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## **POLICY AND PROCEDURE**

### **UNIVERSITY OF NORTH CAROLINA HOSPITALS GRADUATE MEDICAL EDUCATION POLICY ON REAPPOINTMENT, NON-REAPPOINTMENT AND DISMISSAL**

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#### **I. Reappointment**

The duration of the Appointment to Graduate Medical Education is for a period of twelve (12) months. Reappointment and/or promotion to the next level of training is at the discretion of the Hospitals and Program Director and is expressly contingent upon several factors, including, but not limited to, the following: satisfactory completion of all training components, the availability of a position, satisfactory performance evaluations, full compliance with the terms of the Agreement of Appointment, the continuation of the Hospitals' and Program's accreditation by the ACGME, the Hospitals' financial ability, and furtherance of the Hospitals' objectives.

The Resident's appointment is expressly conditioned upon satisfactory performance of all Program elements by the Resident. If the actions, conduct, or performance, professional or otherwise, of the Resident are deemed by the Hospitals, GMED or Program Director to be inconsistent with the terms of the Housestaff Contract, the Hospitals' standards of patient care, patient welfare, or the objectives of the Hospitals, or if such actions, conduct, or performance reflects adversely on the Program or Hospitals or disrupts operations at the Program or Hospitals, corrective action may be taken by the Hospitals and Program Director.

#### **II. Handling of Academic and Performance Problems, Grievances, and Appeals**

Program Directors should refer to the UNC Hospitals "Guidelines for Handling Academic and Performance Problems." The Grievance Procedures Policy is given to residents and is located in the UNC Hospitals Graduate Medical Education Manual. This procedure must be followed and shared with the resident.

#### **III. Notice of Non-Reappointment or Non-Promotion**

In instances where a resident's agreement will not be renewed, or when a resident will not be promoted to the next level of training, the Program Director must provide the resident with a written notice of intent no later than four

months prior to the end of the resident's current agreement. (The Hospitals is under no obligation, nor may it be held liable for breach of this Agreement if it fails to provide such advance notice). If the primary reason(s) for the non-renewal occur(s) within the four months prior to the end of the agreement of appointment, programs must provide their residents with as much written notice of the intent not to renew as the circumstances will reasonably allow, prior to the end of the agreement or appointment.

A. Summary Suspensions

The Executive Committee of the Medical Staff, the Board of Medical Examiners, the Hospitals and the Program Director each shall have the authority to summarily suspend, without prior notice, all or any portion of the Resident's appointment and/or privileges granted by the Hospital, whenever it is in good faith determined that the continued appointment of the Resident places the safety or health of UNC Hospitals' patients or personnel in jeopardy or to prevent imminent or further disruption of Hospitals operations. All summary suspensions shall be reviewed in accordance with the provisions of Grievance Procedures Policy.

B. Automatic Termination

Notwithstanding any provision to the contrary, the Resident's appointment shall be terminated automatically and immediately upon the suspension, termination, or final rejection of the Resident's application for his/her professional license. In the event of such a suspension, termination, or final rejection, the Resident is obligated to report that fact to the Program Director, Department Chair, and Office of Graduate Medical Education immediately. Upon obtaining the necessary licensure, the Resident may reapply for appointment to Graduate Medical Education through the clinical department and with the approval of the same individuals as if for initial appointment. The resident must be familiar with UNC Hospitals Policy on Medical License Requirements.

In the event this Agreement is terminated by the Hospitals, the Resident shall only be entitled to appeal rights and procedures accorded to residents and subspecialty residents as set forth in the Graduate Medical Education Grievance Procedures Policy. The Resident shall not be entitled to the hearing appellate rights granted to physician members of the Medical Staff as described in the Hospitals' Medical Staff Bylaws.

- (i) The Resident may terminate his/her appointment at any time after notice to and discussion with the Program Director, unless waived by the Hospitals on at least 30 days' written notice to the Hospitals after that discussion.
- (ii) If the Resident's appointment is terminated, the Program Director shall recommend to the Hospitals whether or not to extend credit to the Resident for participation in the Program; the Program Director is not obliged to recommend that such credit be extended and the Hospitals is not obliged to extend any such credit.

Upon such termination of appointment, the Resident shall:

- (1) Receive his/her stipend up to the effective date of such termination.
- (2) Return to the Hospitals all property owned by it by or before the close of business on the effective date of termination of the Resident's appointment and this Agreement.

#### IV. Non-Reappointment Based on Institutional Factors

When non-reappointment is based on reasons other than the Resident's performance such as residency closure or specific RRC actions to reduce number of residents, such non-reappointments when made by the Hospitals, GMEC or Program Director shall be final and not subject to further appeal or review and shall not be grievable under the Hospitals' grievance procedure.

#### V. Non -Reappointment Based on Resident Factors

When non-reappointment is based on the Resident's unsatisfactory performance or noncompliance with the terms of this Agreement, the appropriate remediation actions shall be invoked prior to any such determination being "final" and the program director will follow the recommendations of the ACGME, respective RRCs and UNC Hospitals recommended "Guidelines for Handling Academic and Performance Problems."

#### VI. Reporting Obligations

The Hospitals will comply with the obligations imposed by state and federal law and regulations to report instances in which the Resident is not reappointed or is terminated for reasons related to alleged mental or physical impairment,

incompetence, malpractice or misconduct, or impairment of patient safety or welfare.

Written and Approved by GMEAC:	November 1998
Executive Committee Approval:	December 14, 1998
Revised and Approved by GMEAC:	February 9, 2000
Executive Committee Approval:	April 3, 2000
Reviewed and Approved by GMEAC:	December 19, 2001
Medical Staff Approval:	February 4, 2002
Reviewed and Approved by GMEC:	November 19, 2003
Revised and Approved by GMEC	September 21, 2005
Reviewed and Approved by GMEC	November 15, 2006
Reviewed and Approved by GMEC	March 19, 2008
Reviewed and Approved by GMEC	December 17, 2008
Medical Staff Approval	January 12, 2009