

CRITICAL FEEDBACK AND REMEDIATION AND DISMISSAL

Department of Obstetrics and Gynecology

1. Critical Feedback

a. Timely and Direct Feedback:

- i. Any problems in interpersonal behavior, integrity, acquisition of knowledge or interpersonal skill, or unexplained absences from clinical or educational activities should be addressed immediately by those who observed or directly supervised the resident when the issue(s) arose. An e-mail documenting the event should be sent to the Program Director. Depending on the severity of the event(s), the Department Chair may also be involved and at her/his discretion, proceed to other procedures as deemed necessary.

1. *Verbal Warning:*

The Program Director and/or Chair will meet with the resident and provide specific constructive feedback on the behavior. The resident will be warned of the consequences of repeating the behavior, and a brief note and/or Counseling Letter (see description below) documenting date, time, and content of the interaction will be placed in the resident's file. This meeting is not reportable as a formal disciplinary action.

b. Non-Appealable Academic Actions:

i. *Counseling Letter*

A Counseling Letter may be issued by the Program Director to the Resident to address an academic or clinical shortcoming requiring improvement. The purpose of this letter is to describe a single instance or pattern of the behavior at issue and to recommend strategies to improve the behavior in question. This letter will be reviewed with the Resident, and the Resident will be notified that failure to achieve sustained improvement may lead to other disciplinary actions, as described below.

ii. *Notice of Concern*

A Notice of Concern is generally utilized when a pattern of problem behaviors emerges. It may be issued to the Resident by the Program Director and/or Department Chair to discuss the Resident's suboptimal performance. This should be issued in writing and should describe in detail the behavior(s) of concern and delineate strategies for improvement. This document will be reviewed with the Resident, and the Resident will be notified that failure to achieve sustained improvement may lead to other disciplinary actions, as described below.

c. Actions Appealable to the Department:

i. *Period of Intensive Academic Focus (Adapted from the New York Presbyterian Hospital's Department of Graduate Medical Education's Policy and Procedures Manual)*

Based on the evaluation of a Resident and after a Counseling Letter and/or Notice of Concern have been issued, a Program Director, Chair or Designee may determine that the Resident in question has not yet progressed to the point of performance required of the Resident's PGY level within the program. When this determination is made by the Program Director, Chair or Designee, the decision may be made by the Education Committee in the Department of Obstetrics and Gynecology to begin a Period of Intensive Academic Focus. This period shall not exceed four months and will proceed as follows:

1. The Designated Institutional Official (DIO) and Vice President of Medical Affairs for the hospital must be notified of the action being taken.
2. The Division Directors, the Program Director and/or the Vice President, Medical Affairs must review the decision with the Office of Legal Affairs prior to notifying the Resident to ensure appropriate documentation and compliance with Hospital policies and procedures. The Resident will be notified of the decision in a face to face meeting with the Program Director. At the request of the Program Director, Chair, or DIO, Hospital legal counsel may participate in this meeting, and the Resident may have legal counsel present as well if she/he chooses.
3. Within ten days following this meeting, the Program Director must confirm in writing to the Resident the occurrence of the meeting via hand delivery or via expedited trackable mail service. The basis for determination, the program of intensive academic focus, and the date and duration of the program, must be included in this communication. Also included must be the notification of the right to have the determination reviewed under the policy for grievances. Initiation of a grievance by the Resident shall not delay the period of intensive academic focus. It will begin on the effective date determined by the Program Director.

4. For the duration of this period, the Program Director will meet with the Resident no less than every two weeks to provide constructive verbal feedback regarding her/his progress. Documentation of these meetings will be placed in the Resident's file. At the midpoint of the program of intensive academic focus, the Resident will be given a written evaluation of her/his progress in the program. Another evaluation will be given at the conclusion of the program. Evaluations will be compiled utilizing a standardized Likert scale electronic evaluation in the E*Value system which is distributed to core faculty members involved in the curriculum of remediation. In the event that the Resident has not progressed to a satisfactory level of performance after the specified period of time, the Division Directors, the Education Committee, and the Program Director, in conjunction with the Vice President of Medical Affairs will determine a further course of action as delineated by the Hospitals' GME policies and the Medical Staff By-Laws.
5. If, during the period of intensive academic focus, it is determined that the Resident is not making sufficient progress and improvements to her/his skill set or is not complying with the program, the period of intensive academic focus may be terminated. Should this occur, the Education Committee, in conjunction with the Vice President for Medical Affairs, will determine a course of action to address this matter as delineated by the Hospitals' GME policies and the Medical Staff By-Laws.
6. Placing a Resident on a period of intensive academic focus does not preclude action under other GME policies and procedures and/or the Medical Staff By-Laws.
7. This program shall not apply to actual occurrences that must be reported as incidents of possible professional misconduct on the part of the Resident under Public Health Law Section 2803e and other applicable sections of New York law. If this occurs, the Vice President of Medical Affairs and the Office of Legal Affairs must be notified as soon as possible.

ii. *Academic Probation*

Residents who are at risk of not successfully completing the requirements of the residency program in Obstetrics and Gynecology may be placed on academic probation by the Program Director and the Chair of the department. Conditions of this probation will be communicated to the Resident in writing and will include a description of the basis for the probation, the required areas of improvement and strategies for progress, and the time period for the remediation program. Should it be determined by the Program Director and/or Chair that the Resident has not complied or has not sufficiently completed the program, the period of probation may be extended or terminated, and may follow with other academic actions.

iii. *Suspension*

Should the Education Committee, Program Director, and/or Chair determine that other remediation modalities have not resulted in sufficient progress and improvement in the Resident's abilities, the Chair may place the Resident on suspension from clinical and/or didactic duties for a period of no more than sixty days. This will only be determined as a last resort and when it is in the best interests of the patients, other Residents, and the Resident in question. The suspension will be confirmed in writing and will state the reasons for the suspension and its duration. This may be executed in conjunction with or following other academic actions. The Resident's salary will continue to be paid to her/him during the period of suspension.

iv. *Adverse Semi-Annual or Annual Evaluation*

A resident may request a review by the Education Committee in response to an overall unsatisfactory or marginal semi-annual or annual evaluation.

v. *Requirement for a Resident to Repeat an Academic Year*

A Resident may be required to repeat an academic year in lieu of dismissal of the program due to unsatisfactory performance in the program or for other issues. This decision is at the sole discretion of the Program Director.

vi. *Denial of Certificate of Program Completion*

If, after other remediation modalities have been unsuccessful, the Program Director and/or Chair determine that the Resident will not receive her/his certificate of completion of the Residency Program

in Obstetrics and Gynecology, the Resident will be notified in writing as soon as this decision is made.

vii. *Change of Record*

A resident may request a correction or deletion to her/his permanent record by submitting a written request to the Program Director and/or Chair. This request will be reviewed by the Education Committee and a response will be granted within thirty days of receipt of this request. The Education Committee will recommend to the Chair and/or Program Director to amend or delete the document(s) in question, or to deny the request, and notification in writing of the decision will be sent to the Resident. If the Chair and/or Program Director refuse to delete or amend the record, the Resident has the right to enter into the record a written statement setting forth her/his disagreement with the decision.

II. Grounds for Action

A resident may request that the Dean of the School of Medicine review the following actions after department-level review has already occurred:

a. Non Renewal of Annual Contract:

If a Resident's contract is not renewed, the decision may be appealed to the Dean after review by the Department of Ob/Gyn's Education Committee. Due to the increasing level of responsibility and the increasing level of complexity of cases as residents progress through the program, satisfactory completion of prior PGY(s) and/or rotations does not guarantee satisfactory proficiency in subsequent years or rotations. If there is a demonstrated and repeated failure to meet the program requirements as put forth by the ACGME and the CREOG Educational Objectives, a Resident may have her/his appointment not renewed at this time. However, if at the end of the seventh month of the academic year (after the first semi-annual evaluation) the Program Director and/or Chair determine that the Resident's appointment will not be renewed, the Chair and/or Program Director will notify the Resident as soon as possible, and no later than February 28. Unless other academic action is taken, the Resident will be permitted to finish the academic year.

b. Dismissal from the Program:

Based on the Chair's and Program Director's discretion, a Resident may be dismissed from the residency program in Obstetrics and Gynecology for academic and/or clinical deficiencies. This action is also appealable to the Dean after review of the department's Education Committee.

Grounds for dismissal may include the following:

- A failure to maintain and/or achieve the program requirements as stated in the CREOG Educational Objectives;
- An act that is deemed as compromising patient care which may constitute a medical disciplinary action as well;
- Unethical or unprofessional behavior;
- Omitting information in or falsifying a medical record, billing record, or program application.

III. Appeal Procedures

- a. The Resident must be notified as soon as possible that s/he has received an overall unsatisfactory annual or semi-annual evaluation; will be required to repeat the academic year; will not have her/his contract renewed; or will not be granted a certificate of completion of the residency program in Obstetrics and Gynecology.
- b. To request a review of the program's decision by the Education Committee, the Resident must, within ten days from the date of notification:
 - Provide the Chair and/or Program Director with a written statement detailing the reasons why she/he is appealing the decision in question; and
 - Appear at a hearing of the Education Committee to review the appeal (failure to do so will be deemed a voluntary dismissal of the appeal).
- c. The Education Committee will verbally notify the Resident of its decision, and will render the decision in writing to the Resident within ten days of the decision. The decision of the Education Committee will be final.

Portions of this document adapted with permission from the Policies and Procedures Manual for the Residency program in Obstetrics and Gynecology at the University of California – San Francisco.

