What are we gonna do with that resident? The Remediation and Probationary Process

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Learning Objectives

- Define, in competency-based language, a resident learning deficiency.
- List the dual purposes of a probation letter.
- List the attributes of a probationary committee for resident remediation.
- Develop a plan for putting a probationary process into place in your residency, based on institutional policies and Graduate Medical Education (GME) regulations.

Outline

- Describe our approach to “pre-probation”
- Define the contents of a probation meeting and letter
- Appointing a probationary committee
- Developing a timeline and a remediation plan
- Share examples of competency-based language for probation

Our experience 2002 - 2016

- 12 residents on probation
- 6 residents received “pre-probation”
- 6 residents – progress committees
- 1 resident – non-promotion (4 months)
- 13 residents graduated
- 3 residents terminated
- 2 residents resigned/transferred

Definition: Probation

- **1375–1425;** late ME ***probacion*** < L ***probātiōn-*** (s. of ***probātiō***).
- -the act of testing.
- -the testing or trial of a person's conduct, character, qualifications, or the like.
- -the state or period of such testing or trial.
- ***Education.*** a trial period or condition of students in certain educational institutions who are being permitted to redeem failures, misconduct, etc.

Pre-probation

- When a few incidents become a pattern
- Importance of written documentation
- Pre-probation letter
- Resident involvement in correction plan
- Pre-probation meeting
- Increasing frequency of evaluations
- Actively soliciting feedback

When do you need to put a resident on probation?

Balancing:

- Helping resident succeed and documentation for possible termination;
- The right of the resident to pursue their career aspiration and the well-being of the public

Who is involved?

- Program director
- Resident
- Probationary committee
- Faculty advisor

A few caveats and disclaimers…

- I have no experience with resident unions
- URMC treats residents as learners – GME office involved, not HR
- Well developed, specific GME Resident Manual
- All probationary letters reviewed in advance by DIO; all termination letters reviewed by DIO AND URMC attorney

For the program director:

Who can you touch base with?

Who can you have frank, non-judgmental discussions with – about gender, race, doubts?

Who can you ask “Am I doing the right thing?”

Structure of probation

Role of program director:

- Define why probation necessary
- Define possible outcomes of probation
- Describe what success would look like

Structure of probation

Role of Probationary committee:

- Facilitate resident's improvement
  - Clarifying
  - Counseling
  - Cajoling
  - Coordinating
- Provide minutes of meetings to program director
- Make final recommendation

Role of faculty advisor

Safe "sounding board"

NOT involved in probationary committee

No expectation of minutes back to PD or probationary committee – but can help clarify specific aspects of probation resident may be struggling in

The process of probation

What does the program director do?

- Appoints the probation committee
- Writes the probation letter
- Meets with resident
- Reviews probation committee minutes
- Makes final decision

The process of probation

What does the probation committee do?

- Initial meeting - just faculty
- Meets regularly with resident.
- Reviews resident's progress.
- Suggests additional resources.
- Updates program director.
- Maintains resident confidentiality.

The process of probation

What does the probation committee do?

- Initial meeting:
  - Review objective data
  - Discuss concerns
  - Establish roles

The process of probation

What does the resident do?

- Reviews their evaluations, probation letter, and remediation plan.
- Meets regularly with the probation committee.
- Works with the probation committee to set and achieve goals to improve performance.

The Probation Letter

Clearly state in first line of the letter—what and why?

Use competency-based language to list rationale for probation

Be as specific as possible!

- problems leading to probation
  - Failure of rotation
  - Lack of professional behavior
- proposed solutions

Provide the committee data from which to develop remediation plan with the resident.

The Probation Letter

The beginning—What, When and Why?

WHAT: 1st sentence - "This letter is to formally notify you that you are being placed on academic probation."

WHEN: 2nd sentence - "The probationary period will take effect October 1, 2009 and will continue for 90 days, until January 1, 2010."

WHY: 3rd sentence –Summary: "The reasons that you are being placed on academic probation are for deficiencies in the competency of medical knowledge."

The Probation Letter

The middle—

- Document the concerns that led to probation
- Categorize by competency
- Quote from evaluations
- *S/he is unable to synthesize the medical problem at hand and I believe this stems from lack of an understanding of disease pathophysiology.*
- *(She) is definitely an aggressive resident – a positive and negative quality. I…think this is frequently interpreted as hostile and egotistical by peers and nursing staff. I witnessed when another attending was speaking to XX (behind her) and (she) rather rudely responded.*

The Probation Letter

The end--possible outcomes

"There are four possible outcomes to this probationary period:

- full reinstatement into the program;
- an additional 90 days of probation;
- Non-renewal of annual contract;
- or immediate termination.

Your performance in the next 90 days will have a huge impact on which of these possible outcomes is enacted. The following will need to occur for you to successfully complete this probationary period, and your residency:"

The Probation Letter

- The end—define success
- What would define success?
- Program Director--establishes the goals
- Probationary committee--assists the resident in meeting the goals

Our case - only the names have been changed….

- Pre-probation letter
- Probation letter
- Termination letter

Things to think about if headed towards termination…

- Review your own paper trail – does it make sense?
- Know appeal process – prepare for appeal in advance
- Communicate with advisor
- Set up meeting with all other residents for 1-2 days after termination

Progress committees

- Milestones help recognize the need
- Formal intervention PRIOR to probation
- Same roles of PD, 3 faculty committee
- Not on formal record; do not report to GME office
- Used 6x; in all six, avoided probation

Learning Objectives

- Develop an example of a resident learning deficiency in competency-based language.
- List the attributes of a probationary committee for resident remediation.
- Develop a plan for putting a probationary process into place in your residency, based on institutional policies and Graduate Medical Education (GME) regulations.

During the break…

- Discuss / think about how you might implement the information you just heard.
- Fill out a session evaluation.

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