

**University of Tennessee Graduate Medical Education Program
and Hospital and Clinical Affiliate
Procedures for Handling Resident Discipline/Policy Violations**

All residents and fellows in the University of Tennessee Graduate Medical Education Program are student employees of the University of Tennessee. As such, they are responsible for following all University policies, including the University's Code of Conduct and work rules, ACGME guidelines for residency training and federal and state laws or rules and regulations pertaining to the practice of medicine. Residents are also required to comply with the bylaws, policies, rules or regulations of our affiliated hospitals and clinics. Resident conduct which violates professional and/or ethical standards, disrupts the operation of the University or affiliated hospitals or disregards the rights, welfare or safety of patients, visitors or hospital/clinical staff will not be tolerated.

University and GME Responsibilities

As the responsible institution for all ACGME accredited programs, the University of Tennessee College of Medicine is responsible for administrative oversight for all training programs. It is the responsibility of each program director to be aware of resident behavior and conduct at all times. If the program director **observes** or **is informed** of physical, mental or emotional inability on the part of the resident as it affects his/her performance or policy and rule violations, the program director must take steps to verify the complaint and act. **Disciplinary actions or interventions for impairment (substance abuse or psychological), policy or work rule violations or academic deficiencies are the responsibility of the University and will be handled according to GME and University Policies and Guidelines.** The GME policy on disciplinary actions is found on the GME website at <http://www.utmem.edu/gme> (see GME Policy #620).

Hospital and Clinical Affiliate Responsibilities

Hospital teaching affiliates must report aberrant physical or mental behavior or policy violations to the University. Hospitals and/or clinical entities should first notify the resident's program director or immediate attending physician and the Graduate Medical Education Office. Hospitals and other clinical teaching facilities may request that a resident be removed or suspended from training activities at their facilities if they have violated hospital policies or present a threat to patient safety. In the event that immediate action must be taken, a resident should be safely escorted from hospital property and the University notified immediately. A listing of contact information for on-call GME administrators will be provided to each teaching facility if immediate actions are required and the program director is not available.

Policy and Procedure References and Contact Information

The following listing provides summary information on University policies and guidelines pertaining to resident professional behavior and clinical performance:

- **Aid for Impaired Residents Program (AIRS)**

The GME Program has established a joint program with the TMF Physicians Health Foundation for dealing with resident impairment due to substance abuse or psychological issues. Entry into the AIRS program is a formal process and requires that the resident follow a TMF prescribed rehabilitation program. The resident's training position will be protected until the resident is ready to return to work. If a resident has been enrolled in the AIRS Program, a formal written document will be provided to the designated administrator at each teaching facility that the resident has been approved by TMF to resume training. Every effort should be made to maintain the confidentiality of the individual. (See GME Policy #260.)

- **Drug Testing for Cause**

The University of Tennessee's policy on drug and alcohol use allows the University to require that an employee be drug tested if reasonable suspicion exists. Drug testing will be handled by the TMF Physicians Health Foundation.

In the event that a hospital affiliate observes behavior that suggests substance abuse, they should immediately notify the program director or other responsible faculty member who will relieve the resident of assigned clinical responsibilities and notify the Graduate Medical Education Office. If the program director is not available, the hospital should notify the GME office directly. The Graduate Medical Education Office will work with the program leadership and TMF to determine if a problem exists and the appropriate rehabilitation needed. The GME office will be responsible for notifying the appropriate hospital representative when the resident is to be returned to clinical duties.

- **HIPAA Violations**

Residents are required to complete online HIPAA training and are responsible for compliance with all HIPAA laws pertaining to patient confidentiality laws. Violations should be reported to the Graduate Medical Education office.

- **Malpractice Allegations**

Residents have immunity under the Tennessee Claims Commission Act of 1985 for actions falling under the scope of their job responsibilities as residents. Their defense will be handled by University of Tennessee attorneys. They do not have immunity for moonlighting activities or other clinical responsibilities for which they receive payment directly from a hospital. Residents are instructed by University counsel not to discuss incidents or potential litigation with hospital representatives (attorneys or risk management personnel) until they have made contact with the UT Office of General Counsel. Hospital representatives should report alleged malpractice or other legal concerns directly to the UT Office of General Counsel at 901-448-5615.

- **Sexual Harassment**

The University of Tennessee is committed to fostering an environment that prevents sexual harassment of students and employees. The University's policy follows the Equal Employment Opportunity Commission guidelines. Any allegations of sexual harassment regarding a resident (the resident is harassing another individual or is being harassed) must be reported to the Office of Equity and Diversity at 901-448-2112 who will investigate the allegation. It is the responsibility of any University faculty member or employee to notify Equity and Diversity if a resident or student

confides in them instances of sexual harassment. Hospital representatives should notify the Office of Graduate Medical Education if an instance of sexual harassment is reported or observed in their facility. (See GME Policy #330 – Harassment.)

- **Violations of Hospital Bi-laws, Policies and Procedures**

Residents are responsible for following administrative, patient care and safety policies. If a violation occurs, the resident's attending physician or program director should be notified.