

NAVAL MEDICAL CENTER SAN DIEGO
GRADUATE MEDICAL EDUCATION RESIDENT AGREEMENT

1. Each resident will be given a description of the Graduate Medical Education experience to be provided by his/her Naval Medical Center San Diego (NMCS D) training program.

2. **Responsibilities to GME Residents:** The resident who is enrolled in graduate medical education will have the opportunity to:

a. Participate in safe, effective and compassionate patient care under supervision, commensurate with his/her level of advancement and responsibility.

b. Participate fully in the educational and scholarly activities of his/her program and, as required, assume responsibility for teaching and supervising other residents and medical students.

c. Develop a personal program of self-study and professional growth with guidance from the teaching staff.

d. Obtain competence in the areas of patient care, medical knowledge, practice-based learning and improvement, interpersonal and communication skills, professionalism, and system-based practice.

e. Participate in NMCS D committees and councils, especially those that relate to patient care or resident education.

f. Participate in evaluation of the quality of education provided by the program.

g. Participate in NMCS D activities involving the medical staff and adhere to established practices, procedures, and policies of NMCS D.

h. Participate in an educational environment in which resident issues can be raised and resolved without fear of intimidation or reprisal.

i. NMCS D will work in good faith with qualified residents with disabilities to determine whether a reasonable accommodation of their disability can be provided without creating an undo hardship or a direct threat of harm to employees, patients, the residency program or others consistent with the provisions of the Rehabilitation Act of 1973.

3. **Resident and Program Support in the Event of a Disaster:**

a. In keeping with NMCS D GME policy, NMCS D will continue to provide administrative and financial support for GME programs and residents in the event of a disaster or interruption in patient care and will make every effort to continue the training of its residents with as little disruption as possible. This includes the salary of the resident, faculty and support of staff.

b. If training is halted in order to support the local, state, and/or Federal government in taking care of patients, NMCS D will work as quickly as possible to bring its residents back into training. If the disaster is such that the medical center is destroyed or closed long-term, then the Navy Director of Graduate Medical Education will work with the Chairman, Graduate Medical Education (GME), the Designated Institutional Official (DIO) and the Program Director to place NMCS D residents in GME programs at other military or civilian institutions so that residents may continue without interruption and according to curricular needs.

4. Residency Closure/Reduction. Should a residency program be closed or reduced in size, assignments and continued training will be determined by a separate GME training agreement with the U.S. Navy.

5. **GME Resident Responsibilities:**

a. Maintain an acceptable level of academic performance in meeting the goals and objectives of their educational program.

b. Provide at least annually a critique of the training program and faculty members for review by the program director.

c. Refrain from off-duty remunerative employment (moonlighting).

d. Obtain a valid, unrestricted U.S. State medical license in accordance with BUMEDINST 6320.66E. PGY-1 residents must apply for licensure as eligible during the GME-1 year, and obtain a license within one year following completion of Internship, whether proceeding directly into further GME or on to duty as an Operational Medical Officer. The cost of licensure is the responsibility of the Resident.

e. Maintain charts, records, and/or reports up to date and signed at all times.

f. Ensure that all rotations performed away from NMCS D are done under valid Temporary Additional Duty (TAD) orders. Residents should retain a copy of all TAD orders, even upon completion of the Temporary Additional Duty.

g. Follow the rules, regulations, policies and procedures of Naval Medical Center San Diego and its affiliated institutions that relate to postgraduate education, including the Naval Medical San Diego Medical Staff Policy and Procedures (Medical Staff By-Laws NAVMEDINST 6010.12)

h. Comply with ACGME and GMEC Policies and Procedure for Duty Hours, as well as individual program policies, procedures, and monitoring protocols.

i. Maintain confidentiality of patient related information in accordance with all applicable federal and state law including the Health Insurance Portability and Accountability Act of 1996.

unless the MOU specifically states that liability will be provided by the civilian training institution. Residents named in a lawsuit related to duties performed under training should notify the Command Judge Advocate's Office immediately.

f. **Hospital and Health Coverage for Residents and their Families.** As Naval officers, residents will receive hospitalization and medical treatment in Navy medical treatment facilities. The Navy provides health care for residents for disabilities resulting from activities that are part of the education program. Their family members may receive care in Navy facilities or as TRICARE beneficiaries in civilian institutions under applicable provisions of the TRICARE program.

(1) Counseling, treatment, and/or rehabilitation for psychiatric, psychological or substance abuse problems are available for all military personnel. Residents may self-refer for mental health care services. Please refer to the Housestaff Council SharePoint site for policy details.

g. **Housing.** As Naval officers, residents are entitled to consideration for Navy housing in accordance with priorities established by SECNAVINST 11101.73B. Residents not eligible for Navy housing, or for whom Navy housing is not available, will receive the Basic Allowance for Housing (BAH) in accordance with DOD Military Pay and Allowances Manual. Military housing is not generally available in the San Diego area.

7. **Terms of Residency and Duration of Appointment.** Terms of residency will be that period of time set by specialty boards for the duration of clinical training and specified in the "Essentials of Accredited Residencies" for eligibility for board certification. The duration of appointment period for GME is also indicated on the military orders issued to each resident by the Naval Personnel Command (NPC). Acceptance of these orders constitutes the resident's agreement to remain on active duty for the period of obligated service. Extensions of training require approval by NMED MPT&EC-1WMC12 and the concurrence of NPC. Continuation in the program will be for the expressed period unless the resident:

- a. Fails to maintain an acceptable level of performance and/or clinical competence, and requires an extension of training;
- b. Requires excessive time "out of training" (e.g., convalescent leave) for which the training must be extended; or
- c. Fails due course selection for promotion to the next higher officer grade.

8. **Prolonged Absences from the Program.** Under ordinary circumstances, brief periods of absence due to sick leave, temporary additional duty, or leave can be accommodated provided training requirements and milestones are met or made up in a satisfactory manner. In those instances in which there is a prolonged absence (periods which cause a delay in meeting the milestones and requirements of the specialty boards and ACGME program requirements for satisfactory completion of

training), the program director will investigate the circumstances and recommend necessary action to the Graduate Medical Education (GMEC). The GMEC, with CO endorsement, is the approving authority for any extension in residency training. The GMEC will notify Naval Medicine, Manpower, Personnel, Training and Education Command, Director Medical Corps Programs/Graduate Medical Education (NMMPT&E-1WMC12) of any extension in training and NMED MPT&EC-03CMC will subsequently notify Naval Personnel Command (NPC). A resident may continue to accrue obligated service for the time spent in leave of absence status. References include BUMEDINST 1524.1B enclosure 5 and the GMEC Resident Grievance Procedures and Due Process Policy.

9. Conditions for Reappointment, Performance Standards and Grievance Procedures.

The resident will be provided a performance evaluation at appropriate intervals, at least bi-annually, that will include documentation of promotion to subsequent PGY year levels. The criteria and provisions for promotion to the next PGY level is determined by each specialty's Program Director. Non-adverse action may be taken by the program when a resident's performance or behavior falls below the expected level for their time in training. The program will provide the resident with written notice of any recommendation for adverse action, including non-promotion, requests for probation with or without extension, suspension, or termination. Residents have the right to grieve any recommendation for adverse action by grieving in accordance with the NMCS D GMEC Resident Grievance Procedures and Due Process Policy located on the NMCS D GME SharePoint site located on the intranet. Adverse action, such as probation, suspension or termination will occur in accordance with the NMCS D GMEC Resident Grievance Procedures and Due Process Policy and BUMEDINST 1524.1B, Policies and Procedures for the Administration of GME Programs, which includes guidelines for GME performance standards and stipulates due process. Officer misconduct will be addressed under the provisions of the Uniform Code of Military Justice. For questions or concerns, please contact the Designated Institutional Official (DIO), Graduate Medical Education Department Head, Program Director, Department Chairman or the NMCS D Legal Office. BUMEDINST 1524.1B and other pertinent instructions are located on the GME/Housestaff Council Sharepoint Command Intranet site. A resident training file will be maintained by the program director and is the property of the U.S. Government but is available for review by the resident as requested.

10. Active Duty Obligation for Graduate Medical Education Training.

A member shall incur Active Duty Obligation (ADO) of ½ year for each ½ year, or portion thereof, but the minimum ADO at the completion of the GME period shall not be less than 2 years. The ADO for GME may be served concurrently with obligations incurred for DOD Sponsored pre-professional undergraduate) or medical school education. No active duty obligation for GME can be served concurrent with ADO for a second period of GME, i.e., obligation for fellowship cannot be served concurrent with an obligation incurred for residency training.

11. Sexual Harassment and Exploitation. SECNAVINST 5300.26D states the policy that sexual harassment will not be tolerated. In instances of sexual harassment, military members will use the Navy Grievance

Procedures, the Uniform Code of Military Justice, or request Mast. In addition, any sexual harassment complaint may be brought to the attention of the Inspector General. Substantiated complaints shall result in corrective action as appropriate.

12. **Physician Impairment.** As required by OPNAVINST 5350.7, "zero tolerance" will be enforced for drug and alcohol abuse. NAVMEDCEN SDIEGOINST 5350.4C provides a comprehensive policy for the detection and deterrence of drug and alcohol abuse.

13. **Off-Duty Remunerative Civilian Employment (Moonlighting).** Article 1-22 of the Manual of the Medical Department and NAVMEDCEN SDIEGOINST 5370.2A prohibit engaging in off-duty remunerative employment (moonlighting) by residents. These instructions are available on the Command Housestaff Council SharePoint Intranet site.

14. **Call schedule and schedule of assignments** will be provided to residents by their respective program directors. The institution's policy and procedure for resident duty hour monitoring and compliance (effective 10 SEP 2009) located on the NMCS D GME intranet SharePoint page recognizes that the structuring of duty hours and call schedules must focus on the needs of the patient, continuity of care and the educational needs of the resident. Duty hours will be consistent with the ACGME Institutional Requirements; i.e. an average of no more than 80-hours per week and a maximum of 24-hours duty plus 6-hours for continuity purposes. In addition, residents must not be assigned on-call in-house duty more often than every third night and on average, residents must have at least one day out of seven free of patient care duties. The use of the term "average" will apply to either one month (or 4-week block) or to the length of rotation on a particular service, whichever is longer. Residents must assist the institution in tracking their duty hours. Residents have an obligation to report situations which subject them to excessive stress, or which might violate ACGME, institutional and program work rules. Such reports should be made to the residents' program director but residents may also contact the Director of Professional Education and/or the Command PGY-1 Advisor and/or the Housestaff Council President directly. Anonymous reports may be filed via the command's Waste, Fraud and Abuse hotline at 619-532-6082.

Signature of GME Representative

Signature of Resident

Date: _____

Print Full Name

Signed Copy to Resident

Date: _____