NORTH CAROLINA BAPTIST HSOPITALS, INC.
POLICY AND PROCEDURE

From: Physician Services

Approved by: _____
Director, Physician Services

_____
Chair, Graduate Medical Education Committee

Prepared by: Physician Services

SUBJECT: DISCIPLINARY/HEARING AND REVIEW POLICY

I. Policy

It is the policy of North Carolina Baptist Hospitals, Inc. that a resident who has been given notice of suspension, or notice of intent to terminate, shall receive a hearing with respect thereto if, within seven (7) days of such notice, a written notice of appeal is delivered to the supervising Chief of Service or Hospital President.

II. Purpose

To ensure that the resident knows and understands his/her options when notified of suspension, or intent to terminate.

III. Procedure

a) A House Officer who has been given notice of suspension, or notice of intent to terminate, and who has given written notice of appeal within seven (7) days of the receipt of the notice of suspension or notice of intent to terminate, shall, upon request, be entitled to a hearing before the Appeals Committee established within thirty (30) days of the notice of appeal.
b) The Appeals Committee ("Committee") shall consist of the Executive Committee of the Chiefs of Professional Services.
c) The hearing before the Committee shall be formal or informal, as requested by the appealing House Officer. If the House Officer advises that he or she desires an informal hearing, the Committee shall meet with the House Officer, the supervising Chief of service (and Hospital President when appropriate), for an informal discussion of the reasons for the suspension or termination, and the reasons the House Officer believes the suspension or termination should not be made. At the informal hearing the proceedings shall not be recorded, witnesses need not be sworn in, and in general, the formalities of a formal proceeding shall not be required.
d) If the House Officer requests a formal hearing, the following provisions shall apply:
    1. the House officer may be represented by counsel;
    2. all witnesses will be sworn in;

3. the House Officer may examine and cross-examine all witnesses, and may introduce relevant documentary evidence;
4. the proceedings will be recorded mechanically, but the House Officer or his/her counsel may make arrangements, at their own expense, for a court reporter or other recording of the proceedings;
5. the rules of evidence applicable in a court of law shall not be applicable to the hearing, but witnesses shall be admonished to testify only as to matters relevant to the inquiry before the Committee;
6. the Chief of Service and Hospital President, or Committee, may be represented by counsel;
7. the findings and conclusions of the Committee shall be reduced to writing, shall be based on the evidence presented, and shall be delivered to the House Officer, Chief of Service, and Hospital President;
8. if the suspension or notice of intent to terminate is based upon a determination by the Chief of Service that the House Officer's professional progress or performance is not satisfactory, the decision of the Committee shall be advisory to the Chief of Service only; however, if the Committee in such cases determines that the actions of the Chief of Service are arbitrary and capricious, the decision of the Committee shall be binding on the Chief of the Service.

The process and procedures described above shall be applicable with respect to any proposed disciplinary action by NCBH involving the House Officer and with respect to appeals by the House Officer of any adverse actions taken by NCBH.

Reference: Accreditation Council on Graduate Medical Education Institutional Requirements 2002-2003.

1996; reviewed 9/99; reviewed 10/02