

<b>Memorial Hospital at Gulfport</b>				
<b>Policy/Procedure Title</b>	Resident Disciplinary Action Policy	<b>Manual Location</b>		GME
<b>Policy/Procedure #</b>	500.04	<b>Effective</b>	05/23/2019	Page 1 of 4
<b>Department Generating Policy</b>	Graduate Medical Education			
<b>Prepared By</b>	Shelley Pringle	<b>Dept/Title</b>	GME/DIO	
<b>Dept / Committee Approval</b> (If Applicable)	Graduate Medical Education Committee	<b>Date/Title</b>	05/23/2019	
<b>Medical Staff Approval</b> (If Applicable)		<b>Date/Title</b>		
<b>Board Approval</b> (If Applicable)		<b>Date/Title</b>		
<b>Standard ACGME</b>	CPR II.A.4.m			

### **Purpose**

To define the processes for resident disciplinary action while maintaining a safe and effective workplace.

### **Policy**

#### **Disciplinary Action**

The principal objective of Memorial Hospital at Gulfport (“MHG”) guidelines is to develop a goal-oriented workforce that efficiently and effectively provides a high level of service and care to our patients, while educating highly skilled physicians. Deviations from MHG guidelines may adversely affect patient care. To maintain a safe and effective workplace, MHG has a corrective disciplinary process with the goal of ensuring a resident is aware of a concern and potential solutions before the concern becomes too serious or adversely affects the residents’ position. The intent of the disciplinary process is to effect positive change to a resident’s performance at the early stages rather than taking corrective action later when the concern becomes serious. Disciplinary action may take the form of counseling, verbal warnings, written warnings, suspension or separation of employment. However, MHG reserves the right to take the corrective action it deems appropriate in any given situation, up to and including separation.

It is not possible to list all conduct that may result in disciplinary action. The following list is merely a guideline of some of the conduct which may result in separation or other disciplinary action, for more information refer to MHG Hospital wide Policy II.49.

Examples of conduct that may result in immediate separation:

- Fighting; physical resistance to authority; threatening or inflicting bodily harm; activities of a similar nature.

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- Bringing onto hospital property and/or having possession of dangerous or unauthorized materials such as explosives, firearms or other weapons, or other similar items while on hospital property or on duty, without authorization.
- Neglect or abuse of a patient; activities of similar nature.
- Defiance of authority including without limitation insolence or insubordination, delay in performing or refusal or failure to work, to perform assigned duty or perform duty in assigned manner; activities of a similar nature.
- Unauthorized removal or attempted removal or possession (whether by theft or otherwise) of property from the hospital, other employees, patients, or guests of the hospital.
- Careless, negligent, or incompetent performance of work or duty (whether by licensed/certified or other personnel), including without limitation unauthorized acts outside scope of licensure/certification, job description, or assigned duty; expiration, revocation, suspension, or material limitation of license/certificate.
- Unauthorized possession, distribution, or sale or other transfer of alcoholic beverages or drugs (legal or illegal) while on hospital property or on duty; use or consumption of alcoholic beverages or illegal drugs while on hospital property or on duty.
- Reporting for and/or on duty while under the influence of alcoholic beverages, illegal drugs, lawfully prescribed drugs, or other drugs/medications to the extent the individual poses a direct threat to the health or safety of himself/herself or others; reporting for and/or on duty with smell of alcohol on breath.
- Refusal to take required drug test; positive drug test result.
- Omission of information and/or submission of any false, inaccurate or incomplete information on employment application, in the hiring process, or during employment, including without limitation such matters as licensure, certification, background, education, experience, training, references, criminal convictions, military service/status, and/or related or similar information or matters.
- Falsification; unauthorized access, use, disclosure or alteration; or destruction of or misrepresentations (including omissions) about patient health information, records related to employment, or information systems or other hospital records or documents.
- Failure to give requested assistance in an internal investigation or legal or administrative matter.
- Absence for three or more consecutive work days without notice to supervisory personnel, unless reasonable excuse offered and accepted by hospital (such an unauthorized absence is considered and processed as a resignation without notice).
- Falsification or misrepresentation (including omissions) of fact(s) relating to assigned duty(ies), work, or behavior-related matters.
- Falsification or misrepresentation (including omissions) regarding claim of injury.
- Altering or falsifying any time-keeping record, badging in or out or signing a time sheet for another employee, or permitting another to badge employee's time or sign time sheet. Failure to badge in and/or out as required.
- Conviction of a crime when there is an impact on work or when such conviction would cause an applicant not to be hired.

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- Unauthorized acquisition, access, use or disclosure of confidential information including, but not limited to, patient medical and/or other records, employment-related records or any other hospital records or hospital business.
- Any inappropriate action, including harassment, based on sex, race, color, national origin, religion, age, pregnancy, disability, veteran's status or genetic information of an employee, patient or guest.
- Behavior that distracts, interferes with, or prevents normal work functions including but not limited to shouting, verbally abusing others, bullying or intimidation, blogging, posting on websites.

Examples of other behavior that may result in disciplinary action, up to and including separation:

- For employees whose job requires driving, failure to notify supervisor of the receipt of a traffic violation or driving infraction.
- Misuse or unauthorized use of or damage to property of hospital, other employees, patients, and guests of the hospital.
- Unsatisfactory job performance.
- Failure to observe or disregard of fire or safety regulations (whether intentional, negligent, careless, inadvertent, or otherwise), regardless of whether such failure or disregard results in injury/damage to person(s) or property.
- Sleeping while on duty except for fatigue management approved by the supervising physician.
- Unexcused and/or excessive absenteeism or tardiness.
- Writing checks to the hospital that are not valid.
- Acceptance of tips or unauthorized gifts from patients, suppliers or others.
- Violation of established rules on matters such as smoking, parking, dress and grooming.
- Violation of any hospital-wide or applicable intra-hospital policy, as revised from time to time; violation of conditions or limitations specified by the hospital for continued employment, participation in/use of paid or unpaid leave or other benefits, return to work, or similar circumstances.
- Use of abusive or obscene language or other rude, quarrelsome, or discourteous behavior toward others; horseplay; boisterous behavior; failure to observe guest/patient-relations rules; activities of a similar nature.
- Promotion of or gambling on hospital property or while on duty.
- Unauthorized sales or other commercial activity; unauthorized solicitation, distribution of literature, or conduct of surveys for any purpose on hospital property or while on duty; unauthorized political activity on hospital property or while on duty.

## Discipline Policy

MHG has established a disciplinary procedure to use when a resident fails to observe established rules and regulations or when a resident's conduct is unacceptable. These guidelines do not limit MHG's right to dismiss or otherwise discipline residents for cause or for no cause.

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In general, offenses for which residents can be disciplined are defined in Hospital Policy. The four forms of discipline are as follows: counseling/warning, probation, suspension, and dismissal. After review of the facts and circumstances surrounding an incident or offense, a determination will be made to ensure the appropriate disciplinary action will be taken. Program Directors are encouraged to contact an Employee Relations representative to discuss the appropriateness of various disciplinary actions prior to taking the action, including administrative leave pending investigation except in cases of “suspension pending investigation”. The Program Director, Academic Chair or Clinical Director or any responsible administrative official will have the right to “place on administrative leave with pay pending investigation” any Resident who, in their judgment, requires immediate discipline, which could result in dismissal.

Facility could never list all acts, omissions, and behaviors that a resident is expected to avoid. The guidelines for disciplinary action are similar for all system staff and residents.

Suspensions without pay will not be less than one (1) full day and will require the approval of the DIO and the V.P. of Human Resources. In some instances where the discipline may result in dismissal, the Resident will be placed on administrative leave with pay pending complete review of the facts. The Resident will be notified in writing as soon as a decision is reached and the appropriate form of discipline will be applied.

No resident is to be discharged without the approval of the Program Director and the Designated Institutional Official in consultation with the V.P. of Human Resources.

See policy 500.46 Due Process.

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AUTHORIZED BY: Memorial Hospital at Gulfport Board of Trustees

PREPARED BY: Shelley Pringle, DIO

DATES OF REVISION: 03/10/2020

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