

Policy	Individualized Learning Plans, Remediation, Probation, Dismissal, and Due Process
Approved by the Graduate Medical Education Council (GMEC)	Updated 02/2023; Revised 03/2023; Revised 03/2026

PURPOSE

Residency and fellowship training programs are responsible for addressing a trainee's underperformance in any of the ACGME Core Competencies which include, Medical Knowledge, Patient Care, Professionalism, Practiced Based Learning, Interpersonal and Communication Skills, and Systems-based practice.

DESCRIPTION

Deficiencies which may result in individualized learning plans, remediation, probation, or dismissal/termination of a trainee's contract. The deficiencies include both academic and non-academic areas:

- Academic Deficiencies include but are not limited to an inadequate knowledge base, the lack of information gathering, problem solving, clinical skills and judgment, technical skills relating to patient care and/or professional relationships which include moral and ethical values unacceptable to the profession.
- Nonacademic Deficiencies include but are not limited to any professional action or behavior which is considered unacceptable to the residency program faculty, failure to comply with the rules, regulations and bylaws of EVMS @ ODU, the affiliated institutions of EVMS @ ODU or laws of the Commonwealth of Virginia which govern the healing arts, and/or lack of certain abilities or talents which are necessary for the performance of expected duties for that specialty. Faculty and other professional staff should promptly notify the program director of areas of concern regarding trainee professional behavior and development. Upon notification of a potential problem, the program director or a designee will investigate the report and if the concern appears to be warranted will proceed with the formal procedures.

DUE PROCESS

All trainees have the right to due process. Intervention strategies for addressing academic and non-academic deficiencies are classified into three stages:

Stage 1 – Verbal Notification

Stage 2 – Formal Remediation

Stage 3 - Probation

It is strongly advised for the program director to contact the DIO, or Associate DIO, for guidance on the development of learning plans for Stage 1,2 or 3.

Stage 1 Notification

- Verbal notification should be provided to trainees who have either academic or professionalism deficiencies which, while not currently impeding the progress of the trainee, have the potential to create obstacles to professional development and are severe enough to warrant counseling by the program director or early disciplinary action.
- A Stage 1 intervention does not require, but may include, written documentation in the trainee's file.
- Upon successful remediation of a Stage 1 Notification process, the written documentation may be deleted from the trainee's permanent file if decided by the Education Committee.

Stage 2 Remediation

- Trainees already under Stage I Notification and have not been able to remediate the identified deficiency within the given time period may be continued in the Stage 1 status or be placed on Stage 2 Remediation.
- Trainees may also be placed directly on Stage 2 Remediation for academic or professionalism deficiencies for which the program director and/or the Education Committee believe severe enough to warrant Stage 2 Remediation. These areas relate to deficiencies which are impeding the professional development of the trainee and/or compromising the quality of patient care and require immediate intervention. The trainee must be notified of the Stage 2 deficiency which may result in probation.
- Upon successful remediation of a Stage 2 Remediation process, the written documentation may be deleted from the trainee's permanent file if decided by the Education Committee.

Stage 3 Probation

- Trainees who fail to remediate an area of development under Stage 2 Remediation may be continued in that stage or may be placed on Probation.
- Under special circumstances trainee may be placed directly on Probation where the conduct of the trainee warrants such an action. If the program director feels that Probation is warranted the issue should be presented to the departmental Education Committee for discussion and confirmation of the disciplinary action.
- The Vice Dean for Graduate Medical Education/DIO (or Associate DIO) must be informed of any pending Probationary actions and must be present at the departmental Education Committee meeting where the pending Probationary status is discussed.
- Where the conduct of a trainee represents a serious compromise to acceptable standards of patient care and/or jeopardizes the welfare of patients under his/her care, the program director has the option of immediately suspending the trainee from clinical duties until such time as an appropriate investigation of the allegations or situation may be conducted.
- The trainee must be informed in writing if termination of his/her educational contract or non-renewal of future contracts is a potential outcome of the Probationary status.
- The chair of the concerned department and the Vice Dean for Graduate Medical Education/DIO (or Associate DIO) must be notified when a trainee is placed on Probation.
- Probationary status will be defined by the concerned training program's Education Committee. While on Probation the trainee will be provided close faculty supervision, may be removed from all supervisory responsibilities for other trainee and medical students, and may or may not be given credit for the time period during which the Probationary status is in effect.
- If the Probationary period is not creditable toward the required time for the educational program, the necessary extension of training time may be required without additional stipend.
- Documentation for Stage 3 Probation processes must remain as a part of the permanent evaluation file.

STEPS FOR ADDRESSING UNDERPERFORMANCE OF RESIDENTS and FELLOWS

Once a trainee has been identified as underperforming, the following steps are to guide the process:

Step 1: Investigate the reported issue(s).

Step 2: Determine the “Stage” of the concerns/underperformance. This decision should be made with Program Director (PD), Associate Program Director (APD) and members of the education team. For example, the Clinical Competency Committee (CCC). The DIO/Associate DIO can be consulted to review the program’s decision and draft the learning/remediation plan.

Step 3: The PD/APD should have a pre-meeting with the trainee to discuss the issue(s), learning and/or remediation activities, plan schedule, and potential outcomes.

Step 4: The learning/remediation plan is presented to the trainee and implemented.

Step 5: At the agreed upon time, the progress of the trainee is evaluated and a determination of the success of remediation is determined. The program director or designee meets with the trainee to review the remediation and a report is provided to the trainee regarding his/her status. A report (Stage 2 and Stage 3) is provided to the Education Committee. *If a Probation deficiency is not successfully remediated and the Education Committee chooses to terminate the contract with the trainee or non-renew the contract, the trainee must be notified of this in writing and made aware of their **Due Process rights and the ability to appeal the decision through the Grievance Policy.***

DISMISSAL/TERMINATION of CONTRACT

- Trainees are expected to fulfill the clinical and educational requirements of their graduate medical education program and to provide safe, effective and compassionate patient care.
- Non-compliance with these expectations may result, in certain circumstances, to immediate dismissal/termination of the GME contract.
- Immediate dismissal/termination of the GME contract may be based on evaluation of professional and ethical fulfillment of the conditions of the trainee appointment.
- A trainee may be subject to dismissal/termination of the GME contract during the term of their appointment by the Dean of EVMS @ ODU, upon recommendation of the involved program director with concurrence of the Vice Dean for Graduate Medical Education.

GROUND FOR DISMISSAL/TERMINATION

Grounds for dismissal/termination of GME contract include but are not limited to:

1. Failure to rectify by the end of a probationary period deficiencies for which the trainee has been placed on Probation.
2. Performance which presents a serious compromise to acceptable standards of patient care and/or jeopardizes patient welfare.
3. Unethical conduct.
4. Illegal conduct for which the trainee has pled or been found guilty, pled nolo contendere or has been granted immunity from prosecution.

5. Failure to report for scheduled clinical assignments without advanced notice and permission, or emergency reasons not acceptable to the program director.

The affected trainee will receive written notification of this decision including specific reasons for the decision. Copies of the Due Process Policy and Grievance Procedure will be attached to the notification letter.

Right to Appeal: Trainees have the right to appeal termination/dismissal of the GME contract.

END OF DOCUMENT