

**YALE-NEW HAVEN MEDICAL CENTER**  
(YNHMC)

POLICES AND PROCEDURES

Subject: Resident Probation, Suspension or Dismissal

Policy #: II.012

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Effective Date: July 1, 2003

Revision Dates: June 27, 2008;

Distribution: Accredited and GMEC Approved Programs

July 1, 2013

**Introduction:**

This policy is adopted consistent with the hospital mission to educate physicians for a leadership role in clinical and academic medicine as well as to protect and improve the health and maintain the safety of our patients, visitors and staff.

**Definitions:**

**Probation:** A trial period in which a resident is permitted to redeem academic performance or behavioral conduct that does not meet the standard of the program

**Suspension:** A period of time in which a resident is not allowed to take part in all or some of the activities of the program. Time spent on suspension may not be counted toward the completion of program requirements.

**Dismissal:** The condition in which the resident is directed to leave the residency program, with no award of credit for the current year, termination of the resident's appointment and termination of all association with the Medical Center.

**Policy:**

It shall be the policy of Yale-New Haven Medical Center that the decision for probation, suspension and/or dismissal of residents in accredited training programs is the primary responsibility of the Program Director along with the Clinical Competency Committee. This process should be progressive and objective. A final decision of suspension or dismissal must be reviewed and approved by the Chair of the Department and the Director/Associate Dean of GME prior to the suspension and/or dismissal. The program director must have records, in writing, of discussions, with the resident, involving faculty concerning the problems that have led to the probation and/or dismissal. A resident involved in any of the actions of probation, suspension or dismissal has the right to appeal according to GMEC policy.

## **Procedure:**

### **Classification of Progressive Discipline Steps**

There are basic steps of progressive disciplinary action, all of which must be documented in writing as follows:

#### **Resident Counseling**

1. Resident is counseled by the Program Director in an effort to eliminate possible misunderstandings and to explain what constitutes proper conduct or acceptable job/academic performance.

#### **Verbal Warning (oral reprimand)**

1. Following unsuccessful attempts (number of attempts is proportionate to the level of the problem) to correct the problem through repeated counseling, the resident should be verbally warned that further discipline may follow if the resident continues to commit the offense in question, or does not otherwise correct the academic/performance problem.

#### **Written Warning/Remediation Plan**

1. Resident receives written notice of discipline following intentional or repeated offenses. The purpose of a written warning/remediation plan is to make certain that the resident is fully aware of the misconduct he/she has committed and what is expected, thereby enabling the resident to avoid a recurrence of the incident. A written warning/remediation plan requires prior approval by the Programs' clinical competency committee.

#### **Probation**

1. A resident may be placed on probation by a Program Director for reasons including, but not limited to any of the following:
  - a. failure to meet the performance standards of an individual rotation;
  - b. failure to meet the performance standards of the program;
  - c. failure to comply with the policies and procedures of the GME Committee, the Medical Center, the participating institutions or the program;
  - d. misconduct that infringes on the principles and guidelines set forth by the training program;
  - e. when reasonably documented professional misconduct or ethical charges are brought against a resident which bear on his/her fitness to participate in the training program.
2. When a resident is placed on probation, the Program Director shall notify the resident in writing in a timely manner, usually within a week of the notification of probation. The written statement of probation will include a length of time in which the resident must correct the deficiency or problem, the specific remedial steps and the consequences of non-compliance with the remediation.
3. Based upon a resident's compliance with the remedial steps and other performance during probation, a resident may be:

- a. continued on probation;
- b. removed from probation;
- c. placed on suspension; or
- d. dismissed from the residency program.

### **Suspension**

1. A resident may be suspended from a residency program for reasons including, but not limited, to any of the following:
  - a. failure to meet the requirements of probation;
  - b. failure to meet the performance standards of the program;
  - c. failure to comply with the policies and procedures of the GME Committee, the Medical Center, the participating institutions or the program;
  - d. misconduct that infringes on the principles and guidelines set forth by the training program;
  - e. when reasonably documented professional misconduct or ethical charges are brought against a resident which bear on his/her fitness to participate in the training program;
  - f. when reasonably documented legal charges have been brought against a resident which bear on his/her fitness to participate in the training program;
  - g. if a resident is deemed an immediate danger to patients, himself or herself or to others.
2. When a resident is suspended, the Program Director shall notify the resident with a written statement of suspension to include:
  - a. reasons for the action;
  - b. appropriate measures to assure satisfactory resolution of the problem(s);
  - c. activities of the program in which the resident may and may not participate;
  - d. the date the suspension becomes effective and the term of the suspension;
  - e. consequences of non-compliance with the terms of the suspension;
  - f. whether or not the resident is required to spend additional time in training to compensate for the period of suspension and be eligible for certification for a full training year.

A copy of the statement of suspension shall be forwarded to the Director/Associate Dean for Graduate Medical Education and the Director of the Housestaff Office.
3. During the suspension, the resident will be placed on “administrative leave”, with or without pay as appropriate depending on the circumstances.
4. At any time during or after the suspension, resident may be:
  - a. reinstated with no qualifications;
  - b. reinstated on probation;
  - c. continued on suspension; or
  - d. dismissed from the program.

### **Dismissal**

1. Dismissal from a residency program may occur for reasons including, but not limited to, any of the following:
  - a. failure to meet the performance standards of the program;

- b. failure to comply with the policies and procedures of the GME Committee, the Medical Center, the participating institutions or the program;
  - c. illegal conduct;
  - d. unethical conduct;
  - e. performance and behavior which compromise the welfare and of patients, self, or others;
  - f. inability of the resident to pass the requisite examinations for licensure to practice medicine in the United States.
2. The Program Director shall contact the Director/Associate Dean for GME and provide written documentation which led to the proposed action.
3. When performance or conduct is considered sufficiently unsatisfactory that dismissal is being considered, the Program Director shall notify the resident with a written statement to include:
  - a. reasons for the proposed action,
  - b. the appropriate measures and timeframe for satisfactory resolution of the problem(s).
4. If the situation is not improved within the timeframe, the resident will be dismissed.
5. Immediate dismissal can occur at any time without prior notification in instances of gross misconduct (e.g., theft of money or property; physical violence directed at an employee, visitor or patient; use of alcohol/drugs while on duty).
6. When a resident is dismissed, the Program Director shall provide the resident with a written letter of dismissal stating the reason for the action and the date the dismissal becomes effective. A copy of this letter shall be forwarded to the Director/Associate Dean for GME and the Director of Housestaff Office.
7. If a contract is not to be renewed, and the resident dismissed, the program will provide the resident with written notice of intent not to renew the agreement no later than four (4) months prior to the end of the resident's current agreement. If the primary reason for non-renewal occurs within the four months prior to the end of the agreement, the program will provide the resident with as much written notice of the intent not to renew as the circumstances will reasonably allow, prior to the end of the agreement.
8. At that time, the resident will also be given a written copy of the grievance process.