any limitations or parameters that should be implemented as to the scope of such inquiry as may be appropriate.

What to do when a resident receives a subpoena, court order, or other legal document related to patient care activities.

A resident may receive a subpoena, court order, or other legal document from a court in a case related to patient care that direct the resident to (1) testify at a hearing, deposition, or trial in a civil or criminal action, (2) produce documents or other tangible items/data in conjunction with an ongoing civil or criminal action, and/or (3) give evidence or otherwise participate in investigations conducted by state and federal administrative agencies and law enforcement.

Upon receipt of a subpoena, court order, or other legal document, the resident should promptly inform the Program Director and UT's Office of General Counsel at 901-448-5615.