

**SUNY Downstate Medical Center
Health Science Center at Brooklyn
Graduate Medical Education
Policies and Procedures**

Title:

GME DUE PROCESS POLICY

Purpose:

To establish a policy for all post-graduate medical programs of SUNY Downstate Medical Center for use in addressing all actions that can result in altering the intended career path of a resident or fellow. To provide residents and fellows with fair, reasonable and readily available policies and procedures for grievance and due process through a decision-making process while minimizing conflict of interest by adjudicating parties.

Scope:

This policy applies to all programs and house officers (residents and fellows) participating in graduate medical education programs approved and sponsored by SUNY Downstate. This policy applies to actions taken as a result of academic deficiencies or misconduct.

Definitions:

Due Process: an individual's right to be adequately notified of any changes or proceedings involving him or her, and the opportunity to be meaningfully heard with respect to those proceedings.

House Staff or House Officer: refers to all interns, residents or fellows enrolled in post-graduate medical training activity

GME Program: refers to a residency or fellowship educational program

Adverse Action: disciplinary actions taken against a resident that alter the individual's intended career development or timeframe from that consistent with the usual progression through the training program. Such actions are reportable and allow a request for review and due process.

Adverse actions may include but are not limited to the following:

Dismissal: act of terminating a house officer participating in a GME program prior to successful completion of the course of training whether by early termination of a contract or by non-renewal of a contract.

Non-renewal: act of not reappointing a house officer to subsequent years of training prior to fulfillment of a complete course of training.

Non-promotion: act of not advancing a house officer to the next level of training according to the usual progression through a program

Extension of Training: act of extending the duration of time required by a house officer to complete a course of training generally resulting from repeating evaluations of marginal or unsatisfactory for rotation assignments, remediating poor performance, needing additional time to reach expected Milestones in the specialty of training or to demonstrate achievement of required competence in one or more domains or attain required procedure or case volume experience.

Probation: placement of a resident under close monitoring for specific performance concerns which if not successful resolved may result in other adverse actions including dismissal. This action is reportable to state licensing authorities and health care institutions.

Suspension: Withdrawal of privileges for participating in clinical, didactic or research activities associated with appointment to the training program or hospital staff. This action is taken if, in the judgment of the Program Director, Department Chairperson or institutional leadership (Associate Dean, Dean, Medical Director) a resident's or fellow's competence or behavior is such that patients may be endangered, the educational process disrupted or other peers, staff, faculty are subjected to an adverse and unacceptable work environment. Under such circumstances, suspension may be implemented immediately pending further investigation and determination of other appropriate action. Suspension may be with salary or salary may be withheld after consultation with the labor relations department of the employing facility.

Policy:

Academic Matters:

The SUNY Downstate GME Academic Performance Policy affords due process to residents/fellows who are subject to adverse actions or whose intended career development is altered by an academic decision of a program. See Academic Performance Policy for delineation of specific processes provided.

Misconduct Matters:

The SUNY Downstate Resident/Fellow GME Misconduct Policy affords due process to residents/fellows who are subject to adverse actions or dismissed from a GME program in a manner that alters their intended career development. See Resident/Fellow GME Misconduct Policy for delineation of specific processes provided.

Policy revised and updated on 08/17/2015. This Policy supersedes all prior, similar and/or related versions and revisions. Revisions approved by GMEC: September 16, 2015. Effective immediately upon approval.