

**LANCASTER GENERAL HOSPITAL  
ACGME POLICIES**

**In Reference to ACGME Institutional Requirements – Effective July 1, 2022**

*IV.D.1.b) Institutional GME Policies and Procedures: The Sponsoring Institution must have a policy that provides residents/fellows with due process relating to the following actions regardless of when the action is taken during the appointment period: suspension, non-renewal, non-promotion; or dismissal. (Core)*

**The Lancaster General Hospital Sponsoring Institution Due Process policy as it relates to Graduate Medical Education, mirrors the policy of the Family Medicine Residency “Corrective Action & Due Process” policy, as it appears below.**

I. Initiation of an Investigation

- A. Whenever a member of the attending staff, a Faculty Member, or a Resident becomes aware of activities or conduct of any Resident of either an academic or behavioral nature which may be considered unprofessional, disruptive to the operations of Lancaster General Hospital or the Family Medicine Residency Program, failure to meet the acceptable standard of medical care, or failure to maintain the standard of conduct required of Residents, he/she shall bring the problem to the attention of the Program Director within five (5) business days, or as soon thereafter as practicable.
- B. The Program Director may consult with other members of the Faculty, including the involved Resident's Faculty Advisor, the attending staff, other Residents, including the Chief Resident or the Resident Coordinator, and/or appropriate LGH administrators and employees, as may be necessary to investigate the matter fully.
- C. The Program Director shall notify the involved Resident within five (5) business days of the initiation of an investigation of the Resident's conduct.

II. Disciplinary Action

A. Suspension or Termination

- 1. In some circumstances, the conduct of a Resident may be considered sufficiently serious to warrant suspension or dismissal of the Resident from the Family Practice Residency Program. The following are examples of such conduct:
  - a. Any action which materially jeopardizes the welfare of patients, such as abandonment;
  - b. The use or possession of alcoholic beverages, or the use or possession of illicit controlled substances while on duty or on Hospital property;

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- c. Illegal, immoral, dishonest, or unprofessional behavior;
  - d. Failure to report to work as assigned, without notification of the proper individuals;
  - e. Breach of the Resident’s Employment Contract with the Family Practice Residency Program;
  - f. Other behaviors as outlined in the Penn Medicine Lancaster General Health Human Resources Corrective Action Policy.
2. If the Program Director (or an authorized designee) determines that the conduct of the Resident is sufficiently serious to warrant a suspension or dismissal from the Family Practice Residency Program, the Program Director shall proceed as follows:
- a. The Program Director shall convene a meeting of the Administrative Committee, which includes the Program Director, Deputy Directors, the Resident’s advisor, the Chief Residents and a representative from LGH Administration appointed by the Chief Medical Officer, to discuss the matter, conduct any investigation the Administrative Committee deems appropriate and prepare written findings and recommendations. This meeting shall be held within two (2) business days of the Program Director being notified of the Resident’s conduct.
  - b. The findings and recommendations of the Administrative Committee shall be given to the involved Resident within two (2) business days of the Committee's meeting.
  - c. If the Administrative Committee recommends that the Resident be suspended or dismissed from the Residency Program, the Program Director shall notify the Designated Institutional Officer, Graduate Medical Education Committee and forward the Committee's recommendation to the Chief Medical Officer of LGH.
  - d. In the event that the Administrative Committee recommends that the involved Resident be suspended or terminated from the Residency Program, the Resident may seek review of the decision as permitted in Section III, below.
- B. Other Disciplinary Action
- 1. If the conduct of the Resident is of a less serious nature than that described in Section A. above, the Program Director shall review the

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matter with the Chief Resident or Resident Coordinator (or both, when appropriate), and the Resident's faculty advisor as soon as practicable after being informed of the Resident's conduct. The Chief Resident or Resident Coordinator will then meet with the involved Resident and the Resident's Faculty Advisor to discuss the matter. The Chief Resident, Resident Coordinator, or Faculty Advisor will then make a recommendation to the Program Director regarding any action that may be necessary.

2. The Program Director will then review the recommendation and discuss further if necessary with appropriate faculty and administrative residents. The Program Director will then make a final determination of what action is appropriate within ten (10) business days of this meeting. Such action may include, but is not limited to:
  - a. informal counseling of the Resident by a Faculty Member;
  - b. requiring the Resident to receive psychological counseling;
  - c. a written reprimand; or
  - d. placing the Resident on probation.
3. If the Resident does not agree with the action of the Program Director, the Resident may seek appeal as outlined in Section III, below.

III. Resident Appeal Procedure

A. General Information

1. The Resident Appeal Procedure is established to afford Family Medicine Residents with a procedure to resolve conflicts, disputes, or other disagreements which may result in disciplinary action as described in Sections II, A and B or affect a Resident's academic or professional progress. This process is available to all Residents being subjected to any academic or professional discipline, including any action taken pursuant to Sections II, above.
2. At each level of the Complaint Procedure, the Resident may present relevant evidence in the form of documents or witnesses. With the exception of Step 4, the Appeal Hearing, the Resident may not be represented by an attorney.
3. The Resident should access the Complaint Procedure at the appropriate point. For example, if the Administrative Committee is recommending that the Resident be suspended or terminated from the Residency Program, the Resident should begin by submitting a request for review by the Administrative Committee.
4. Extensions of the time periods contained at Steps 1, 2 and 3 may be

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granted at the discretion of the Program Director. Extensions of the time periods contained in Step 4 shall be granted at the discretion of the Chief Operating Officer.

**B. The Appeal Process**

Step 1. When the matter involves an issue or dispute between the Resident and a Faculty Member, the Resident should discuss the issue or dispute with that Faculty Member first. If after a full, open and honest discussion, the matter is not resolved to the satisfaction of the Resident, the Resident may submit a written "request for review" of the matter to the Program Director. This request for review must be submitted within ten (10) business days of the meeting with the Faculty Member and should detail the issues and concerns of the Resident.

Step 2. If the matter involves an issue, dispute or disagreement with the Program Director, or the Resident has submitted a written request for review of a matter not satisfactorily resolved with a Faculty Member, the Resident shall meet with the Program Director to discuss the matter. If the matter involves a Faculty Member, the Faculty Member shall attend and participate in the meeting. The meeting between the Resident and the Program Director shall take place within five (5) business days of the Program Director receiving the request for review from the Resident.

After reviewing the information presented by the Resident and conducting such other investigation that the Program Director believes is appropriate, the Program Director shall respond in writing to the Resident within ten (10) business days of the meeting.

Step 3. If the Resident is not satisfied with the response of the Program Director, or the Administrative Committee has recommended that a Resident be suspended or terminated from the Family Practice Residency Program, the Resident may submit a written request for review by the Administrative Committee. This request for review must be submitted within five (5) business days of receipt of either the Program Director's findings pursuant to Step 2, or the recommendation of the Administrative Committee that the Resident be suspended or terminated, whichever is applicable.

The Resident will have a minimum of ten (10) business days to prepare a presentation or submit a written statement to the Administrative Committee. If an action of a Faculty Member is involved, the Faculty Member shall be present for questioning by

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the Administrative Committee.

After the Resident has completed the presentation, the Committee may conduct such further investigation it believes is necessary. It will then discuss the matter and prepare a written response to the Resident. The Resident may not be present during the Committee deliberations. The Administrative Committee's written findings shall be forwarded to the Resident and the LGH Chief Operating Officer or designee within five (5) business days of the Resident's presentation to the Committee.

Within ten (10) business days after receipt of the Administrative Committee's findings, the Chief Operating Officer shall render a written decision to the Resident. Except as provided for in Step 4. below, such decision of the Chief Operating Officer shall be final.

- Step 4. If the Administrative Committee has recommended that the involved Resident be dismissed or suspended from the Family Practice Residency Program, the Resident may submit a written request for review by an Appeal Committee. This request for review must be submitted to the Chief Operating Officer of LGH or designee within five (5) business days of receipt of the written findings of the Administrative Committee.

The Chief Operating Officer or designee shall appoint an Appeal Committee consisting of five (5) members, one of whom shall be designated to serve as the Chair. Three (3) committee members, including the Chair shall be physician members of the LGH Graduate Medical Education Committee, but not the Faculty Member with whom the Resident has a dispute, if applicable, or the involved Resident's Faculty Advisor. The other two (2) members shall be current Residents in the Family Practice Residency Program. The Residents appointed shall not be from the same post-graduate year as the aggrieved Resident.

A hearing shall be held not less than ten (10) business days nor more than twenty-eight (28) calendar days from the date of the Resident's request for a hearing. The Chief Operating Officer or designee shall notify the Resident of the place, time and date of such hearing at least seven (7) calendar days in advance of such hearing date.

The Chief Operating Officer or designee has the discretion to extend the time periods contained in this Step, at the request of either the involved Resident or the Program Director.

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The Resident shall have the right to be represented by counsel (or other advocate of choice), to call, examine and cross-examine witnesses, to present relevant evidence (as determined by the Appeal Committee), and to submit a written statement at the close of the hearing. The hearing need not be conducted strictly according to the rules of law relating to the examination of witnesses or presentation of evidence. A transcript of the hearing shall be made.

The Program Director shall present the findings and recommendations of the Administrative Committee. In the discretion of the Chief Operating Officer or designee, the Program Director and/or Administrative Committee may be represented by counsel.

Within ten (10) business days after final adjournment of the hearing, the Appeal Committee shall make a written report and recommendation, a copy of which shall be sent to the involved Resident and the Program Director. At the same time, the Appeal Committee shall forward its report and recommendation together with the hearing record and all other documentation to the Chief Operating Officer or designee. The Chief Operating Officer or designee shall render a written decision to the Resident within five (5) days after receipt of the Appeal Committee's report and recommendation. Such decision shall be final.

*Revised in accordance with GMEC recommendations and in compliance with RRC & ACGME requirements.*