



## **INTRODUCTION**

The purpose of this policy is to describe the procedures to be employed when a Johns Hopkins Allied Health Learner fails to meet performance or academic standards for his/her training program or acts in a manner that violates a policy or procedure of the Johns Hopkins University ("JHU"), School of Medicine ("SOM"), School of Public Health ("SPH") or the Johns Hopkins Hospital ("JHH"), collectively referred to as "Johns Hopkins", or applicable laws or regulations, or who otherwise engages in unprofessional conduct. It is the policy of Johns Hopkins to employ procedural fairness in matters that may lead to disciplinary action of Allied Health Learners. Absent circumstances warranting immediate disciplinary action, Allied Health Learners will usually be provided with an opportunity to remediate a deficiency, concern, or conduct. In the interests of all concerned parties, the following procedure is to be followed whenever an Allied Health Learner's performance or conduct requires that action be taken under this policy.

## **DEFINITIONS**

**Allied Health Learner:** This policy applies to all current Allied Health Learners appointed as a student, intern, resident or fellow. Learners engaged in an Advanced Specialty Training Program ("ASTP") hold faculty appointments and are instead subject to the policies dictated by the Johns Hopkins University School of Medicine Office of Faculty.

**Investigatory leave:** An Allied Health Learner may be placed on investigatory leave in order to review or investigate allegations of deficiencies, concerns, or conduct that warrant removal from the training program for the period of investigation. The Training Program Director will notify Allied Health Learners in writing, stating the reason(s) for and the expected duration of the investigatory leave, and specifying the activities the Allied Health Learner may and/or may not engage in during the duration of the investigatory leave. The investigation should be concluded as quickly as reasonably possible so that the Allied Health Learner can either be returned to the program or disciplinary action can be initiated under this policy. Salary and benefits, if applicable, will be continued during the period of investigatory leave. However, waivers of required activities of the program shall not be granted; all program requirements must be fulfilled and, accordingly, additional time may be necessary. Investigatory leave does not constitute a disciplinary action and, absent further related incidents, may be removed from the Allied Health Learner's file upon the earlier of one year from the end of the investigatory leave and completion of the program.

Additional time: Additional time in the training program at a given level or beyond the scheduled expiration of the Allied Health Learner's appointment may be required to meet the educational objectives of the program and/or certification requirements of the department and/or the specialty/subspecialty. The Allied Health Learner should be notified in writing of any requirements for additional time. The final decision regarding a Learner's need for additional time, advancement, and/or completion of the program is made by the Training Program Director. Salary and benefits, if applicable, for additional time extending beyond the original period of appointment shall be assumed by the responsible Participating Institution or Clinical Department or Division of the Allied Health Learner.

Remediation: If an Allied Health Learner is not meeting one or more of the Core Competencies they will be required to correct the deficiency. Examples of academic deficiencies include, but are not limited to:

- a. Inadequate medical knowledge, patient care and procedural skills, job performance or scholarship;
- b. Challenges with interpersonal communication;
- c. Unprofessional conduct;
- d. Failure to achieve acceptable exam scores within the time limits identified by the training program.

Letter of Counseling for Feedback and Improvement: The Training Program Director may issue an Allied Health Learner a Letter of Counseling for Feedback and Improvement to informally address a deficiency, concern, or conduct that needs to be remedied or improved within a reasonable timeframe but is not significant enough to warrant formal disciplinary action. Letters of counseling for feedback and improvement should include: the nature of the deficiency, concern, or conduct; outline expectations for improvement; a reasonable observation period; and suggestions for remedial actions. Failure to achieve improvement within the identified timeframe, or repetition or escalation of the deficiency, concern, or conduct, may lead to a Notice of Concern or other disciplinary actions. A Letter of Counseling for Feedback and Improvement does not constitute a formal disciplinary action and, absent further related incidents, may be removed from the Allied Health Learner's file upon the earlier of one year from the issuance of the Letter of Counseling for Feedback and Improvement and completion of the program. In general, the issuance of a Letter of Counseling for Feedback and Improvement is not subject to disclosure if the program is queried by outside persons or organizations about any disciplinary action or performance concerns.

Notice of Concern: The Training Program Director may issue an Allied Health Learner a Notice of Concern to formally address a deficiency, concern, or conduct that needs to be remedied or improved immediately. The Notice of Concern shall be in writing and should include: the nature of the deficiency, concern, or conduct; an individualized learning or remediation plan; a time frame for reassessment; and potential consequences if the Allied Health Learner fails to successfully remediate. The Training Program Director shall review the Notice of Concern with the Allied Health Learner. Failure to achieve immediate and sustained improvement, or repetition of the deficiency, concern, or conduct, may lead to additional notices or other disciplinary actions, including probation, suspension, or termination. In most cases, the Notice of Concern is used when there has been inadequate improvement after a Letter of Counseling or other informal action. However, it may be used initially when there is a problem of greater significance or that requires immediate improvement. A Notice of Concern, absent further related incidents, may be removed from the Allied Health Learner's file upon the completion of the program, or one year from the issuance (whichever comes first). In general, the issuance of a Notice of Concern is not subject to disclosure if the program is queried by outside persons or organizations about any disciplinary action or performance concerns. If the program director feels that the items identified in the Notice of Concern may impact the Allied Health Learner's performance as an attending physician, such as if remediation of the identified items has not been completed at the time of graduation, the program director may choose to report this to requesting bodies such as state medical boards and prospective employers of the Allied Health Learner.

Probation: Probation shall be used for Allied Health Learners who are in jeopardy of not successfully completing the requirements of the training program, who have been unsuccessful at remediating prior concerns, or if the initial concern is significant enough to warrant immediate probation. Conditions of probation shall be communicated to the Allied Health Learner in writing and should include: the reasons for the probation, an individualized learning or remediation plan that must be satisfied in order to be removed from probation, the expected time frame for the required remedial activity, and potential consequences if the Allied Health Learner fails to successfully remediate. Failure to correct the deficiency, concern, or conduct within the specified period of time may lead to an extension of the probationary period or other disciplinary actions, including suspension or termination. The probationary period should not be less than 30 days and its duration should be proportionate to the nature of the concern. Probation may result in limitations on clinical responsibilities and/or suspension of training credit and, therefore, additional time may be necessary. In most cases, probation will be preceded by a Letter of Counseling and/or a Notice of Concern, unless the circumstances warrant more significant or immediate action. Probation will remain in the Allied Health Learner's file and may be disclosed in response to requests for or queries relating to verification of training, letters of employment, letters of reference, performance concerns, or disciplinary actions.

Suspension: An Allied Health Learner may be suspended from part or all their usual and regular assignments in the training program, including clinical and/or didactic duties, when removal from the clinical service or a research site is required because of the failure to meet performance, academic, or conduct standards for the training program; failure to comply with a Johns Hopkins policy or procedure or applicable law or regulation; or due to otherwise unprofessional conduct. The suspension shall be confirmed in writing, stating the reason(s) for

the suspension and its expected duration. Suspension generally should not exceed 60 calendar days and may be coupled with or followed by other disciplinary actions. Suspension will result in suspension of training credit and, therefore, additional time may be necessary. The Allied Health Learner's salary and benefits, if applicable, may continue during the period of suspension, depending on the circumstances and at the discretion of the Director of Graduate Clinical Education (see Section 6 below). Suspension will remain in the Allied Health Learner's file and may be disclosed in response to requests for or queries relating to verification of training, letters of employment, letters of reference, performance concerns, or disciplinary actions.

Termination: An Allied Health Learner may be terminated from the training program for failure to meet the terms of any prior disciplinary action or if an initial problem is significant enough to warrant immediate separation from the program and/or institution. The termination shall be confirmed in writing, stating the reason(s) for the termination and the effective date. Training certification shall be granted for the period of months of acceptable service prior to the termination date. The Allied Health Learner's salary and benefits, if applicable, shall terminate as of the effective date of the termination (see Section 6 below). Termination will remain in the Allied Health Learner's file and may be disclosed in response to requests for or queries relating to verification of training, letters of employment, letters of reference, performance concerns, or disciplinary actions.

#### **PROCEDURE FOR NOTICE OF CONCERN, PROBATION, SUSPENSION, AND TERMINATION**

1. In advance of issuing a Notice of Concern, probation, suspension, or termination, the Training Program Director should have evidence that supports the need for formal remediation or disciplinary action. This may include written documentation of the date and nature of previous warnings and other communications given to the Allied Health Learner whose performance or conduct fails to meet expected standards (e.g., prior Letter(s) of Counseling or Notice(s) of Concern).
2. Before instituting a formal disciplinary action, Training Program Directors are expected to provide appropriate counseling and/or attempts at remediation, where appropriate and possible, to Allied Health Learners whose performance or conduct is less than satisfactory. However, if a concern is so serious that it poses immediate and/or serious danger to patients, members of the University or hospital community, or to the institutions, immediate suspension prior to procedural review may be appropriate.
3. The program's Leadership Committee, either as a whole or through a sub-committee structure, participates with the Training Program Director in the decision to institute a Notice of Concern, probation, suspension, or termination and development of any remediation plan.
  - a. The Training Program Director will formulate a preliminary letter detailing the Allied Health Learner's deficiencies and the plan for remediation (as provided in "Definitions" above) and provide it to the Leadership Committee (or subcommittee, as provided below) and the Director of Graduate Clinical Education for input. The Training Program Director will also provide any documentation of the concerns that led to the disciplinary action, including documentation of previous meetings or other communications with the Allied Health Learner and of any prior efforts to counsel the Allied Health Learner.
  - b. The Leadership Committee may meet as a whole or may appoint a three-person

- subcommittee (“Subcommittee”) to review the matter. The Training Program Director will inform the Allied Health Learner of the composition of the committee or subcommittee that is advising the Training Program Director.
- c. The Training Program Director will provide the Allied Health Learner with a copy of the preliminary letter detailing the Allied Health Learner’s deficiencies and the plan for remediation, where possible, in an in-person meeting.
  - d. The Training Program Director will offer to appoint a faculty member within the same specialty/ subspecialty who will advise the Allied Health Learner and provide them with support and guidance throughout the disciplinary process. This individual, if appointed, will not be a voting member of the Leadership Committee for the purpose of this action. The Allied Health Learner may identify this individual, subject to approval by the Training Program Director.
  - e. The Allied Health Learner will be provided with an opportunity to respond to the preliminary letter in writing and/or meet with the Committee or Subcommittee to assist them with their deliberations.
  - f. The Leadership Committee or its Subcommittee will meet to review the documentation supporting the Training Program Director’s decision as detailed in the preliminary letter and the information provided by the learner, if any, and advise the Training Program Director regarding their recommendations about the Allied Health Learner’s status within the program and the necessary remediation procedures.
  - g. The Training Program Director makes the ultimate decision regarding the appropriate actions and then issues the Allied Health Learner a final letter detailing the deficiencies and the plan for remediation. A copy of the final letter will be provided to the Leadership Committee or its Subcommittee and to the Director of Graduate Clinical Education.
  - h. If the Training Program Director’s final determination will have any effect on salary, benefits, or training certification, the Allied Health Learner will be informed of this in writing.
  - i. The Leadership Committee or Subcommittee shall assist the Training Program Director in reviewing the Allied Health Learner’s progress periodically to determine whether the Allied Health Learner has satisfactorily addressed or remediated the concerns that led to the disciplinary action.
4. The Director of Graduate Clinical Education shall notify the appropriate Vice President for Medical Affairs and the Vice Dean for Education when an Allied Health Learner is to be placed on probation, suspended, or terminated. For appointments to the Resident Staff, the appropriate Vice President for Medical Affairs and Johns Hopkins Health System Legal Department may consider whether the action should be reported to State or Federal authorities, as applicable.
  5. The Allied Health Learner may appeal an adverse decision to the Vice Dean of Education by notifying him/her in writing within 5 working days of written receipt of the decision. The Dean’s review will be limited to review of whether the procedures set forth in this policy were followed and his/her decision will be final.

**SALARY AND BENEFITS UPON SUSPENSION AND TERMINATION**

1. In instances of suspension with pay, benefits coverage shall be continued during the suspension period. In instances of suspension without pay, the Allied Health Learner shall be responsible for the full premiums of their benefits during the suspension period.
2. In instances of termination, salary and benefits shall terminate as of the effective date of the termination. The Allied Health Learner may elect to procure and maintain health insurance coverage under COBRA so as to provide continuous health care insurance coverage, in which case the Allied Health Learner is responsible for all premiums.