

TTUHSC School of Pharmacy Residency Manual

DISCIPLINARY ACTION

Although we do not anticipate problems occurring during a residency program, TTUHSC School of Pharmacy has adopted the following policy. Residents will be asked to sign the **Resident Disciplinary Policy** at the beginning of the residency program.

Resident Disciplinary Policy and Procedure

I. PROCEDURE FOR RESIDENT COMPLAINTS

If a resident, currently in a TTUHSC training program, has a particular problem or complaint, he/she should first attempt to resolve it on his/her own by consulting first with the Program Director, then with the Vice Chair of Residency Programs. If unable to resolve it at that level, the resident may present the complaint in written form to the Chair of the Department of Pharmacy Practice or Regional Dean within a period of 10 days. The Chair or Regional Dean will attempt to resolve the complaint, but if the complaint cannot be adjudicated, a committee of two Program Directors and a current resident will be appointed to hear the complaint. The decision of the appointed committee shall be final.

II. OBSERVATIONAL STATUS

Observational status is a step that may be utilized prior to probation. It is the duty of the Program Director for each residency to establish a mechanism for evaluating the performance of the trainees, including written progress reports to the residents. In the event a resident's clinical or educational performance is found to be unsatisfactory, the Program Director should meet with the resident at the earliest possible date, outlining in writing the deficiencies, how they are to be corrected, and the time span in which this correction is to occur. Copies of this written plan will be sent to the Vice Chair of Residency Programs, the Chair of Department of Pharmacy Practice, and the Regional Dean. If after a specified amount of time progress has not been made, the resident may be placed on probation.

III. PROBATION

A. Probation follows when a resident is notified that his/her progress or professional development is poor and that continuation in the program is at risk. Where there is concern that a resident's performance fails to meet the standards set for the training program, the resident may be placed on probationary status by the Vice Chair of Residency Programs upon the recommendation of the Program Director.

Notice of probation and the reasons for the decision will be set out in writing to the resident. The notice will be delivered by certified mail, Return Receipt Requested, to the resident at his residence or hand delivered with written acknowledgment of receipt by delivery to the resident. The Program Director must also discuss this decision with the resident. There should be clear documentation that the specific areas of concern about the performance of the resident have been identified, and the Program Director should outline, to the degree possible, a specific remedial plan.

B. The Program Director shall provide both a time and mechanism for re-evaluation. As a general rule, a minimum of 30 calendar days will be allowed for the resident to correct the identified deficiencies. However, some probationary periods may be for a shorter or longer periods of time. If at the end of the probationary period, the Program Director determines that the resident has not corrected the identified deficiencies, then the resident may be dismissed from the program. If at the end of the probationary period, the Program Director elects to dismiss the resident, the dismissal procedures in Section V must be followed.

If the Program Director is satisfied that the resident has corrected the identified deficiencies and any other deficiencies which may have arisen during the probationary period, then the resident will be notified in writing that the probationary status has been lifted.

C. A resident may be placed on probation at any time without first having been placed on observational status. The decision to place the resident on probation cannot be appealed.

If the resident is dismissed at the end of the probationary period, the dismissal may be appealed in accordance with the procedures outlined in V and IV VI.

IV. SUSPENSION

A. The Program Director may suspend a resident with concurrence of the Vice Chair of Residency Programs and the Chair of Pharmacy Practice, with or without pay, depending on the circumstances and at the discretion of the department. This includes, but is not limited to any situation where a serious professional charge is brought against the resident or there is concern that the resident's performance of his/her duties is seriously compromised or may constitute a danger to patients. Investigation will be initiated within 7 working days, with a goal for disposition to be determined within 30 days. This is a process that allows the department time to investigate the matter and determine what action it deems necessary. Suspension with pay cannot be appealed by the resident; however, suspension without pay is subject to appeal.

B. The resident will be notified of his/her suspension by letter sent by certified mail, Return Receipt Requested, to his/her residence or hand delivered with written acknowledgment of receipt/delivery. The Program Director and Vice Chair of Residency Programs shall confer with the resident regarding the suspension as soon as practicable.

C. Suspension will be lifted when the investigation is completed, unless it becomes necessary to extend beyond the 30 days to complete the investigation.

V. DISMISSAL

A. Upon recommendation of the Program Director, Vice Chair of Residency Programs, and Chair of the Department of Pharmacy Practice, and approval by the Dean if the School of Pharmacy, a resident may be dismissed during the term of the residency for unsatisfactory performance or conduct. Examples include, but are not limited to the following:

1. performance which presents a serious compromise to acceptable standards of patient care or jeopardizes patient welfare;
2. unethical conduct;
3. illegal conduct;
4. excessive tardiness and /or absenteeism;
5. unprofessional conduct;
6. job abandonment;
7. failure to obtain Texas licensure in a timely manner;
8. mental impairment caused by mental disorder or substance abuse;

The recommendation to the Dean for dismissal shall be in writing, outlining the areas deemed - unsatisfactory and the reasons for the dismissal. Dismissal in these situations implies poor performance or malfeasance and is subject to appeal. Job abandonment, defined as three (3) days absent from the program without notice to the Program Director, is tantamount to resignation and not subject to appeal.

B. The Dean will send a copy of his decision to the following: 1) resident, (certified mail, receipt requested or hand-delivered with written acknowledgment of receipt/delivery), 2) Program Director, 3) Vice Chair of Residency Programs, 4) Chair of the Department of Pharmacy Practice, and 5) Regional Dean. Upon remitting a Dismissal Letter to the resident, the dismissal will be final, and all compensation and benefits will end, effective that date unless this decision is appealed within 10 days.

VI. RIGHT TO APPEAL DISMISSAL

A. A resident who has been dismissed during their residency shall have the right to appeal the dismissal. In each appeal of dismissal, the issue will be determined by an equitable procedure, affording protection to the rights of the resident and to the interest of the institution. Salary and insurance benefits will be

provided during the appeal process, provided the resident has not exhausted sick and/or vacation leave time, not to exceed 45 calendar days from the receipt of the request of appeal.

B. The appeal must be submitted in writing to the Dean of the School of Pharmacy within 5 working days of receiving notice of action. Failure to appeal within the prescribed 5 days shall constitute waiver of the option of appeal and acceptance of the dismissal of the resident.

C. Upon receipt of the written notice of appeal by the resident, the Dean of the School of Pharmacy shall appoint an ad hoc Appeal Review Subcommittee which shall consist of 2 senior faculty members from Department of Pharmacy Practice and a current resident.

D. The Appeal Review Subcommittee shall set a time and place for the hearing on the appeal at the earliest practical date. The hearing date shall not be more than 20 calendar days after the date of the resident's request for an appeal.

E. Prior to the hearing, the resident shall, upon request, have access to and be entitled to a copy of his/her Department file (at the resident's expense) which shall contain all reports, evaluations and recommendations related to the action taken. The Appeal Review Subcommittee members shall each receive copies of said files, the letter of appeal, and any other relevant documents at least 5 days prior to the hearing. All documents shall be deemed confidential and returned to the department office after a decision is rendered.

F. At the hearing by the Appeal Review Subcommittee, the resident shall have the right to appear in person with legal counsel retained by the resident. The legal counsel may serve only in an advisory capacity to the resident and may not participate in the hearing. The institution shall have a representative from the Office of the General Counsel in attendance. The resident shall have the right to address the committee, but may not be required to do so, and may introduce in his/her behalf all evidence which he/she considers to be relevant material to the case. This material should be provided to the appeals committee chair no later than 5 days prior to the hearing. The resident shall not notify the subcommittee at least 5 days in advance if legal counsel is to accompany him/her.

The institution shall also have the right to legal counsel from the Office of General Counsel. All evidence offered must be reasonably related to the facts and statements concerning the reasons for dismissal and the resident's appeal. Failure of the resident to appear at any appeal hearing constitutes dismissal of appeal. The Appeal Review Subcommittee shall admit a report and recommendation to the Dean of the School of Pharmacy no later than 7 calendar days from the end of the hearing.

G. The Dean of the School of Pharmacy shall review the recommendation and make a decision, which shall be communicated in writing to the 1) resident, (certified mail, return receipt requested or hand-delivered with written acknowledgment of receipt/delivery), 2) Program Director, 3) Vice Chair of Residency Programs, 4) Chair of the Department of Pharmacy Practice, and 5) Regional Dean.

H. Remedies and procedures contained herein must be exhausted in their entirety prior to resort by the resident to any other forum.

ADDITIONAL PROGRAM POLICIES

Policies that support the day-to-day function of the residency program will be described in the Resident's Manual. This document is updated annually prior to the start of each residency class. The Resident's Manual will be maintained on the Residency Web Page. Additional program specific requirements will also be maintained on the Residency Web Page by the individual Program Director.