

SECTION TWO – HOUSE STAFF

POLICY NO: 2.7

SUBJECT: DISCIPLINARY ACTION: TERMINATION OF APPOINTMENT

I. PURPOSE

SPUH strives to develop and provide physicians who are extremely competent, highly professional and responsible. To further this goal, SPUH has a disciplinary protocol which provides house staff with a clear understanding of their duties and responsibilities, and at the same time promotes the graduation of the highest caliber physician; one who will reflect the high standards of SPUH both now and in the future.

To the extent any house officer fails to fulfill his/her duties and responsibilities, as outlined in his/her House Staff Agreement with SPUH, and in the policies and procedures of the house officer's respective Department and SPUH, this policy shall provide guidelines for the voluntary and non-voluntary termination of a house officer's appointment, prior to the established expiration date of the house officer's House Staff Agreement.

II. RESPONSIBILITY/REQUIREMENTS

A. Standards for House Staff Activities:

1. Standards of academic performance will be provided in the training objectives for the applicable Postgraduate Program.
2. Standards of professionalism and professional decorum will be accorded to any activity, whether performed in the community or in any health care facility, whether on duty or "moonlighting."
Any behavior that is unbecoming a physician, reflects negatively upon the profession or SPUH, and/or breaches state licensing, professional membership or other legal or professional requirements, may be deemed unprofessional, and subject a house officer to disciplinary action. Similarly, any breach of local, state or federal law may be construed as unprofessional behavior, and subject the house officer to disciplinary action.
3. Standards for administrative competence shall be as outlined in the policies and procedures of the house officer's respective Department and SPUH, and shall include, but not be limited to, proper and timely medical charting, dress code, availability, attendance and other administrative requirements (collectively, "hospital-based standards"). Any breach of (i) a Department and/or SPUH rule or regulation, as set forth in their respective policies and procedures; (ii) the House Staff Agreement; or (iii) the Medical Staff By-laws, may be deemed a hospital-based disciplinary problem, and subject the house officer to disciplinary action.

B. Notification of Infraction:

1. Notification of Program Director--
Failure of a house officer to meet academic, professional or hospital-based standards (referred to as an "infraction") shall be reported by the Medical Staff, the house officer, or other house officers, to the Program Director promptly and in writing, with supporting factual information and documentation, if available. The periodic evaluation shall serve as notice of failure to meet academic standards.

2. Notification of House Officer--
Upon receipt of the written report of infraction, or in the event the Program Director determines the house officer's performance is unsatisfactory and not commensurate with the house officer's appointed level of training, the Program Director shall notify the house officer promptly and confidentially, with copies made to the Department Chair and the Director of Medical Education.

The notice to the house officer shall include, (i) the specified charges against the house officer and a description of the circumstances upon which each charge is based; (ii) a plan to correct deficiencies, including the manner and time frame in which the deficiencies will be corrected; and (iii) the nature and extent of any discipline, in the event the deficiencies are not corrected. The Program Director shall provide the house officer with at least three (3) days advance written notice of any intended disciplinary action. If a house officer disagrees with any disciplinary action, he/she may utilize the grievance procedure set forth in Policy No. 6.1.

3. Notification to the IGMEC Chair, the IGMEC and the Department Chair-- he Program Director will inform the IGMEC Chair and the Department Chair of any intended disciplinary action.
4. Notification of the Accreditation Council for Graduate Medical Education--
The ACGME will be notified, at the discretion of the Program Director, of significant academic, professional or hospital-based problems. The accrediting body will also be given notice of any infraction resulting in probation, suspension or termination from the Postgraduate Program.

A. Investigation of Infraction:

1. Scope of investigation--
Upon receipt of notice concerning an infraction, the Program Director or his or her designee shall commence an investigation. This investigation may include a discussion with the person(s) reporting the infraction, and other individuals involved, and a review of the supporting factual information and documentation of the infraction, if any exists. The investigation shall include a discussion with the house officer who is the subject of the report. Whenever possible and appropriate, the Program Director and the house officer should strive to reach an informal resolution or remediation of the infraction, eliminating the need for formal corrective action.
2. Opportunity to be Heard--
The house officer who is the subject of the report may identify one house officer and one member of the Teaching Staff to speak to the Program Director on the house officer's behalf.
3. Opportunity to Obtain Legal Representation--
The house officer shall have the right to be represented by an attorney during the investigation of any infraction that could result in suspension or termination.

4. Written Report--

Upon completion of the investigation, the Program Director shall transmit a written report, summarizing his or her investigation, findings, and the corrective action taken or advised to the IGMEC Chair and the Department Chair. The written report shall become part of the house officer's personal file.

D. Corrective Action:

1. No corrective action--

The Program Director may, in his or her discretion, determine that no corrective action need to be taken in the following instances:

- (i) successful informal resolution;
- (ii) a determination that the infraction did not occur; and/or
- (iii) a determination that the infraction was minor or not material.

2. Letter of Reprimand/Warning--

The Program Director may, in his or her discretion, find that the appropriate corrective action for an infraction is a letter of reprimand or warning. This letter shall be forwarded to the house officer, the house officer's Department Chair and the IGMEC Chair, and shall be included in the house officer's personal file. The letter of reprimand/warning may include recommendations for remedial activities, which shall be completed promptly by the house officer after the issuance of the letter. The letter of reprimand/warning may also contain conditional withdrawals of certain privileges at SPUH. The letter of reprimand/warning shall become part of the house officer's personal file.

3. Probationary Period--

- (a) The Program Director and/or the Department Chair may, in his or her discretion, institute a three (3) month probationary period during which time the house officer will be asked to perform certain remedial activities with specific objectives, under close observation for a specific period of time. The terms and goals of the probationary period will be clearly outlined. Periodic feedback on performance during the probationary period will be provided by the Program Director.
- (b) If the house officer fails to achieve the specific objectives outlined during a probationary period, the Program Director and/or the Department Chair may, in his or her discretion, require the house officer to repeat the probationary terms for an additional three (3) month period, and/or complete additional tasks.
- (c) Any letter to the house officer which indicates probation as elected corrective action, shall specify not only the probationary period, but the possible outcomes.
- (d) In the event the probation is instituted, The Accreditation Council for Graduate Medical Education will be notified in writing by the Program Director. Any recommendations provided by such organization regarding corrective action or terms of probation will be considered. The house officer will be informed when the accrediting body is notified, and should use this opportunity to discuss his or her performance with such organization.
- (e) If deficiencies in professional competence arise during the probationary period that may endanger SPUH patients, SPUH employees, or other individuals, the house officer may be terminated immediately or

summarily suspended, after consultation with the Director of Medical Education and in accordance with this policy.

(f) **Non-renewal of House Staff Agreement:**

A house officer must be provided with written notice, at least four (4) months prior to the expiration of his/her House Staff Agreement, in the event of non-reappointment or non-promotion of the house officer. This notice shall be sent to the house officer from the Program Director, with a copy to the Director of Graduate Medical Education. In the event the primary reason for the non-renewal occurs within four (4) months prior to the expiration of the House Staff Agreement, the Program Director shall provide the house officer with as much written notice of SPUH's intent not to enter into a new House Staff Agreement, as the circumstances will reasonably allow. The house officer shall continue to work at his/her appointed level of training until the expiration of the House Staff Agreement. Full credit for the year may be given to the house officer at the discretion of the Program Director and the guidelines of the individual residency board.

4. Suspension--

- (a) The Director of Medical Education, may in his or her discretion, and upon consultation with the Program Director and the Department Chair, require a period of suspension for a serious infraction, or repeated instances of less serious infractions.
- (b) In the event that suspension is instituted, The Accreditation Council for Graduate Medical Education shall be notified in writing.

5. Termination--

- (a) The Program Director may, in his or her discretion, and upon consultation with the Director of Medical Education and the Department Chair, terminate a house officer for disciplinary reasons, prior to the expiration of the house officer's House Staff Agreement. If a house officer is terminated, his/her appointment shall end immediately. Termination may result from a very serious offense, or repeated offenses of a less serious nature. Termination may also result from the unsatisfactory completion of a single probationary period, and shall result from the unsuccessful completion of more than one probationary period.
- (b) In the event a house officer is terminated, The Accreditation Council for Graduate Medical Education shall be notified in writing.
- (c) *Voluntary Termination: In the event a house officer wishes to terminate his/her house staff agreement due to personal hardship, he or she must write a letter to the Program Director and the Department Chair stating the reason for such request. The house officer may request an interview. Termination of the House Staff Agreement, prior to its expiration, may occur in the event the Program Director and/or the Department Chair concur with the house officer's reasons for voluntary termination.*

6. Summary Suspension--
 - (a) The Department Chair and/or the Program Director, and/or the Director of Medical Education may, in his or her discretion, summarily suspend a house officer whenever the conduct of such house officer endangers the life, health or safety of any patient, employee or other person present at SPUH, or if such house officer may have committed a material violation of the provisions of law, the policies and procedures of their respective Department or SPUH, or for other showing of good cause. A summary suspension is effective immediately upon imposition, and the person imposing the suspension is to give prompt notice to the house officer, the Department Chair, the Program Director and the Director of Medical Education, as applicable.
 - (b) No longer than seventy-two (72) non-weekend hours after the imposition of summary suspension, the Program Director shall commence an investigation as described in Section C above. The house officer shall remain suspended until the investigation is completed. The investigation shall be performed in as prompt a manner as possible.

E Procedure for Due Process Regarding Decisions on Academic Issues Concerning House Staff:

1. All complaints by house staff regarding academic issues are to be referred to the appropriate Program Director for initial discussion.
2. If resolution of the problem cannot be achieved at this level, the issue is to be directed to the Department Chair within six (6) working days.
3. Complaints that are not resolved by the Department Chair should be referred promptly to the Director of Medical Education for final consideration.
4. Academic decisions may be appealed by the process described in Policy No. 6.1, "Grievance and Appeals Process."