

## Pharmacy Residency Program Remediation, Discipline, and Dismissal Policy & Procedures

### Background

It is the policy of The Brooklyn Hospital Center's Pharmacy Residency Program to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law.

### Policy

These policies and procedures are applicable to job performance, conduct, or licensure status of a pharmacy resident that results in a decision to impose a disciplinary penalty, probation, suspension without pay, or dismissal.

#### A. Requisite Standards of Conduct

Each pharmacy resident is expected to acquaint themselves with performance criteria associated with the residency program, as well as all rules, procedures and standards of conduct established by The Brooklyn Hospital Center and the Department of Pharmacy.

#### B. Conduct That is Subject to Disciplinary Action

##### 1. Work Performance

- i. Failure of a pharmacy resident to maintain satisfactory work performance standards can constitute good cause for disciplinary action including dismissal. The term "work performance" includes all aspects of a resident's work.
- ii. Work performance is to be judged by the Residency Program Director's (RPD) evaluation of the quality and quantity of work performed by each pharmacy resident. Particular attention will be paid to the provision of patient care. When, in the opinion of the RPD, the work performance of a resident is below standard, the RPD will take appropriate disciplinary action (see to Section E).

<b>Policy Name:</b> Discipline and Dismissal Policy		<b>Date Approved:</b> 9/2004	<b>Policy #:</b> R-003
<b>Written by:</b> Shaffee Bacchus, PharmD Chief Resident 2004-2005 <b>Revised by:</b> James Truong, PharmD, BCPS, BCIDP, Christine Ciaramella, PharmD, BCCCP		<b>Approved by:</b> Robert DiGregorio, PharmD, FNAP Chief Pharmacotherapy Officer	
<b>Replaces:</b> none	<b>Reviewed:</b> 9/2015	<b>Revised:</b> 5/2015, 5/2022, 1/2023	<b>Pages:</b> 6

## 2. Misconduct

- i. All residents are expected to maintain standards of conduct suitable and acceptable to the work environment. Disciplinary action, including dismissal, may be imposed for unacceptable conduct.
- ii. Examples of unacceptable conduct include, but are not limited to:
  - a) Falsification of time sheets, personnel records, or other institutional records;
  - b) Neglect of duties;
  - c) Bringing intoxicants or drugs onto the premises of the institution, using intoxicants or drugs, having intoxicants or drugs in one's possession, or being under the influence of intoxicants or drugs on the premises at any time;
  - d) Creating or contributing to unhealthy or unsanitary conditions;
  - e) Violations of safety rules or accepted safety practices;
  - f) Failure to cooperate with the RPD, Clinical Coordinators, or co-residents;
  - g) Disorderly conduct, harassment of other hospital employees (including sexual harassment) or use of abusive language on the premises;
  - h) Fighting, encouraging a fight or threatening, attempting or causing injury to another person on the premises;
  - i) Neglect of duty or failure to meet a reasonable and objective measure of efficiency and productivity;
  - j) Theft, dishonesty or unauthorized use of institutional property including records and confidential information;
  - k) Creating a condition hazardous to another person on the premises;
  - l) Destroying or defacing institutional property or records or the property of any hospital employee;

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- m) Insubordination of a resident to follow instructions or to perform designated work that may be required in the course of the residency program or refusal to adhere to established rules and regulations;
- n) Repeated tardiness or absence, absence without proper notification to a supervisor or without satisfactory reason or unavailability for work;
- o) Any violation of NYS law or regulation pertaining to the practice of pharmacy;

### 3. Licensure

- i. The resident is required to obtain New York State pharmacist licensure as outlined in Licensing Policy # R-012. If the resident is not licensed according to Policy # R-012, sanctions may be imposed as described in the policy. Such actions are not subject to sections D or E of this policy..

## C. Investigations

1. All incidents that involve the potential for disciplinary action will be investigated by the RPD.
2. If the investigation results in evidence that establishes with reasonable certainty that the resident engaged in conduct which warrants disciplinary action, the RPD will follow the pre-disciplinary hearing procedures before the proposed disciplinary action.

## D. Pre-disciplinary Hearings

### 1. Policy

A pharmacy resident will be informed of the basis for any proposed disciplinary action resulting in probation, suspension without pay, or dismissal and have an opportunity to respond before a final decision is made to take disciplinary action.

### 2. Procedures

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There is no prescribed form for this hearing. It should be informal, but include the RPD, Clinical Coordinators (if applicable), and the resident in question. Lawyers, witnesses, and other parties may not attend any hearing.

Before reaching a final decision to impose discipline, the RPD will:

- i. Inform the resident, either in person or in writing, of the reasons for the proposed disciplinary action, the facts upon which the RPD relies, the names of any persons who have made statements about the disciplinary incident and the content of such statements;
- ii. Give the resident access to any documentary material which the RPD has relied upon; and
- iii. Give the resident an opportunity to respond to the charges either orally or in writing within a reasonable time and to persuade the RPD that the evidence supporting the charges is not true.

#### E. Imposing the Disciplinary Penalty

##### 1. Notice

Upon completing the pre-disciplinary hearing procedures, the RPD will inform the resident in writing of the following:

- i. Whether the disciplinary penalty, will include probation, suspension without pay, or dismissal;
- ii. The effective date of probation, suspension, or dismissal;
- iii. A specific period for probation, or suspension without pay.
- iv. The specific incident, conduct, course of conduct, unsatisfactory work performance or other basis for the disciplinary penalty;
- v. Any previous efforts to make the resident aware of the need to change or improve work performance or conduct; and
- vi. Reference to any relevant rule, regulation or policy.

##### 2. Probation/Remediation

- i. The resident will be placed on remediation with an Activities/Improvement plan to address each goal and objective with a Needs Improvements (NI) if the resident has:

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- a) Two consecutive NIs in more than one objective, or in a patient care objective OR

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- b) A grade of NI in  $\geq 15\%$  of residency objectives at the end of the first quarter OR
- c) A grade of NI in  $\geq 20\%$  of residency objectives at the end of the second quarter

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- a) Two consecutive NIs in more than one objective OR
  - b) Four NIs in any objective (at least two in patient care) at any one point in time
- ii. The period of probation will be determined at the program's discretion but not to exceed 12 weeks. The resident will successfully be removed from probation if:
    - a) At least 50% of the objectives with NIs improve to satisfactory progress by the midpoint of the period of probation
    - b) At least 80% of the objectives with NIs improve to satisfactory progress by the end of the period of probation
  - iii. Failure to remediate probation may result in immediate dismissal from the program. A residency certificate will not be issued.

3. Effect Upon Resident Benefits

- i. A resident who is suspended without pay continues to accrue vacation and sick leave, to be covered by group insurance and to be entitled to other resident benefit programs.
- ii. If a suspension without pay is appealed and it is determined that there was not good cause for the suspension, the resident will be entitled to payment for wages lost as a result of the suspension.

4. Procedure for Appealing Disciplinary Actions

Disciplinary actions resulting in probation, suspension without pay or dismissal may be appealed by the affected resident pursuant to the process set out below. The failure of the resident to process the appeal in a timely manner will constitute a withdrawal of the appeal. The failure of supervisory or administrative personnel to timely respond to an appeal will constitute authorization for the resident to process the appeal to the next step.

i. Step One

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The resident may present a written appeal to the RPD within five (5) working days from the date of the disciplinary action. The appeal will contain a clear and concise statement of why the disciplinary action is inappropriate. The pharmacy resident will be notified with a decision within ten (10) working days from the appeal.

ii. Step Two

The decision of the RPD is final, however the appeal allows for a complete reassessment of the prior decision by the RPD, all Clinical Coordinators, and other invited personnel as deemed appropriate by the RPD.

iii. Records of Disciplinary Actions

Copies of all documents pertaining to disciplinary actions will be filed in the resident's personnel file.

F. Maximum Allowed Time Due to Disciplinary Action

1. No combination of leaves of absence, probation, suspension, or extension shall exceed 3 months.

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