

BOARD OF REGENTS

BRIEFING PAPER

1. **AGENDA ITEM TITLE:** *Handbook* Revision, Medical Resident and Medical Fellow Leave

MEETING DATE: December 1-2, 2022

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

The Accreditation Council for Graduate Medical Education (ACGME) is an independent 501(c)(3) not-for-profit organization that oversees the accreditation of residency and fellowship programs in the United States. Its mission is to improve healthcare and population health by assessing and advancing the quality of resident physicians' education through accreditation standards for U.S. graduate medical education (residency and fellowship programs), and the institution that sponsors them, and renders accreditation decisions based on compliance with these standards. It is through accreditation, innovations and initiatives that ACGME strives to ensure residents and fellows train in educational environments that support patient safety and resident and fellowship education and physical well-being.

In furtherance of this mission, the ACGME implemented an institutional policy for leaves of absence, effective July 1, 2022. Resident and fellowship programs must adopt the ACGME requirements on or before July 1, 2023. The leave of absence policy dictates that the University of Nevada Reno School of Medicine and the Kirk Kerkorian School of Medicine – UNLV must provide, at least once during a residency or fellowship program, a minimum of six (6) weeks of approved medical, parental and caregiver leave of absence, which may occur at any time, including the first day a resident or fellow reports to a program.

In addition, 100% of salary during this six (6) weeks must be provided with a minimum of one (1) week paid time reserved for use outside this six (6) weeks of leave. Therefore, to meet this ACGME standard, the availability of leave policy regarding medical residents and fellows must be amended to provide such leave, at the beginning of a residency or fellowship, with its attendant salary and benefits to be afforded during the leave. The proposed revision to the policy is found in Exhibit 1. If approved, the revisions would become effective July 1, 2023. The Board's approval of the revisions at the December meeting will provide sufficient time for the two Schools of Medicine to make corresponding revisions to their internal policies.

Information regarding the ACGME policy and frequently asked questions are available at:

<https://www.acgme.org/newsroom/blog/2022/acgme-answers-resident-leave-policies/>

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

UNR President Brian Sandoval and UNLV President Keith E. Whitfield request approval of a revision to Board policy (*Title 4, Chapter 7, Section 4*) to add a 6-week paid leave of absence benefit and an additional 1-week paid benefit as required by the Accreditation Council of Graduate Medical Education, which oversees the accreditation of medical residency and fellowship programs in the United States.

4. IMPETUS (WHY NOW?):

The ACGME requires that this new leave requirement be implemented by U.S. residency and fellowship programs on or before July 1, 2023.

5. CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- Access (Increase participation in post-secondary education)
- Success (Increase student success)
- Close the Achievement Gap (Close the achievement gap among underserved student populations)
- Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)
- Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)
- Not Applicable to NSHE Strategic Plan Goals

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

Providing the leave of absence policy as required by the ACGME will support access for residents and fellows who face qualifying life events and enable them to begin their residency or fellowship, knowing they may take an immediate leave if circumstances warrant; they will not have to choose between attending to their life circumstances or beginning their

residency/fellowship. Providing the leave of absence policy supports success as it will enable residents and fellows who face qualifying life events to pause their residency or fellowship, reset, and subsequently return and be successful.

6. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- The ACGME, the accrediting body for medical residency and fellowship programs, requires medical schools to provide the new benefits.
- Adopting the revisions to *Handbook* Title 4, Chapter 7, Section 4 will allow both schools of medicine to comply with the requirements of their accrediting body.
- Providing the benefits will support the health and well-being of medical residents and fellows.
- Providing the benefits will support the success of medical residents and fellows.

7. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None known.

8. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

None have been brought forward.

9. RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

The Chancellor's Office has no objection to the proposed revision.

10. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title # _____ Chapter # _____ Section # _____
- Amends Current Board Policy: Title #4 Chapter # 7 Section # 4
- Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____
- Other: _____
- Fiscal Impact: Yes _____ No _____
- Explain: Unknown as the number of residents/fellows who may avail themselves of the leave of absence cannot be predicted.

Exhibit 1

POLICY PROPOSAL - HANDBOOK **TITLE 4, CHAPTER 7, SECTION 4** Benefits – Resident Physicians and Resident Dentists

Additions appear in *boldface italics*; deletions are [~~stricken~~ and bracketed]

Section 4. Benefits - Resident Physicians and Resident Dentists

1. Annual leave of up to 15 days at full salary per year will be available starting July 1 of each year. There is no carry-over of annual leave from one year to the next year and Residents shall not be paid for any unused annual leave upon termination of employment. Annual leave shall be taken at a time approved or directed by the supervisor.
2. Sick leave will be granted as required, up to 15 days at full salary, available at any time during the initial 12 months of service. Beginning 12 months after the starting date of *their* [~~his or her contract~~], the Resident will begin to accrue additional sick leave at a rate of 1-1/4 days per full month of service to add to any remaining balance of unused sick leave from the first 12 months of service. Sick leave may be accrued from year to year not to exceed 15 work days at the last day of each month. Residents shall not be paid for any unused sick leave upon termination of employment. Residents may use accumulated sick leave for temporary disabilities, which includes child bearing. Unpaid child rearing leave may be requested by either parent up to a maximum of one year. Request for child rearing leave must be accompanied by a statement from a qualified professional source if there is a medical or psychological need for the parent to be given leave. Residents are also entitled to the leave benefits provided in federal and state law including the Family and Medical Leave Act of 1993.
3. Funds to pay for group health and life insurance, unemployment compensation coverage, or other group insurance plans will be provided to the Residents by the agency that provides the salary funds for the Resident.
4. Effective January 1, 1993, Residents will participate in a 403(b)-retirement plan, with contributions of 6.2 percent of salary, made by both the employer and the Residents.
5. Residents will be covered under the state workers' compensation program and Medicare.
6. Malpractice insurance will be provided by the University and/or Veterans Administration while Residents are on contract with the *School of Medicine as defined in Subsection 9 below* [~~University of Nevada~~]. After contract termination, the insurance policy will cover the Residents' contracted activities during the contract.
7. Grants-in-aid for tuition and fees will not be provided by the University.
8. Resident Physicians and Dentists with appointments of half time or more, along with the spouse and dependent children, will be considered in-state Residents for tuition purposes.

9. Leave of Absence for Resident Physicians/Medical Fellows Only (Effective July 1, 2023)

This subsection 9 applies only to resident physicians and medical fellows at the Kirk Kerkorian School of Medicine at UNLV and at the University of Nevada, Reno School of Medicine (hereafter, each the “School of Medicine”).

- a. Resident physicians/medical fellows will be provided with a minimum of six (6) weeks of approved medical, parental, and caregiver leave(s) of absence for qualifying reasons that are consistent with applicable laws at least once during an ACGME-accredited program, starting the day the resident/medical fellow is required to report. If the resident physician/medical fellow is eligible for leave under FMLA, the leave of absence and FMLA leave, if any, shall run concurrently.***
- b. Resident physicians/medical fellows will be provided with at least the equivalent of 100 percent (100%) of their salary for the first six (6) weeks of the first approved medical, parental, or caregiver leave(s) of absence taken.***
- c. The School of Medicine will provide the continuation of health and disability insurance benefits for physician residents/medical fellows and their eligible dependents during any approved medical, parental, or caregiver leave(s) of absence.***
- d. The School of Medicine will describe the process for submitting and approving requests for leaves of absence within its Resident Handbook – Leave Policy.***
- e. The School of Medicine resident physician resident/medical fellow leave policy will be available for review by resident physicians/medical fellows at all times.***
- f. The School of Medicine will ensure that each of its ACGME-accredited programs provides its resident physicians/medical fellows with accurate information regarding the impact of an extended leave of absence upon the criteria for satisfactory completion of the program and upon a resident physician’s/medical fellow’s eligibility to participate in examinations by the relevant certifying board(s).***