

Resident & Fellow Performance Issues

Nationwide Children's Hospital (NCH) expects residents and fellows (trainees) to competently and professionally fulfill their responsibilities as outlined in their GME program expectations and the NCH *GME Code of Conduct*. Trainees must follow the rules, regulations, and policies of NCH and its affiliated training sites and must abide by all federal and state laws. Trainees who fail to comply with or cannot meet these expectations are subject to the actions outlined below.

Program Directors (PDs) should investigate and verify information regarding alleged performance issues. PDs should have more than one source of information about these concerns whenever possible. All interventions and actions are implemented without regard to race, gender, religion, national origin, age, military or veteran status, disability, genetic information or sexual orientation.

PDs should utilize the *Performance Management and Decision Guide for Physician Trainees* to guide their decision making. The *GME Performance Improvement Summary (GME PI Summary)* should be utilized to document the performance plan.

Education Intervention (EI)

Trainees enter their GME programs with varying prior experiences and therefore may advance through their training at different rates. These variations are normal and expected. PDs, Associate Program Directors (APDs), and faculty continuously make individual accommodations with the goal of training physicians/dentists who are prepared to meet the health and health care needs of the public.

Feedback on performance is essential to high quality education. It should be provided regularly, address learning needs as they arise, and be specific enough to facilitate action planning. Deficiencies or gaps should be reviewed at the quarterly/semi-annual evaluations with the PD, APD, faculty, and/or Clinical Competency Committee. The PD will offer alternative educational experiences designed to improve performance.

When recurring or significant education gaps are identified, the PD will develop an EI plan to address the trainee's specific areas for improvement. Some gaps may be of a magnitude or duration that lead to extension of training and/or delay in advancement to the next level. As long as the trainee follows the EI and continues to make progress, the **EI is not disciplinary action**. The trainee or PD may use the EI to explain deviations from the typical GME timeline.

Administrative Intervention (AI)

AI is utilized for infractions, inappropriate actions, and/or violations of administrative policies or regulations which limit or prevent a trainee from satisfactorily performing his/her GME duties in the short-term. Examples include, but are not limited to, failure to: (a) maintain required clinical licenses, e.g., ORP; (b) meet mandatory education requirements; (c) obtain annual PPD tests/flu shot, and (d) maintain and/or provide other required documentation required by the GME program.

Trainees receiving AIs may be temporarily relieved of some/all duties. AI concerns generally can be resolved in ≤ 10 business days. If AI concerns cannot be resolved within a reasonable period of time (maximum of 2 months), progressive disciplinary notices/actions and/or adverse actions should be utilized.

The PD will notify the department/section/division Chair/Chief, Designated Institutional Official (DIO), Legal Services, and Corporate Compliance of any actions noted on the AI that may need to be reported to external accreditation or regulatory organizations.

AI should not be utilized for deficiencies in academic performance (use EI). Performance problems related to lapses affecting patient care quality or safety; policy violations, e.g., moonlighting without permission; or other non-GME actions/misconduct/legal infractions, e.g., DUI, must be addressed through disciplinary notices or actions (see below).

The PD shall notify the trainee of the AI verbally and in writing using the *GME PI Summary*. The PD will consider the specific concerns on the AI to determine if the trainee will continue to receive pay.

AIs are not disciplinary actions and are not listed on the *NCH Final GME Trainee Evaluation (Final Trainee Evaluation)*.

Trainees must utilize the Grievance Procedure to resolve AI disputes. If a trainee resigns, he/she may no longer utilize the Grievance Procedure.

Disciplinary Notice (DN)

Trainees who have lapse(s) in performance or professionalism, engage in misconduct, and/or fail to satisfactorily fulfill training program expectations may be given a disciplinary notice (DN) - either a Verbal Notice (VN) or Written Notice (WN).

1. Verbal Notice (VN)

The PD may give a VN for minor or initial infractions of policies, standards, or expectations.

Documentation of a VN on the *GME PI Summary* is recommended but not required.

2. Written Notice (WN)

The PD may give a trainee a WN when:

- Prior VN has not resulted in the needed improvement *and/or*
- Performance on prior VN has deteriorated *and/or*
- Trainee does not meet academic expectations of the GME program, including failure to fulfill planned educational intervention(s) *and/or*
- New performance problem is identified

The PD shall document the WN using the *GME PI Summary*. A subsequent WN is considered a Disciplinary Action (see below).

The PD shall notify the trainee of the DN verbally and in writing using the *GME PI Summary*. The trainee will be paid unless removed from all duties.

The PD will keep the VN in the trainee's GME file while the trainee is in the program. DNs are not listed on the *NCH Final GME Trainee Evaluation (Final Trainee Evaluation)*.

Trainees must utilize the Grievance Procedure to resolve DN disputes. If a trainee resigns, he/she may no longer utilize the Grievance Procedure.

Disciplinary Action (DA)

Trainees who have lapse(s) in performance or professionalism, engage in misconduct, and/or fail to satisfactorily fulfill training program expectations will be disciplined. The PD uses DA to identify the issues and outline how the trainee can remediate concerns whenever possible.

Process

The PD should meet with the trainee to discuss the DA. Neither NCH nor the trainee may audio or video record the meeting without written permission of all parties in attendance. Cellphones and pagers must be turned off.

The DA is documented on the *GME PI Summary* which is retained in the trainee's permanent file. The PD should attach any prior DNs or DAs to the *GME PI Summary*. If a trainee refuses to sign the DA, the PD should note on the *GME PI Summary*. DAs will be considered in determining if the trainee is reappointed or advanced to the next level of training. All DAs shall be listed on the *Final Trainee Evaluation*.

The DA is an Adverse Action (see GME Policy). Trainees may appeal the DA using the Due Process Procedure. If a trainee resigns, he/she may no longer utilize the Due Process procedure.

Types of DAs

DAs should be equitable based upon the identified lapse(s). The typical steps in progressive DA are:

1. 2nd or more Written Notice (WN2)
2. Probation
3. Suspension
4. Termination

Depending upon the specific circumstances, NCH may utilize any DA, including termination, for a single infraction without first utilizing prior EI, AI, DN, or DA steps.

1. 2nd or more Written Notice (WN2)

The PD may give a trainee a second or more WN when prior WN has not resulted in the needed improvement. The PD shall document the WN2 using the *GME PI Summary*. All WN2s shall be listed on the *Final Trainee Evaluation*.

2. Probation

Probation is a serious DA necessitated by major and/or ongoing violations of GME program expectations. The PD may place a trainee on Probation who:

- Fails to fulfill provide safe patient care consistent with his/her level of training and supervisor expectations *and/or*
- Fails to address issues outlined in an AI, DN, and/or WN2 *and/or*
- Fails to comply with known responsibilities of the program *and/or*
- Has other serious misconduct, professionalism violations, and/or performance problems

Prior to notifying the trainee of Probation, the PD must notify the DIO and Chair/Chief of the department/section/division. Legal counsel may be solicited by the PD, Chair/Chief and/or DIO. While on Probation, a trainee's clinical assignments are limited to NCH.

3. Suspension

The PD, in consultation with the DIO and the department/section/division Chair/Chief, may suspend a trainee for serious violations of policies, laws or rules or for misconduct, performance problems, and/or recurring administrative lapses, e.g., medical record violations. If the PD determines the trainee's performance places patients, peers, himself/herself, or others at risk or for major breaches of the trainee's contract, he/she may be removed from responsibilities immediately.

The PD must utilize the *GME PI Summary* to document the Suspension. Prior *GME PI Summaries*, if available, should be attached. Suspension limits the trainee's GME participation:

- Trainee will not be paid while on Suspension (unless approved by DIO)
- Time spent on suspension will NOT be counted toward completion of the required GME training and may result in extension of training
- Other restrictions, e.g., no moonlighting, access to medical records and/or NCH facilities

Prior to notifying the trainee of Suspension, the PD must notify the DIO and the department/section/division Chair/Chief. Legal counsel must be solicited.

4. Termination

A trainee may be terminated for failure to meet outcomes of previous, often progressive, DAs; for significant breach of the terms of his/her contract; or if the PD determines that trainee's continued involvement in the program places patients, peers, himself/herself, or others at unacceptable risk.

Prior to notifying the trainee of Termination, the PD must notify the DIO, CMO, Medical Staff Office, and Chair/Chief of department/section/division. Legal counsel must be solicited. Termination is generally immediate.

After meeting to inform the trainee of the termination, the PD must obtain all hospital property (badge, pager, computer, etc.) and make arrangements for final pay and other financial terms. The PD may give the trainee his/her *Final Trainee Evaluation* at this time or set up another meeting.

Tools & Resources for Program Directors and Trainees

- **GME Performance Improvement Summary** – written plan to identify performance problems and delineate steps to address them. It should be reviewed regularly but at least every three months. Progress must be noted on the quarterly/semi-annual performance evaluation. It is part of the trainee's permanent file under the conditions specified above.
- **Final Trainee Evaluation** – final evaluation of a trainee's performance in the GME Program. It is the information provided when a reference request or GME training documentation is received. It is part of the trainee's permanent GME file.
- **Performance Management and Decision Guide for Physician Trainees** @ <http://anchor.columbuschildrens.net/Document/Get/285298>
- **GME Policies** @ <http://anchor.columbuschildrens.net/gme-policies>