



Policy Number GME-2220-004
Date of Last Review Month Year: 06/2022
Date of Last Revision Month Year :
Policy Owner(s) Department GME

Institutional Requirement IV.E
2022 Accreditation Council for Graduate
Medical Education (ACGME)

Graduate Medical Education: Grievances

I. Purpose

To define the conditions and processes for Grievance-Fair Hearing available to residents, fellows in Ochsner Lafayette General Medical Center ACGME accredited programs.

II. Scope

All Ochsner sponsored residency and fellowship programs.

III. Definitions:

- **Ochsner Lafayette General Medical Center (OLG)**
- **ACGME:** Accreditation Council for Graduate Medical Education
- **Resident:** Any trainee in an OLGMC sponsored residency training program
- **Fellow:** Any trainee in an OLGMC sponsored fellowship training program
- **Program Director:** Appointed faculty member with overall authority and accountability for the Ochsner Lafayette General Medical Center accredited training program
- **Designated Institutional Official (DIO):** Individual responsible for oversight of Graduate Medical Education programs
- **Graduate Medical Education Committee (GMEC):** Responsible for policy and oversight of Ochsner Lafayette General Medical Center Graduate Medical Education, chaired by the DIO

IV. Policy Statements

Ochsner Lafayette General Medical Center will maintain a Grievance-Fair Hearing process and procedure that permits due process and adjudication of all actions resulting in termination or non-renewal. Contesting evaluations, letters of recommendation of performance, and probations are not grounds for a Grievance-Fair Hearing.

- All efforts will be made to resolve problems, whenever possible, before filing a grievance. Residents are encouraged to present and discuss any grievance first with his/her chief resident or representative of the Fellows' Association. The grievance will then be presented to either the program director (for program-specific grievances) or to any member of the GMEC (for non-program-specific grievances).



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- A Grievance-Fair Hearing must be filed in writing within five (5) business days of the decision being grieved, addressed to the Office of Graduate Medical Education Administration.
- The process of the Grievance-Fair Hearing is to ensure that the resident's due process rights have been met.
- A resident may be removed from clinical responsibility pending the Grievance-Fair Hearing, if the DIO determines that patient care may be compromised.
- The DIO will assure that a Grievance-Fair Hearing is an appropriate means for adjudicating the complaint. If the request is not appropriate for a Grievance the resident will be notified in a written communication.
- If deemed appropriate for adjudicating the complaint, the DIO will convene the Grievance-Fair Hearing board outline in attached procedure. Subject to the availability of all parties, the first meeting of the Grievance-Fair Hearing Board will occur within 30 days of the written request.
- The Fair Hearing Board will consist of the following five (5) voting members, appointed by the DIO or designee in the cases of conflict of interest or inability to attend. The DIO (Chair) will be a non-voting member.
 - Three (3) faculty members from program not directly associated with the resident who has filed the Grievance-Fair Hearing.
 - Two (2) house staff trainees from program not directly associated with that of the resident who has filed the Grievance-Fair Hearing.
- In all cases of suspension, termination or non-renewal of contract it is expected that the appropriated counseling, probationary and remedial periods have been performed and documented.
- All written notification associated with the formal grievance process shall be by certified mail.
- Written notification of non-renewal of contract must occur four (4) months prior to the end of the contract year.



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V. Procedure

Unless otherwise specified, the following procedures are to be used in all Grievance-Fair Hearing procedures.

- The Chair of the Fair Hearing Board, along with committee will be identified at least three weeks prior to formally convening the Fair Hearing Board. The resident then has 4 business days to formally submit in writing an objection to any of the committee's participation.
- At least five (5) business days before the hearing date, both the Resident and the Institution shall submit witness lists and documents to be presented at the Grievance-Fair Hearing. These items shall be delivered to the Chair of the Fair Hearing Board.
- A Resident who fails to appear after proper written notice will be deemed to have waived his/her right to contest the Institution's decision. If the Resident fails to appear, hearing will proceed.
- Neither the Resident nor the Institution shall be represented by counsel at the hearing. The Resident and Institution may have an advisor available (which may include counsel), but the advisor may not participate or be present in the proceedings.
- All persons shall be asked to affirm that their testimony is truthful. Furnishing false information to the Institution may result in formal actions by the Institution.
- Both the Resident and the Institution shall be offered the opportunity to present their witnesses and to question each other's witnesses.
- Prospective witnesses shall be excluded from the Grievance-Fair Hearing during the testimony of other witnesses. All parties and witnesses shall be excluded during the deliberations of the Grievance-Fair Hearing Board.
- The burden of proof shall be on the Resident, who must establish that the Institution's decision was in error by preponderance of the evidence. Formal rules of evidence shall not be applicable, nor shall harmless or technical procedural errors be grounds for appeal. All evidence reasonable people would accept in making decisions about the own affairs is admissible. Irrelevant or immaterial evidence will be excluded.
- Final decision of the Grievance-Fair Hearing Board shall be by majority vote of all members of the Board present and voting.



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- Written findings and recommendations of the Grievance-Fair Hearing Board will be forwarded to the Dean – Medical Education (Dean) within 10 working days of the Grievance-Fair Hearing with a copy to the Resident and the GME Administration. At this time the Resident or the Program Director has the right to request a meeting with the Dean to review these issues.
- The Dean will render his final decision within 10 working days of receipt of the Grievance-Fair Hearing written findings and recommendations or ten (10) working days after meeting with the parties.
- The final decision of the Dean shall be reported to the Graduate Medical Education Committee and applicable Program Director.

Approved

Al Patin, RN, MBA
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Ronald G. Amedee, MD
Dean – Medical Education

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Designated Institutional Official

Policy History

Date of Issue: 06/2022