

BOARD OF REGENTS
BRIEFING PAPER

1. **Agenda Item Title: HANDBOOK REVISION: APPOINTMENT – RESIDENT PHYSICIANS AND RESIDENT DENTISTS**

2. **BACKGROUND & POLICY CONTEXT OF ISSUE:**

Title 4, Chapter 7, Section 2 of Board of Regents policy governs the employment of resident physicians and resident dentists at the University of Nevada School of Medicine (UNSOM) and UNLV School of Dental Medicine. Similar to faculty, resident employment contracts are issued on an annual basis and are tied to the fiscal year (July 1 through June 30). For most residents, this works well and does not create any difficulties. However, for approximately five percent (5%) of the residents, this can be problematic. For a variety of reasons, some residents cannot commence their training until after July 1 and therefore are off cycle (standard cycle being July 1 through June 30). Although starting after July 1, pursuant to current policy, the off-cycle resident's contract will end on June 30. This can create difficulties as promotion from one year to the next generally requires one year (12 months) of training. Additionally, a resident may require additional training in order to be promoted to the next level and the issuance of another one year contract is not cost effective when only a few additional months are all that may be required.

The Accreditation Council on Graduate Medical Education (ACGME) requires that residents who are not going to be reappointed must be given 120 days notice that their employment contract will not be renewed. Thus, as to contracts ending on June 30, the resident must be given notice of non-reappointment (NNR) prior to March 1. If a resident starts off cycle, he/she may not be given an adequate amount of time to develop the necessary skills to perform at the level expected for promotion by March 1.

An informal survey of institutions sponsoring Graduate Medical Education (GME) programs was conducted in the spring of 2009. All institutions surveyed (both public and private) provide their off-cycle trainees with twelve month contracts regardless of when they start during the fiscal year. By giving twelve month contracts, the resident is provided an adequate opportunity to complete his/her training and the 120-day notice of non-reappointment required by the ACGME can be met.

While this situation does not affect the majority of the residents, it affects enough residents that this request is being made to allow flexibility with respect to the employment contracts for off-cycle residents. Current Board policy (Title 4, Chapter 7, Section 2.4) recognizes the need for exceptions to the requirement that all employment contracts be for a period of one year and tied to the fiscal year. This request will amend Board policy to allow for an additional exception for the circumstances noted herein.

While this handbook change was initiated by UNR, UNLV supports this change. Dean Karen West has written a letter of support for this handbook change (Attachment A).

3. **SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:**

UNR President Milton D. Glick requests that the Board of Regents approve a revision to Title 4, Chapter 7, Section 2.4 of the *Handbook*, Appointment – Resident Physicians and Resident Dentists, to change the current policy which requires medical resident physicians employment contracts to be issued for the fiscal year. The proposed revision will allow the University of Nevada School of Medicine to issue 12-month employment contracts that are not tied to the fiscal year to medical resident physicians who are off cycle for reasons related to a late start date or when required for

reasons related to remediation. (Attachment B).

4. IMPETUS (WHY NOW?):

Because contracts are issued for a term of one year and tied to the fiscal year, the UNSOM has had to maintain residents at the institution who have not been able to be promoted because of performance. This has created difficulties for the programs, problems among the residents and the spending of scarce resources.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- Allows the UNSOM to accommodate the needs of the residents and meet both NSHE and ACGME requirements.
- Affects approximately five percent (5%) of UNSOM residents.
- Facilitates addressing residents when a program of remediation was necessary or who start off cycle. These residents can be given notices of non-reappointment in a timely manner thus not accumulating resources by having them be required to remain until June 30 of the current fiscal year.
- Provides a fair plan of assessment of off-cycle residents (allows a minimum of six months of assessment and development prior to presenting a notice of non-reappointment).

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

All UNSOM resident contracts should be the same.

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

Maintain current policy.

8. COMPLIANCE WITH BOARD POLICY:

- Consistent With Current Board Policy: Title #_____ Chapter #_____ Section #_____
- Amends Current Board Policy: Title #4 Chapter #7 Section #2.4
- Amends Current Procedures & Guidelines Manual: Chapter #_____ Section #_____
- Other: _____
- Fiscal Impact: Yes__ No X
- Explain: _____



January 21, 2010

Dr. Miriam Bar-on
Associate Dean for Graduate Education
UNR School of Medicine
Reno, Nevada

Dear Dr. Baron:

I have read with interest the Board of Regents Briefing Paper on the agenda item: "Amendment to BOR Policy: Title 4, Chapter 7, Section 2" submitted by the UNR School of Medicine. I support this amendment due to its applicability to the UNLV School of Dental Medicine in the following instance:

- 1) In the past when a new graduate program has been started at UNLV, for example, the Pediatric Dentistry Residency Program, the time frame for the Commission on Dental Accreditation to approve said program was based on their meeting schedule. As a result of the date of the Commission meeting (late July), Pediatric Dentistry residents could not begin the program until August 1 which necessitated extended their participation in the program until July 30. Flexibility with appointments as proposed in the briefing paper would alleviate the necessity of generation of appointments and the associated paperwork for two separate periods of time as opposed to one.

Thank you for asking the UNLV School of Dental Medicine to review your proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen P. West", is written over a faint circular stamp or watermark.

Karen P. West, D.M.D., M.P.H.
Dean

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**POLICY PROPOSAL - HANDBOOK
TITLE 4/, CHAPTER 7 /, SECTION 2 /**

Appointment – Resident Physicians and Resident Dentists[]

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

Section 2. Appointment - Resident Physicians and Resident Dentists (B/R 4/99)

1. Annual appointments shall be approved by the President or designee. (B/R 12/03)
2. Responsibilities to be performed shall be defined by the involved department or program of the University of Nevada School of Medicine or School of Dental Medicine. (B/R 4/99)
3. Salaries to be paid shall be approved by the President or designee. (B/R 12/03)
4. Appointments [~~usually~~] shall be issued annually for the University fiscal year; however, appointments may be offered for a shorter period to fill vacancies created by terminations or by the establishment of a temporary position. ***Twelve month appointments may overlap the fiscal year when a program of remediation is necessary or when a resident starts the year after July 1.***
5. Work hours will be determined by the needs of patients cared for by the Residents in addition to specific departmental assignments.
6. Procedures to be followed for the offering of contracts to Residents shall be established by the institutional President and published in the institutional administrative manual.
7. Contracts are subject to modification during the fiscal year for Residents as Residents rotate between hospitals and other institutions. In such cases, the Residents may be paid during the interim period by other institutions or continued on contract at the University of Nevada, depending on the inter-institutional arrangements and the needs of the residency program.
8. Contracts for Residents may be terminated by the University of Nevada during the contract year for reasons of improper conduct, moral or ethical reasons, for inability to perform to departmental or educational standards and objectives, or because of financial conditions within the School of Medicine or School of Dental Medicine. Procedures for notice, hearing and appeal of contract terminations or other actions shall be followed as established by the University of Nevada School of Medicine and School of Dental Medicine. (See due process statement of the School of Medicine.) (B/R 12/03) Reorganization (2008) Title 4, Chapter 7, Page 3