



Council of
Emergency Medicine
Residency Directors

Best Practices in Residency Education – CORD 2018

Instructions for speakers: Please complete this form to the best of your ability on your upcoming lecture. These will be given to all attendees to keep for easy reference. Feel free to modify this form as you see fit. Please keep it to ONE PAGE if possible.

Session title	Remediation and the Law
Speaker name (s)	Cedric Lefebvre, MD
How this info can change current practice	Protect your residents/fellows, your residency program and your sponsoring institution by understanding the legal implications of remediation and dismissal. Prepare your program now for inevitable future events.
Major teaching point #1	The ACGME requires all sponsoring institutions to have a policy to handle grievances and provide due process in cases of non-promotion and dismissal. If a disciplinary or appeals committee hearing is included in that process, it is not a court proceeding and need not be conducted in compliance with the rules governing a court of law.
Major teaching point #2	Negative language in a performance evaluation cannot be considered libel. If a resident seeks enrollment in an outside institution, program officials may disclose (upon request) negative elements of a resident's academic record. Consider consulting your legal counsel if reporting goes beyond check-boxes and "yes/no" questions (e.g., a narrative description of disciplinary actions)
Major teaching point #3 (as needed)	Document everything. A detailed record of performance evaluations and interventions is critical. When due process is followed, courts consistently recognize an academic program's ability to settle academic matters. Courts generally do not recognize the tort of 'educational malpractice'.

Helpful resources for more information	Legal Considerations in the Remediation and Dismissal of Graduate Medical Trainees (coming soon in The Journal of Graduate Medical Education) How to Manage the Underperforming Resident (coming soon in Western Journal of Emergency Medicine) ADA.gov
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Other Info	