

Department of Anesthesia

Title:

Fair Hearing Process for Residents

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3

Attachments:

None

Purpose

To establish a policy for Department of Anesthesia post-graduate training program within MedStar Georgetown University Hospital to use in the adjudication of all actions resulting in dismissal or otherwise threatening the career of the house officer.

Scope

This policy will apply to all Anesthesia house staff who participate in a graduate medical education (GME) training program at MedStar Georgetown University Hospital.

Definitions

- A. House Staff of House Officer – refers to all CA1, CA2 and CA3 residents and enrolled in a MedStar Georgetown University Hospital Anesthesia post-graduate training program.
- B. Post-Graduate Training Program – refers to a residency or fellowship educational program.
- C. Remediation – the act or process of remedying or correcting
- D. Probation – A formal level of academic or professional discipline.
- E. Termination – The act of severing employment prior to the expiration date of the house officer's contract.

Responsibilities/Requirements

- A. A house officer may request a Fair Hearing when an action has been taken by the program that could result in the house officer's termination or could significantly threaten the house officer's career, including recommendation for summary suspension, institutional probation, non-renewal of contract or potential termination. Departmental Remediation is not grounds for a Fair Hearing, pursuant to the policy on Evaluation of House Officers.
- B. The purpose of the Fair Hearing is to ensure that the house officer's due process rights have been met.
- C. A resident may be removed from clinical responsibility pending the Fair Hearing, if the program director determines that patient care may be compromised.

- D. A Fair Hearing must be requested within five (5) working days of the written notification of the action. All requests for Fair Hearing shall be made in writing, and addressed to the Director of Medical Education/Vice President for Medical Affairs, and copied to the Program Director.
- E. Once the request has been received, the Director of Medical Education /VPMA will review the request and assure that a Fair Hearing is an appropriate means for adjudicating the complaint (see item IV. A. above). If the request is not appropriate for a Fair Hearing, the house officer will be notified and the Grievance Policy/Process will be recommended.
- F. If the Director of Medical Education/VPMA deems the Fair Hearing request to be for a valid reason (as stated in IV. A.), he/she will then convene the Fair Hearing Board as identified below. The first meeting of the Fair Hearing Board will be within ten (10) working days of the written request.
- G. The Fair Hearing Board will consist of the following five voting members, appointed by the Chairman:
 - 1. CHAIRMAN: Director of Medical Education/VPMA – (or designee in cases of conflict of interest, or inability to attend);
 - 2. Two (2) faculty members of other programs not directly associated with the house officer.
 - 3. Two (2) house officers from programs other than that of the house officer in question, and at similar levels of training.
 - 4. In addition to the five voting members listed above, the following members of administration will staff and serve as advisors to all Fair Hearing Committees:
 - a. MedStar Health System, Inc. Executive Vice President for Medical Affairs (or designee)
 - b. MedStar Health System, Inc. Corporate Director of Medical Education & House Staff Research (or designee)
- H. Neither the house officer nor the Hospital shall be represented by legal counsel at the proceeding. However, each may produce witnesses and documentation on their behalf.
- I. As a result of the process, the Fair Hearing Board will reach a decision by majority consensus either to:
 - 1. Support the departmental decision; or
 - 2. Rescind the departmental decision; or
- J. If the Departmental decision is rescinded, the situation will be sent back to the Department for the development of an alternate action plan, which will be approved by the Fair Hearing Board.
- K. A written report of the Fair Hearing Board shall be produced within five (5) working days of the conclusion of the Hearing process. The Chairman of the Fair Hearing Board

shall meet with the house officer to review the outcome of the Board, and to review all further actions.

- L. All proceedings and decisions of the Fair Hearing Board shall be reported to the Graduate Medical Education Committee and the Program Director, in a confidential manner.

Russell T. Wall, MD
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