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College of Medicine

**HOUSE STAFF MANUAL**

## Contents

Introduction .....	4
Certificate of Completion .....	5
Clinical and Educational Work Hours.....	5
Due Process Guidelines – Addressing Conduct and Performance Concerns .....	5
Evaluation of Trainee .....	5
Fingerprint Clearance Cards .....	6
Grievance Process .....	6
Housestaff Counselors.....	6
Interactions Between Vendors, Trainees and Programs .....	7
International Medical Graduates and Visas.....	7
International Travel for Rotations and Conferences.....	7
Trainee Job Description.....	7
Licensing .....	8
Malpractice (Professional Liability Coverage).....	8
Meal Cards .....	8
Moonlighting.....	8
Non-Competition.....	9
Nondiscrimination and Anti-harassment .....	9
On-Call Rooms.....	9
Paycheck.....	9
Promotion and Renewal of Trainee Appointment .....	10
Records Retention .....	10
Recruitment, Selection, Eligibility, and Appointment .....	10
Security ID Badges.....	10
Subpoenas.....	10
Substantial Disruptions in Patient Care or Education.....	11
Supervision.....	11
Title 38 USC 3679 (e) .....	11
Trainee Transfers.....	11
Vacation and Leaves of Absence .....	12
Workplace Accommodations .....	12
Religious Accommodations.....	12
Disability Accommodations .....	12
Section II: Addressing Conduct and Performance Concerns .....	13
Procedures for Disciplinary and Non-Disciplinary Action.....	13
Overview .....	13
Impairment .....	18

Drug and Alcohol Testing Policy .....	18
Administrative Leave Procedure .....	20
Suspension.....	20
Revocation of Medical License .....	20

## **Introduction**

The University of Arizona College of Medicine– Tucson (UA COM-T) and is the sponsoring institution for the graduate medical education (GME) programs in Tucson.

Throughout this manual, the term “Trainee” collectively refers to interns, residents, fellows and non-standard Trainees participating in an accredited or non-standard internship, residency, or fellowship program. The term “Trainee” does not include medical students, junior faculty, research fellows, or other participants in non-accredited training programs. The term “Training Program” refers to the applicable internship, residency, fellowship or non-standard training (NST) program.

All Trainees who participate in GME Training Programs at the UA COM-T are employed by Banner – University Medical Group (“B—UMG”). Per the B—UMG Graduate Medical Education Resident/Fellow Employment Agreement, if a Trainee’s program participation ends for any reason, the Trainee’s B-UMG employment contract will also terminate.

This manual sets forth the duties, responsibilities, rights, and privileges for Trainees. It is divided into three sections: the first section provides information that is unique to Trainees; the second section addresses conduct and performance concerns, including the due process guidelines for non-disciplinary and disciplinary action; and the third section includes links to UA COM-T GMEC and Banner Health policies that are applicable to all Trainees.

The Accreditation Council for Graduate Medical Education (ACGME) specialty Training Program requirements set forth basic expectations for supervising faculty. Individual Training Programs further specify expectations for faculty supervision, behavior, and communication. Faculty or Trainees with specific questions about these expectations are referred to the ACGME or the Training Program’s director.

This manual is offered for informational purposes and is not intended to create an express or implied contract. This manual may be modified at any time at the discretion of UA COM-T.

## **Certificate of Completion**

All Trainees who successfully complete the requirements of UACOM-T training program will receive a certificate of completion from the UA COM-T. All Trainees successfully completing their first year of training in an ACGME-accredited training program may receive a certificate of completion for such training from the UA COM-T, if requested by the Program Director.

The full Certificate of Completion Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Clinical and Educational Work Hours**

All Training Programs sponsored by UA COM-T shall comply with the Clinical and Educational work hours requirements established by the ACGME.

There may be some modifications if the ACGME specialty review committee allows them. The program's Clinical and Educational Work Hours policy supersedes what is included here.

The full Clinical and Educational Work Hours Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Due Process Guidelines – Addressing Conduct and Performance Concerns**

While participating in the Training Program, Trainees are employed by Banner--University Medical Group (B-UMG) and are afforded the opportunity to practice medicine under specified conditions for a designated period of time.

While participating in a Training Program, Trainees are afforded the procedural rights that can be found in the due process guidelines on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>. The due process guidelines include information on disciplinary action, non-disciplinary action, impairment, drug and alcohol testing, administrative leaves, suspension and revocation of medical license

## **Evaluation of Trainee**

All Training Programs assess Trainee performance throughout the Training Program and together with the Trainee utilize the results to improve Trainee performance.

These assessments include the specialty-specific Milestones, and must use multiple evaluators (e.g., faculty members, peers, patients, self, and other professional staff members) who provide evaluations to the Clinical Competency Committee.

A final summative evaluation must be completed for all Trainees upon completion of the program, or for any Trainee who leaves a program early for any reason.

The full Final Evaluation Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Fingerprint Clearance Cards**

Trainees must obtain and maintain a valid Arizona Department of Public Safety (AZ DPS) Fingerprint Clearance Card, in accordance with A.R.S. §15-1881 and provide a copy prior to the start of their Training Program.

Any Trainee who is unable to obtain a required AZ DPS Fingerprint Clearance Card as of the start date of the program will be placed on administrative leave, removed from all clinical rotations, and assigned to non-clinical duties pending AZ DPS Fingerprint Clearance. If the Trainee is not issued an AZ DPS Fingerprint Clearance Card within three months of the start date of the program, the Trainee will be deemed ineligible for the program and the training program may rescind the Trainee's offer to participate in the program with no opportunity to appeal.

Any Trainee who is unable to maintain a required AZ DPS Fingerprint Clearance Card for the duration of their training will be immediately restricted from clinical rotations and suspended without pay. Depending on the circumstances of the withdrawal of AZ DPS fingerprint clearance, the Trainee may ultimately be dismissed from the training program.

Trainees apply for Fingerprint Clearance Cards through the AZ Department of Public Safety (applications available at [www.azdps.gov/services/public/fingerprint](http://www.azdps.gov/services/public/fingerprint)).

Trainees are responsible for the cost of the Arizona DPS Fingerprint Clearance Cards and will not be reimbursed for the expenses related to applying for or maintaining AZ DPS Fingerprint Clearance Cards.

## **Grievance Process**

Trainees are encouraged to address any problems they encounter while participating in a Training Program. Trainee should attempt to address problems informally through professional interactions. If informal measures are not feasible, Trainees may file a formal written grievance as per the GMEC policy. The grievance process is available to current Trainees and cannot be used for any issue that has a specific process for response or redress (e.g. Disciplinary Action).

The UA COM-T and B—UMG are committed to preventing any retribution against individuals who raise legitimate concerns about the terms and conditions of their participation in a UA COM-T Training Program or of their employment with B—UMG.

The full Grievance Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Housestaff Counselors**

Trainees are provided with free, confidential counseling services through the GME Mental Health Program.

Appointments can be scheduled with Housestaff Counselors and additional information can be found at <https://mentalhealthservices.medicine.arizona.edu/services/residents-fellows>

## **Interactions Between Vendors, Trainees and Programs**

It is the policies of UA COM-T and Banner Health that interactions with industry should be conducted in a manner that avoids or minimizes conflicts of interest. When conflicts of interest do arise, they must be addressed appropriately.

The Policy and Guidelines for Interactions between The University of Arizona College of Medicine and Commercial Interests (“Industry”) incorporates the following types of interactions with industry and can be found at [https://medicine.arizona.edu/sites/default/files/com\\_coi\\_policy\\_12\\_3\\_2015\\_final\\_1\\_0.pdf](https://medicine.arizona.edu/sites/default/files/com_coi_policy_12_3_2015_final_1_0.pdf)

- Gifts and compensation
- Site access by sales and marketing representatives
- Provision of scholarships and other educational funds to students and Trainees
- Support for educational and other professional activities
- Disclosure of relationships with industry
- Oversight of Conflict of Interest Policy
- Training of students, Trainees, and staff regarding potential conflict of interest in industry interactions

## **International Medical Graduates and Visas**

An international medical graduate (IMG) is defined as any Trainee who received their medical degree from a medical school located outside the U.S. or Canada. The location of the medical school, not the citizenship of the physician, determines whether the graduate is an IMG.

Certification by the ECFMG is required for all IMGs to participate in any UA COM Training Program. A copy of the Trainee’s valid ECFMG certificate must be provided prior to starting a Training Program. If the Trainee is unable to obtain a valid ECFMG certificate prior to the start of the program, the Trainee will be ineligible to begin the Training Program.

UACOM-T sponsors J-1 visas.

H1B visa sponsorship may be available through Clinical Departments and BUM-G.

## **International Travel for Rotations and Conferences**

All international travel related to an education program or Banner Health (international rotations and conferences) is subject to approval by Banner Health Risk Management, Banner Health Legal and the Academic Management Council (AMC).

## **Trainee Job Description**

All Trainees are employed by B-UMG.

The full B-UMG Resident/Fellow Job Description can be found at <https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:f9e07752-7563-30fa-b6a8-d4cbdf2e2237>

## **Licensing**

All Trainees are required to maintain an Arizona Post Graduate Training Permit or Arizona Independent License for the duration of their training program.

The GME Office pays the AZ Post Graduate Training Permit fee for Trainees each academic year.

Trainees are responsible for all costs related to AZ Independent Licenses.

Any gaps in renewal or licensing coverage of AZ Independent Licenses may result in extension of training or disciplinary action.

## **Malpractice (Professional Liability Coverage)**

B-UMG provides professional liability coverage for all Trainees. Such coverage extends to professional acts occurring in the course of the Trainee's responsibilities in the Training Program.

Professional liability insurance provides coverage on a claim made policy form and includes unlimited extended claims reporting coverage (tail coverage). This insurance does not cover the Trainee for any activities performed outside the scope of training program responsibilities. (e.g. "External Moonlighting").

A Trainee must:

- Contact Banner Health's Risk Management Department as well as the Program Director whenever the Trainee becomes aware of an event that may lead to a claim. The general phone number for Risk Management is (602) 747-4750.
- Contact Banner Health Legal Department (Candace McClue) at (602) 747-4507 or [candace.mcclue@bannerhealth.com](mailto:candace.mcclue@bannerhealth.com) if a Trainee receives a subpoena or a request for an interview for a matter in which the Trainee nor Banner is *not* a named defendant.
- Contact Banner Health's Risk Management Department and the Program Director immediately if the Trainee receives a claim or lawsuit, or a subpoena for a matter in which the Trainee or Banner *is* a named defendant.
  - BUMC-T: Contact Josephine ("Yvette") Carrillo at (520) 874-7211 or [Josephine.Carrillo@bannerhealth.com](mailto:Josephine.Carrillo@bannerhealth.com)

## **Meal Cards**

Trainees will receive a meal card with \$970.00 pre-loaded. There is a \$10 fee if a meal card is lost or destroyed. Meal card funds are renewed at the beginning of each academic year. Any unused funds from the previous academic year will be forfeited.

## **Moonlighting**

The UA COM-T GMEC and individual programs, set forth policies to outline the policies and procedures for moonlighting. Trainees planning on or engaged in moonlighting must contact their program for the most up to date policies.



If available, moonlighting is voluntary.

The full UACOM-T Moonlighting Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

### **Non-Competition**

Neither UA COM-T, BUM-G nor its programs may require Trainees to sign a non-competition agreement.

### **Nondiscrimination and Anti-harassment**

The University of Arizona and Banner Health are committed to creating and maintaining a working and learning environment that is inclusive and free from discriminatory conduct. This includes all forms of sex discrimination, including sexual harassment, sexual assault and relationship violence, as prohibited by Title IX of the Education Amendments of 1972. More information is available at [www.equity.arizona.edu](http://www.equity.arizona.edu).

As participants in University-sponsored programs and employees of B—UMG, Trainees are entitled to the protections and processes outlined in the University's Nondiscrimination and Anti-harassment Policy (<https://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>) and Banner Health's Equal Employment Opportunity Statement (<https://www.bannerhealth.com/careers/eo>).

If a Trainee experiences or witnesses potentially discriminatory conduct, the Trainee is encouraged to report the conduct to their Program Director, DIO, or Graduate Medical Education Office. The Trainee may also contact either or both of the following to discuss resources and receive information about the complaint process:

Banner Employee Relations at 520-694-4002

The University's Office of Institutional Equity at 520-621-9449 or [equity@arizona.edu](mailto:equity@arizona.edu)

### **On-Call Rooms**

Trainees will have access to accessible on-call rooms that are safe, quiet, clean, and private. Trainees should contact their Training Program leadership for specific room assignments.

### **Paycheck**

Trainees are employees of B—UMG. The first paycheck for the Trainee will be issued on the first payday following the start date. Paychecks will be distributed every two weeks thereafter.

Direct or automatic deposit of paychecks is available through Banner Health. After signing up for the program, it takes one to two pay periods for the direct deposit to begin. The Trainee can receive a receipt of deposit to verify that the money was transferred to their account through Banner Health MyHR Workday.

## **Promotion and Renewal of Trainee Appointment**

Trainees are advanced to positions of higher responsibility on the basis of evidence of their satisfactory progressive scholarship and professional growth. This is determined by the program director and the Clinical Competency Committee based on achievement of the specialty specific milestones, and when applicable, the specialty specific case logs.

The full Promotion and Renewal of Trainee Appointment Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Records Retention**

Program leadership is responsible for following the institutional guidelines for the retention, maintenance, and destruction of records for trainees. These guidelines can be found in the Records Retention Policy.

The full Records Retention Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Recruitment, Selection, Eligibility, and Appointment**

Program leadership is responsible for ensuring that applicants are eligible to participate in UACOM-T programs. Programs leadership must ensure that applicants:

- Meet all ACGME institutional and specialty-specific eligibility requirements.
- Meet the eligibility requirements for employment with Banner - University Medical Group (B-UMG), including the requirements of the position as listed in the trainee job description, with or without reasonable accommodation.
- Meet the eligibility requirements at all affiliated clinical rotation sites at which the trainee would be required to perform clinical duties.

The full Recruitment, Selection, Eligibility and Appointment Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Security ID Badges**

Facility-issued identification badges must be always worn on the upper part of the body while on a Banner campus.

The face of the ID badge must remain visible for identification and safety reasons and must not be defaced with stickers, ribbons or pins so that the Trainee's face or identifying information is covered.

Trainees must immediately report a lost or stolen badge to their leader and/or Security.

For safety reasons, the use of lanyards is discouraged.

## **Subpoenas**

Please refer to the Malpractice section of this manual for information on subpoenas.

## **Substantial Disruptions in Patient Care or Education**

In the event of a disaster, or other substantial disruption in patient care or education, B—UMG will ensure the continuation of salary, benefits, professional liability coverage and will resume Trainee assignments as soon as possible.

In circumstances where patient needs create a crisis in patient care delivery configuration, the DIO may declare Emergency Status as outlined by the ACGME.

During the period of Emergency Status, the Sponsoring Institution will comply with all ACGME Institutional Requirements. Programs will continue to ensure compliance with work hour requirements; adequate resources and training; adequate supervision; and fellows functioning in their core (primary) specialty.

The full Substantial Disruptions in Patient Care of Education & Closure or Reduction in Size of a Program Policy can be found on the GMEC policy page at <https://medicine.arizona.edu/gmec-policies>

## **Supervision**

The attending physician has an ethical and legal responsibility for the overall care of their patients and for the supervision of the Trainees involved in the care of their patients. Program directors in each training program will develop and maintain a program-specific Supervision Policy consistent with the UA COM-T institutional policy.

The full Supervision Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

## **Title 38 USC 3679 (e)**

In accordance with Title 38 US Code 3679 subsection (e), the UACOM-T will permit any covered individual (Chapter 31 or 33) to attend or participate in a course of education during the period beginning on the date on which the individual provides a Certificate of Eligibility and ending earlier on one of the following dates:

- The date on which payment from the VA is made to the institution;
- 90 days after the date the institution certified tuition and fees following receipt of the Certificate of Eligibility

No penalty will be imposed on the covered individual due to their inability to meet financial obligations due to the delayed disbursement of Veteran's Affairs funding.

## **Trainee Transfers**

Programs accepting Trainees transferring from an ACGME-accredited residency or fellowship to a UACOM-T residency or fellowship must obtain verification of previous educational experiences and a

summative competency-based performance evaluation prior to acceptance of a transferring Trainee, and Milestones evaluations upon matriculation.

### **Vacation and Leaves of Absence**

As the employer of all Trainees, Banner Health in partnership with their leave benefit carrier, manages all Trainee absences from an employment perspective. Information regarding available leave types – including medical, parental, and caregiver leaves of absence and vacation and sick time – can be found on the [Graduate Medical Education Vacation and Leaves of Absence Summary and Frequently Asked Questions document](#) as well as the [Banner Health Benefit Highlights document](#).

The Trainee must discuss their leave of absence (planned or unplanned) with their Program Director. The discussion should include any effects the leave will have on the Trainee's training, including any impact on their expected training completion date and their ability to take the relevant certifying board exam.

Trainees do not participate in Banner Health's Paid Time Off (PTO) plan.

Trainees are provided four one-week periods of vacation leave each academic year, to be used upon a mutually agreed upon time by the Trainee and Program Director.

Trainees may be expected to work holidays and are expected to work with their programs to establish which holidays they may be expected to work at each participating site.

The full Vacation and Leave of Absence Policy can be found on the GMEC policy webpage at <https://medicine.arizona.edu/gmec-policies>

### **Workplace Accommodations**

#### **Religious Accommodations**

Trainees seeking religious accommodations must discuss the request with their Program Director. The Trainee and Program Director will contact a Banner Health Employee Relations Sr. Consultant. The Employee Relations Sr. Consultant will discuss options of supporting the requested religious accommodations and provide documentation if needed.

#### **Disability Accommodations**

Trainees with qualifying disabilities who require accommodation within their Training Program should contact the University's Disability Resource Center (DRC) at 520-621-3268 or [drc-info@arizona.edu](mailto:drc-info@arizona.edu). More information is available at <https://drc.arizona.edu/>. Accommodations to the physical workplace will be coordinated through the DRC along with Banner Human Resources. Trainees are responsible for initiating the accommodation process.

Request for testing accommodations for internally administered (in-training) exams are coordinated through the DRC. Requests for testing accommodations for externally administered exams (e.g. USMLE, COMLEX, Board Exams) must be coordinated directly with the testing agency. The DRC cannot grant or facilitate accommodations for external exams. Trainees are responsible for the cost of obtaining and submitting any documentation required by the external agency.

## **Section II: Addressing Conduct and Performance Concerns**

### **Procedures for Disciplinary and Non-Disciplinary Action**

Trainees participate in a Graduate Medical Education (GME) program sponsored by the University of Arizona College of Medicine – Tucson or College of Medicine – Phoenix. While participating in the Training Program, Trainees are employed by Banner--University Medical Group (B-UMG) and are afforded the opportunity to practice medicine under specified conditions for a designated period of time.

While participating in a Training Program, Trainees are afforded the procedural rights described below.

#### **Overview**

1. The University of Arizona, as the sponsoring institution of the Training Program, will make the final determination with regard to a Trainee's participation or advancement in the program.
2. Trainees are not entitled to procedural rights outlined in the Banner--University Medical Staff Bylaws, the Human Resources policies of Banner – University Medical Center or Banner – University Medical Group, nor the Human Resources policies of the University of Arizona.
3. Incident reports, evaluations, and other information gathered or exchanged in the course of the Trainee's education do not constitute non-disciplinary or disciplinary action.
4. These guidelines do not outline the processes in place to address violations of Banner Health or University of Arizona policies (e.g. delinquent medical records, HIPAA violations, substance abuse, discriminatory/harassing behaviors). However, non-disciplinary action or disciplinary action may result from findings or determinations provided to a Training Program following an external process, review, or investigation.
5. Notice of proposed actions and/or decisions under these procedures are made in writing and delivered to the Trainee's employee email address and/or other designated preferred email address. All deadlines are calculated beginning the calendar day after the date of the email. All notices are deemed to be received on the day of the email.
6. Nothing in these procedures restricts the authority of the Program Director to assign the job duties and responsibilities of the Trainee at all times, including the decision to assign the Trainee to clinical, non-clinical, research, or other duties at specified locations as deemed appropriate by the Program Director.
7. These procedures are intended to guide the sponsoring institution through a reasonable decision-making process that provides Trainees with notice of the action being considered, the opportunity to review and respond to the information in support of the action, and the opportunity for the Program Director to consider remediation when appropriate. Minor deviations from these procedures that do not deprive the Trainee of notice or the opportunity to respond will not render the decision invalid. All timelines may be reasonably extended for good cause.

## **I. Non-disciplinary Action**

1. At any time, a Program Director may take non-disciplinary actions to address issues with a Trainee's performance, such as lack of medical knowledge, professionalism concerns, or failure to satisfy ACGME Core Competencies or licensure requirements.
2. The Program Director is encouraged to consult with the GME Office before taking non-disciplinary action.
3. Non-disciplinary action includes but is not limited to: placing a Trainee on an administrative leave; issuing a letter of concern; requiring a Trainee to repeat a rotation; limiting/changing a Trainee's job duties, responsibilities, or work location; placing the Trainee on a performance improvement plan; assigning a mentor and requiring regular meetings; or referring the Trainee to occupational health or house staff services.
4. A Trainee has no right to appeal a non-disciplinary action.
5. Non-disciplinary action is not required prior to disciplinary action.
6. Non-disciplinary actions will be reviewed and considered by the Program Director and the CCC when making a determination on recommended disciplinary action.

## **II. Disciplinary Action**

1. Notice of Proposed Action and Opportunity to Respond
  - a. Disciplinary action falls within the sole discretion of the Program Director, subject to the Trainee's right to appeal as outlined below.
  - b. Disciplinary action is warranted when a Trainee fails to meet the academic requirements of the Training Program. Academic requirements are guided by the ACGME Core Competencies; the policies and procedures of Banner Health, Banner – University Medical Group, and the University of Arizona; and the codes, rules, and regulation of licensing agencies, including the Arizona Medical Board and the Arizona Board of Osteopathic Examiners.
  - c. If a Program Director concludes that a Trainee's performance warrants disciplinary action, the Program Director will consult with the GME Office to discuss disciplinary options and determine the appropriate next steps. All disciplinary action letter templates must be requested from the GME Office. All draft letters of concern and disciplinary action letters must be reviewed by the GME Office prior to presenting to the Trainee.
  - d. Disciplinary action includes the following: 1) Probation; 2) Retention or repeat of post-graduate (PG) year; or 3) Dismissal.
  - e. If a Trainee resigns at any time after the Program Director proposes disciplinary action, the Trainee immediately waives all procedural and appeal rights set forth in this manual. The

resignation may be noted as “pending disciplinary action” at the discretion of the Program Director.

Whenever possible, the Program Director will meet with the Trainee to discuss the proposed disciplinary action. The Program Director will notify the Trainee of the proposed disciplinary action in writing. The Notice of Proposed Disciplinary Action will include:

- i. The disciplinary action being considered;
  - ii. A summary of the basis for the disciplinary action, with documentation or information in support of the decision included as attachments;
  - iii. The core competencies, rules, policies, or standards the Trainee is failing to meet;
  - iv. The Trainee's opportunity to respond to the proposed disciplinary action at the next Clinical Competency Committee (CCC) meeting.
- f. The Trainee has seven (7) days from the date of the Notice of Proposed Disciplinary Action to submit a written request to the Program Director for an opportunity to respond to the proposed disciplinary action.
- i. Failure to timely request an opportunity to respond results in a waiver of the opportunity and a waiver of all remaining procedural and appeal rights set forth in this manual.
  - ii. If the Trainee waives the opportunity to respond, the Program Director will confirm the disciplinary action in writing to the Trainee. The Program Director will note that the Trainee waived all remaining due process rights and that the disciplinary action is effective immediately.
- g. If the Trainee requests an opportunity to respond at a CCC meeting, the meeting will take place no more than fourteen (14) days from the date of the Trainee's request to respond unless the Trainee agrees to an alternate timeframe.
- h. The Trainee will receive at least seven (7) days' notice prior to the CCC meeting. CCC meetings are an internal, academic process. The CCC meeting is the Trainee's opportunity to respond to the proposed disciplinary action.
- i. Only the CCC members (or alternate faculty members when needed), the Program Director, the Trainee, and a support person of the Trainee's choosing may attend the CCC's discussion of the proposed discipline.
- i. If the Trainee chooses to bring a support person, that person may not speak on the Trainee's behalf or participate in the meeting in any manner.
  - ii. The Trainee must provide the name of the support person at the time of the request for a CCC meeting and must indicate whether the support person is an attorney.
  - iii. The CCC may request the presence of University legal counsel at its discretion.
- j. No less than three (3) days before the scheduled CCC meeting:
- i. The Trainee will provide the Program Director a copy of all documents and

- information the Trainee will rely on to support the Trainee's position at the CCC meeting.
      - ii. The Program Director will provide the CCC with a copy of any documents provided by the Trainee, the Notice of Proposed Disciplinary Action, and supporting documents.
      - iii. The Trainee must be provided with a copy of any document provided to the CCC not previously included with the Notice of Proposed Disciplinary Action.
    - k. At the CCC meeting, the Trainee may make a statement and ask questions.
      - i. If the CCC decides additional information is necessary, the meeting will be postponed and reconvened at a later date.
      - ii. All relevant, additional information will be exchanged no less than three (3) days in advance of the reconvened meeting to allow for adequate time to review.
    - l. After presenting and responding to any questions, the Trainee will be excused from the CCC meeting. The Program Director and CCC members will consider the information presented at the meeting and discuss the proposed action. With the guidance of the CCC, the Program Director will make a decision regarding the proposed disciplinary action.
      - i. The Program Director will inform the Trainee of the decision in writing. If the Program Director decides to impose disciplinary action, the Notice of Disciplinary Action letter will include:
        - Confirmation that the Trainee appeared before the CCC and exercised the right to respond to the proposed disciplinary action;
        - ii. The disciplinary action imposed;
        - iii. A summary of the basis for the disciplinary action, incorporating by reference the supporting documentation or information relied on in making the decision;
        - iv. A summary of the CCC's conclusions and recommendations;
        - v. When imposing dismissal, a statement as to whether opportunities for remediation were available, provided, or appropriate under the circumstances;
        - vi. The Trainee's right to appeal the decision to the DIO within seven (7) days of the date of the Notice of Disciplinary Action, in accordance with these procedures.
    - m. The DIO (or designee) will receive a copy of the Notice of Disciplinary Action, including all documents considered by the CCC.
    - n. If the Trainee does not timely appeal the Notice of Disciplinary Action, the disciplinary action is immediately in effect and the Trainee waives all remaining due process rights.
    - o. The disciplinary action may be immediately implemented pending appeal to the DIO. If the decision is to dismiss the Trainee, the Trainee will be assigned to non-clinical duties and will continue to receive pay while the matter is pending on appeal.
2. Appeal of Disciplinary Action to the DIO
- i. A Trainee may appeal a Notice of Disciplinary Action to the DIO within seven (7)



days of receiving the notice imposing disciplinary action. The basis for the appeal is limited to the following grounds:

A material deviation from written procedures;

- ii. The discovery of new, material information that was unavailable to the Trainee and Program Director at the time of the Program Director's decision; or
  - iii. Evidence that the disciplinary action is overly severe or unwarranted under the circumstances.
- b. To appeal, the Trainee must submit a written statement to the DIO outlining the basis for the appeal and attaching all documentation the Trainee believes supports the appeal.
- c. The DIO will review the Notice of Disciplinary Action letter and supporting documents as well as the Trainee's request for appeal and supporting documents. If the DIO determines that the Trainee's written statement does not identify one of the required grounds for appeal, the DIO may deny the appeal without undertaking a substantive review.
- d. If the DIO agrees that the basis for the appeal accurately identifies: (i) a material deviation from written procedures, or (ii) the discovery of new, material information that was unavailable to the Trainee and Program Director at the time of the Program Director's decision, the DIO may return the matter to the Program Director or the CCC to correct that circumstance without undertaking a substantive review of the disciplinary action.
- i. The DIO's decision will set forth the basis for returning the matter and the specific stage of due process the matter will return to in order to address the circumstances identified in the Trainee's appeal statement.
  - ii. After addressing the error or reviewing the new material, the Program Director must reissue a new or revised Notice of Disciplinary Action.
  - iii. If the Trainee still wishes to appeal the decision, the Trainee must submit a new appeal to the DIO.
- e. When the recommended disciplinary action is dismissal, the DIO may request an advisory opinion from the GMEC. The GMEC Chair will appoint a three-member panel to review the appeal. No member of the panel may have prior involvement with the disciplinary action.
- i. The panel will review the Notice of Disciplinary Action, the supporting documents, and all information submitted by the Trainee.
  - ii. Within seven (7) days of appointment, the panel will meet, discuss, and provide an advisory opinion to the DIO addressing whether the substantial evidence supports the decision.
  - iii. The DIO will consider the GMEC's advisory opinion before making a final decision.
- f. The DIO may uphold, modify, or reverse the Program Director's decision to impose disciplinary action. The DIO can reduce the disciplinary action but cannot increase the

sanction.

- g. If the disciplinary action is modified or reversed, the DIO will provide a basis for that decision and outline any additional or revised expectations.
  - h. The DIO will communicate the decision in writing to the Trainee, the Program Director, and Banner Human Resources.
  - i. The DIO's decision is final and not subject to further appeal. The decision is immediately effective unless otherwise stated.
3. If disciplinary action is imposed, the GME Office may notify the appropriate medical board, the ACGME, the ECFMG, and/or Banner Human Resources if required.
  4. If the disciplinary action is retention or probation, the Program Director will provide the Trainee with written confirmation when that period is complete.
    - a. The written confirmation will detail any continued areas of concern. Any documented areas of concern are considered non-disciplinary action.
  5. Dismissal from a Training Program will result in termination of employment from Banner – University Medical Group.

### **Impairment**

When a Trainee suspects they or another Trainee may be impaired, the Trainee must contact the Trainee's Program Director and provide the details of the behavior or information leading to this concern. When information suggests that a Trainee may be impaired, the Program Director will take necessary steps to determine whether credible evidence of impairment exists. If, in the judgment of the Program Director, no such evidence exists, no further action is necessary.

If, in the judgment of the Program Director, credible evidence exists to suggest impairment, the Program Director will institute the Drug Testing Policy protocol (below) and one or several of the following:

1. Testing of bodily fluids for misuse of chemical substances according to the section on Drug Testing described below;
2. Referral to an appropriate health professional including a psychiatrist or other mental health professional;
3. Periodic sessions with the Trainee's faculty advisor, Program Director or both;and/or
4. Disciplinary action in accordance with the section on Procedures for DisciplinaryAction previously described.

### **Drug and Alcohol Testing Policy**

Because chemical substance abuse (including alcohol, marijuana, illicit and licit drugs) may impair a Trainee's performance, tests for alcohol, marijuana, and chemical substances will be required at the time of the initial B-UMG employment physical. Refusal to submit to testing will result in the Trainee being deemed ineligible for employment with B-UMG and a withdrawal of the GME Program Acceptance

Letter.

In accordance with the Banner Employee Drug and Alcohol Testing Policy, a test is required whenever Reasonable Suspicion/Cause exists to conduct a test. Trainees who are on stipulation with AMB/OBEX or have signed a Banner Health Stipulated Conditions of Re-entry Agreement (“Re-entry Agreement”) will also be subject to random testing.

The Program Director or designee may require a Trainee to undergo Reasonable Suspicion/Cause testing for drugs and/or alcohol. The basis for Reasonable Suspicion/Cause testing includes without limitation:

1. Difficulty standing, walking or maintaining balance;
2. Stumbling, trembling, exaggerated gestures or movements;
3. Loud or nonsensical speech, exaggerated enunciation, slurred or incoherent speech;
4. Lack of response when spoken to; appearance of confusion in response to the speech of others;
5. Sleepiness or lethargy;
6. Sweaty or flushed appearance, bloodshot eyes;
7. Marked deterioration in appearance, or disheveled clothing or hair;
8. Odor of alcohol or marijuana
9. Hostile or aggressive behavior
10. Report from a reliable source that Trainee is abusing drugs or alcohol, including verbal, written, or photographic admission of drug or alcohol use;
11. Circumstances that indicate the Training may be diverting drugs.

The Program Director and the GME Office will review all matters in which drug testing is required and will be privy to the results.

Trainees will be placed on administrative leave pending the results of the test. Any Trainee who refuses to submit to testing or otherwise delays a test will be placed on administrative leave. The refusal or delay in testing is considered the same as a positive test.

Any Trainee who has a positive drug test may be immediately dismissed from the Training Program without the opportunity to utilize any of the procedural or appeal rights set forth in this manual.

All positive tests will be reported to AMB/OBEX. Actions taken by AMB/OBEX may be in addition to or concurrent with disciplinary action taken by the Program Director.

A Trainee with a positive drug test will not be permitted to return to work until: (1) the Trainee is cleared to return by AMB/OBEX; (2) the Trainee is cleared to return by Occupational Health; (3) the Trainee signs a Re-entry Agreement; and (4) the Program Director and the DIO agree that the Trainee may return to the Training Program. The Re-entry Agreement will include the conditions imposed by AMB/OBEX as well as any additional conditions set by Occupation Health and the Training Program. Continuation in the Training Program is conditional upon compliance with the terms of the Re-entry Agreement. Refusal to sign a Re-entry Agreement will result in immediate termination from the Training Program, without the opportunity to utilize any of the procedural or appeal rights set forth in this manual.

Performance and/or conduct issues suggesting evidence of impairment will be investigated and disciplinary action may be initiated as set forth above.

### **Administrative Leave Procedure**

The DIO and the Program Director (or designee) have the discretion and authority to place a Trainee on administrative leave for any reason from the Training Program or summarily impose limitations on Training Program participation.

Administrative leave is effective immediately upon notification to the affected Trainee, whether verbal or written. Once placed on administrative leave, the Program Director will inform the Trainee in writing of the parameters of the leave. The administrative leave will remain in effect until lifted at the discretion of the DIO or Program Director.

The status of administrative leave only affects the Trainee's ability to participate in the Training Program and is unrelated to pay or benefits through B-UMG.

### **Suspension**

Trainees may be immediately suspended from their Training Program if a Trainee is unable to meet program requirements or is otherwise deemed ineligible to participate in the program, including, but not limited to: (a) loss or disruption of eligibility to work in the United States; (b) loss of fingerprint clearance; (c) suspension of medical license; (d) suspension by B-UMG in the best interest of patient care; (e) suspension or exclusion from any clinical facility; or (f) inability to meet the essential qualifications of the Trainee position. Suspension is automatic with no opportunity to utilize any of the procedural or appeal rights set forth in this manual.

Suspension from program participation automatically results in suspension without pay from B-UMG.

The suspension will remain in effect for no more than three months to allow the Trainee to regain eligibility. The Program Director may, at their discretion and in consultation with GME, extend this period of time for good cause shown. Extensions must be documented in writing with a specific end date, not to exceed an additional three months.

If, at the end of three months or the granted extension, the Trainee is unable to regain eligibility, the Trainee may be dismissed from the Training Program.

### **Revocation of Medical License**

Action by ABM/OBEX revoking a Trainee's license/permit to practice medicine will result in the Trainee's automatic dismissal from the Training Program without any of the procedural or appeal rights set forth in this manual.