

## Residents/Fellows Policies and Procedures Manual

Competency Committee or any other committee, any mitigating information provided by the resident/fellow must be shared with the Clinical Competency or other Committee prior to the decision.

If after meeting with the resident/fellow, the Program Director proceeds with the LoDAA, the LODAA must be delivered to the resident/fellow within 3 business days of the decision to issue the LoDAA and in a manner which requires a signed and dated receipt of delivery to the resident/fellow and a witness signature.

The resident/fellow file will include the following:

- Documentation of (1)the meeting(s) to discuss the deficiencies, action plan and expectations (2) delivery of the LoDAA to the resident/fellow and (3) Documentation that the resident/fellow had access to the appeals process
  
- Documentation of outcome:
  - Successful remediation of the deficiency **or**
  - Consequences of failing to remediate the deficiency

The status of a resident/fellow with a LoDAA will be reflected on the Final Residency/Fellowship Training Summary Verification form.

A Letter of Deficiency with an Adverse Action may not be removed from a resident/fellow file.

**A resident/fellow who receives both an LoD and an LoDAA should not be in this status for more than 9 months total during his/her residency/fellowship training.**

### Appeal of Academic Adverse Actions

A resident/fellow is entitled to appeal an Adverse Action. At each level of appeal, the charge of the person or committee hearing the appeal is to determine if (1) appropriate process was followed and (2) if the decision to impose an Adverse Action was made on reasonable grounds. **At each level of appeal, the person or committee hearing the appeal will either rescind or uphold the Adverse Action.**

If an Adverse Action is upheld at any level of appeal, the resident/fellow must be informed about his/her right to appeal this decision to the next level of appeal.

If an Adverse Action is rescinded at any level of appeal, the Adverse Action will be removed from the Letter of Deficiency. The resident/fellow must still successfully remediate the deficiencies outlined in the LOD. In this situation, because the Adverse Action is removed from the LOD, the LOD itself will be removed from the resident's/fellow's file upon successful completion of the training program. This status would therefore not be reflected on the Final Residency/Fellowship Training Summary Verification form.

If the Adverse Action is upheld upon appeal, the status of a resident/fellow with a LODAA will be reflected on the Final Residency/Fellowship Training Summary Verification form.

### **Level 1: Appeal to the Clinical Competence Committee (CCC)**

If a resident/fellow chooses to appeal, he/she must notify the Program Director in writing of his/her intent within seven (7) business days of receiving the LoDAA. The Program Director must acknowledge receipt of the appeal in writing to the resident/fellow.

The CCC will convene to hear the appeal within ten (10) business days of receiving the appeal request. At this academic meeting, the resident/fellow will have the opportunity to state reasons why he/she feels the Adverse Action should not be taken.

The CCC has to deliver its decision in writing to the resident/fellow within three (3) business days of reaching a decision. The resident/fellow must sign and date the written decision to acknowledge receipt of said document within two (2) business days and deliver the signed copy to the Program Director. If the resident/fellow fails to do so, it will be so noted in the file.

### **Level 2: Appeal to the Department Chair or GME Designee**

If the CCC upholds the Adverse Action, the resident/fellow has the right to appeal the decision of the CCC and will be informed of his/her right to appeal. The appeal is to the Department Chair. If the Department Chair sits on the CCC, or if the Department Chair is the Program Director, the resident/fellow appeal is to the GME designee\*.

The resident/fellow must notify the Department Chair or GME Designee of his/her request to appeal in writing within seven (7) business days of receiving the CCC's written decision. The Department Chair must acknowledge receipt of the appeal in writing to the resident/fellow.

The resident/fellow and the Program Director must submit documents to be considered for the appeal to the Department Chair or the GME Designee within ten (10) business days of the appeal request. The Department Chair or GME Designee may seek input from additional sources (i.e.: the Program Director, other faculty, staff, etc.) as he/she deems appropriate. The Department Chair or the GME Designee will hold an academic meeting with the resident/fellow within fourteen (14) business days of receiving the documents. The resident/fellow will be given an opportunity to provide input at this meeting. The Department Chair or the GME Designee must deliver his/her decision in writing to the resident/fellow and the Program Director within three (3) business days of reaching a decision. The resident/fellow must sign and date the written decision to acknowledge receipt of said document within two (2) business days and deliver the signed copy to the program and the GME Office. If the resident/fellow fails to do so, it will be so noted in the file.

**\* The GME designee will be a voting member of the GMEC. This individual cannot be faculty in the resident's/fellow's training program nor can they have any prior involvement with the resident's/fellow's situation that led to the Letter of Deficiency with Adverse Action.**

### **Level 3: Appeal to the Associate Dean for Graduate Medical Education/Designee**

The resident/fellow has the right to appeal the decision of the Department Chair or GME Designee. The appeal is to the Associate Dean for Graduate Medical Education. If the Associate Dean for Graduate Medical Education must recuse himself/herself from the appeal, the appeal will be to a designee. The Associate Dean for Graduate Medical Education or designee will convene an ad hoc committee to hear the appeal.

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The resident/fellow must notify the Associate Dean for Graduate Medical Education of his/her request to appeal in writing within seven (7) business days of receiving the written decision of the Department Chair or GME Designee. The Associate Dean for Graduate Medical Education must acknowledge receipt of the appeal in writing to the resident/fellow.

The resident/fellow and parties from each level of appeal must submit documents to be considered for the appeal to the Associate Dean for Graduate Medical Education or designee for distribution to the Ad Hoc Committee within ten (10) business days from when the resident/fellow submits the request for an appeal. The Ad Hoc Committee will hold an academic meeting within fourteen (14) business days of receiving the documentation. The Ad Hoc Committee may seek input from additional sources as it deems appropriate. The Ad Hoc Committee may also decide to interview the resident/fellow, the Program Directors, clinical faculty, staff, etc. as the committee deems necessary to make a decision. The decision of the Ad Hoc committee will be made by simple majority vote. The Ad Hoc committee is advisory to the Associate Dean for Graduate Medical Education or designee.

The Associate Dean for Graduate Medical Education or designee, in consultation with the Dean of the School of Medicine, will render a final decision.

The Associate Dean for Graduate Medical Education or designee must deliver the decision in writing to the resident/fellow and the Program Director within three (3) business days after a decision. The resident/fellow must sign and date the written decision to acknowledge receipt of said document within 2 business days and deliver the signed copy to the program and the GME Office.

**The Dean of the School of Medicine will be notified of all final decisions regarding adverse actions.**