

Policy and Procedure for Dismissal from the Residency Program

1. Preface

It is expected that all residents will be licensed within 90 days of the start date of the residency. If the resident fails to be licensed within 90 days of the start date of the residency, the Residency Program Director, in consultation with the Residency Advisory Committee will modify the resident's individualized plan. This may include dismissal of the resident, extension of the length of the residency, or suspend and restart once licensed. The resident's contract will also be modified with a downward adjustment in pay. The Residency Program Director (RPD) has primary responsibility for monitoring the competency and professionalism of all residents, and for initial counseling, probation, or other remedial or adverse action. Residents will be evaluated on individual learning experience requirements as well as overall program requirements. All residents are expected to be in compliance with Miami Valley Hospital and Premier Health policies, as they are amended from time to time, which include but not limited to: Compliance Code of Conduct and other policies on federal health care program compliance, HIPAA, confidentiality of patient information, prevention of sexual harassment, prevention of workplace violence, infection control, moonlighting, and completion of medical records. The Residency Advisory Committee (RAC) may assist the RPD in these functions. Where circumstances warrant, the membership of the RAC may be altered to avoid a potential conflict of interest, or to protect the privacy or rights of the resident. The Director of Pharmacy may or may not exercise the option to become a member of the RAC or to serve as the final departmental decision-maker in response to the RAC or RPD's recommendations. Each assessment structure and plan must be in writing.

2. Performance Review

Each resident receives a written summative evaluation by the last day of the learning experience. Quarterly summative evaluations are provided for longitudinal residency requirements (e.g. medication use, progress on final project, weekend distributive functions, and practice management). Criteria-based formative evaluations ("snapshots") may be provided to assess performance relating to presentations (e.g. case presentations, journal club, educational presentations to hospital and/or departmental staff). All evaluations are electronically signed by the resident and preceptor of record. It is recommended that a review of the resident's experience and competence in performing clinical activities be included in the evaluation when appropriate. At a minimum, quarterly reviews of the resident's training plan are performed by the RPD and are electronically signed by the resident and maintained in PharmAcademic.

In addition, requirements of the residency include meeting all deadlines and demonstrating a professional attitude, appearance, and demeanor. All pharmacy staff members are encouraged to provide feedback to the RPD and/or RAC members regarding timelines and professionalism. Failure to comply may result in disciplinary action.

3. Probation:

- A. Initial Problem:** If, after documented counseling, a resident is not performing at an adequate level of competence, demonstrates unprofessional or unethical behavior, engages in misconduct, or otherwise fails to fulfill the responsibilities of the program in which he/she is enrolled, the resident may be placed on probation by the RPD. Residents are entitled to a full hearing that includes the RPD, the Director of Pharmacy, Residency Coordinator, preceptors, departmental management, and departmental staff, if deemed appropriate. The resident must be informed in person of this decision and must be provided with a probation document which includes the following:
- a. A statement of the grounds for the probation, including identified deficiencies or problem behaviors;
 - b. The duration of probation which, ordinarily, will be at least 1 week;
 - c. A plan for remediation and criteria by which successful remediation will be judged;
 - d. Notice that failure to meet the conditions of probation could result in extended probation, additional training time, and/or suspension or dismissal from the program during or at the conclusion of the probationary period; and
 - e. Written acknowledgement by the resident of the receipt of the probation document.
- B. Probation:** The status of a resident on probation should be evaluated periodically, preferably every month, but at a minimum, every 3 months. If, at the end of the initial period of probation, the resident's performance remains unsatisfactory, probation either may be extended in accordance with the above guidelines or the resident may be suspended or dismissed from the program.

4. Suspension and Dismissal

- A. Suspension:** A resident may be suspended from clinical activities or any program related activity or duty by the RPD, Director of Pharmacy, System Director of Clinical Pharmacy Services, or the System Vice President of Pharmacy. Recommendations for suspension may be proposed by residency preceptors, members of the RAC, or departmental management to the RPD. This action may be taken in any situation in which continuation of clinical activities by the resident is deemed potentially detrimental or threatening to Miami Valley Hospital and/or Premier Health operations, including but not limited to patient safety or the quality of patient care, a suspension or loss of licensure, or debarment from participation as a provider of services to Medicare and other Federal or State programs. Program suspension may be imposed for program-related conduct that is deemed to be grossly unprofessional, incompetent, erratic, potentially criminal, noncompliant with the Compliance Code of Conduct, Federal health care program requirements, Corporate Compliance Agreement, or MVH policies and procedures, or that is threatening to the well-being of patients, visitors, other residents, hospital and departmental staff, or the resident themselves. Unless otherwise directed, a resident suspended from clinical activities may participate in other program activities. A decision involving suspension of a resident must be reviewed within 3 working days by the Director of Pharmacy (or in

their absence, the System Director of Clinical Pharmacy Services, or System Vice President of Pharmacy) to determine if the resident may return to clinical activities and/or whether further action is warranted (including, but not limited to, counseling, probation, fitness for duty evaluation, or Summary Dismissal. Suspension may be with or without pay at the discretion of institution officials.

- B. Dismissal During or at the Conclusion of Probation:** Probationary status in a residency program constitutes notification to the resident that dismissal from the program can occur at any time during or at the conclusion of probation. Dismissal prior to the conclusion of a probationary period may occur if the conduct which gave rise to the probation is repeated or if grounds for Program Suspension or Summary Dismissal exist. Dismissal at the end of a probationary period may occur if the resident's performance remains unsatisfactory or for any of the foregoing reasons. Prior to dismissal, the Medical Staff, Human Resources, and Pharmacy Management must be notified of the dismissal of any resident during or at the conclusion of a probationary period.
- C. Summary Dismissal:** For serious acts of incompetence, impairment, unprofessional behavior, falsifying information, noncompliance, or lying, or if a resident is listed as excluded on the Department of Health and Human Services Office of the Inspector General's "List of Excluded Individuals/Entities" or on the General Services Administration "List of Parties Excluded from Federal Procurement and Non-Procurement Programs" or is discovered to have been convicted of a crime related to the provision of health care items or services for which one may be excluded under Federal programs (i.e. an "excludable crime" related to governmentally funded health care programs, including health care fraud, criminal abuse or neglect of patients, or felony controlled substances convictions related to the provision of health care), the Director of Pharmacy may immediately suspend a resident from all program activities and duties for minimum of 3 days and, concurrently, issue a notice of dismissal effective at the end of the suspension period. The resident does not need to be on probation, nor at the end of a probationary period, for this action to be taken.
- D. Notification of Suspension and Dismissal:** The resident must be notified in writing of the reason for and terms of suspension and dismissal and have an opportunity to respond to the action before dismissal is effective, and be advised of the appeals process. Prior to the dismissal, the Medical Staff, Human Resources, and Pharmacy Management must be notified of any dismissal of any resident during or at the conclusion of a probationary period.