



Matched Applicant
with Failure to Start
A CORD Program Survival Packet

A playbook for program leadership from program leadership to respond to the rare but potentially unsteady to devastating events which can occur.

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Message:

Rarely will the issue arise where a matched applicant is unable to start residency. This can be for 2 main reasons: academic or personal. It can be a very frustrating and anxiety inducing time period given you may not be starting with a full class of interns.

It is bewildering to know what to do. There are people who have gone through this. They can help you and want you to reach out for help. There are options to help you fill your intern class.

Section I- Taking Care of Your Residency Program

- **Remember that many well qualified people who applied to EM and did not match. You will fill the spot!**
- **Don't lose focus and neglect the other residents who matched and will be starting**
- **Know your rights in the National Resident Matching Program (NRMP) match process**
- **People Resources**

People resources:

The most helpful thing may be connecting with people who have been through this before. Here is a listing of people who are willing and ready to be contacted. If contacting by email place 'matched applicant failure to start' in the subject line. These people want to help you.

**Due to privacy concerns, we cannot publish private contact information. If you need guidance and/or support – there is an established team with similar experiences ready to assist.
Email cord@cordem.org to be placed in contact.**

Section II- Knowledge

- **Requesting a waiver**
- **Advertising your program**
- **Interviews**

Requesting a waiver:

As stated by the NRMP all matches are binding agreements. Neither the applicant nor the program are allowed under this agreement to release each other from the commitment. A waiver must be requested from the NRMP.

Important things to consider:

- Even if a waiver has been requested, applicants cannot apply for, discuss, interview for, or accept a position in another program until a waiver has been granted.
- Programs cannot discuss, interview for, or offer the matched position to an applicant until a waiver has been granted.
- The responsibility rests with the applicant or program to demonstrate the extent of the unanticipated serious or extreme hardship.
- Waivers based on change of specialty **MUST** be requested by December 15 prior to the start of training. Because of this timing, applicants in the Main Residency Match® who match to positions that begin in the year of the Match do not qualify for change of specialty waivers for those positions.
- If a waiver is granted, an applicant may accept a position in another program or participate in a future Match and the program may recruit for the position. If a waiver is not granted, the applicant and program are expected to honor the binding commitment.

In summary: This can be a stressful time. You must wait on the NRMP before you can begin to look for a new applicant. Don't be tempted to advertise or actively recruit because this can get you into trouble with the NRMP with a match violation which brings the potential for future penalties.

45 days. Remember this number!

Applicants who give notice of resignation, resign, or vacate a position within 45 days of the start date specified in the appointment contract, and programs that terminate a resident within 45 days of the start date specified in the appointment contract, are

presumed to have *breached NRMP policy* unless evidence is submitted through the waiver process sufficient to show that training was entered into in good faith and the NRMP determines there is a reasonable basis to release the applicant from the binding commitment.

You've submitted a waiver, here are the next steps.

Following receipt of the waiver request, the NRMP will ask the requestor to confirm in writing that the requestor wishes the NRMP to process the waiver. The NRMP also will ask the requestor to provide the NRMP all information the requestor deems important in support of the request. After receiving written confirmation from the requestor, the NRMP will contact any other party or parties identified in the request and any other person(s) with knowledge of the circumstances surrounding the request, and ask them to provide the NRMP with a written statement within **five business days**. Waiver requests made after a violation investigation has commenced will not be considered until a Final Report is issued in the violation investigation.

1. All waiver requests will receive a full examination and evaluation by the NRMP. The NRMP is authorized to contact other individuals/institutions in the course of acquiring information.
2. Applicants who have matched to a program or who have accepted a position during SOAP shall not apply for, discuss, interview for, or accept a concurrent year position in another program prior to the NRMP granting the requested waiver. In addition, programs shall not discuss, interview for, or offer the position to any other candidate until either: (a) the applicant has informed the NRMP that the applicant will not accept the position if the NRMP denies the waiver, and the program has been so notified by the NRMP; or (b) the NRMP grants the waiver.
3. An applicant, program director, or institutional official may request a waiver if any believes the fulfillment of the commitment to the results of a Match would cause unanticipated serious and extreme hardship. The burden shall be on the requestor to demonstrate unanticipated serious and extreme hardship. For purposes of the waiver process, the term serious and extreme hardship means the significant and unexpected adversity that honoring a Match outcome would bear upon the requestor's case.
4. An applicant who matched to or accepted an advanced or fellowship position also may request a waiver if the applicant has elected to change specialties (or subspecialties in the Specialties Matching Service), provided the waiver is requested no later than December 15 prior to the start of training in the advanced or fellowship program.
5. In addition to the grounds for waiver stated above, a waiver may be granted if the NRMP determines that an applicant is ineligible for the position sought or ineligible to

begin training on July 1. A request for waiver on these grounds may be initiated by the NRMP, a program, or an applicant. Eligibility for a position will be evaluated on a case-by-case basis, taking into account the circumstances of the case and the obligations and responsibilities of the parties under the Match Participation Agreement.

6. If at any time during the course of a waiver review the applicant, program director, or institutional official notifies the NRMP in writing that the binding commitment will not be honored if the waiver is denied, the NRMP may grant an immediate waiver to the other party.

7. In order to safeguard the integrity of our procedures, absent an applicable legal requirement to the contrary, NRMP treats as confidential all communications and other information submitted, collected, or generated in connection with the review process, including all information constituting or concerning any deliberations with respect thereto, except for such information that NRMP routinely provides to the parties under these Policies and Procedures or in the normal course of the matching process.

Consequences of Waiver Review Process

1. At the conclusion of the examination and evaluation, the NRMP will decide whether to grant or deny the waiver request.

- **If a waiver is granted**, the applicant may accept another position or participate in future matches, and the NRMP will not pursue the matter as a violation of the Match Participation Agreement signed during registration. In addition, the program will be free to recruit another candidate for the vacant position but must comply with the requirements of the NRMP All In Policy.
- **If a waiver is not granted**, the applicant and program will be expected to honor the binding commitment. Both parties will have **five business days** from receipt of the NRMP's decision to inform the NRMP whether the applicant will begin training in the program. Failure to honor the binding commitment shall be a breach of the Match Participation Agreement and grounds for a violation investigation. All investigations are conducted in accordance with the Policies and Procedures for Reporting, Investigation, and Disposition of Violations of NRMP Agreements. The NRMP recommends that each applicant and program read that document carefully.

2. If a waiver is not granted and the applicant does not agree to honor the binding commitment, the applicant may be barred for one year from accepting an offer of a position or a new training year, regardless of the start date, in any program sponsored by a Match-participating institution and/or starting a position or new training year in any program sponsored by a Match-participating institution if training would commence within one year from the date of the NRMP's final decision to deny the waiver. In addition, the NRMP will initiate an investigation pursuant to the terms of the Policies and Procedures for Reporting, Investigation, and Disposition of

Violations of NRMP Agreements. Further, an institution that participates in any NRMP Match is prohibited from offering a position in any program sponsored by the institution, regardless of the program's Match participation status, to any applicant who is ineligible to accept a position as the result of a denied waiver or a confirmed violation. Programs shall not discuss, interview for, or offer an applicant any potential position unless the program has first determined that the applicant is eligible for appointment. Programs shall determine the applicant's eligibility by verifying the applicant's Match status in the Applicant Match History that is available in the R3 system and/or by contacting the NRMP to obtain that information. If any of the programs sponsored by the institution discusses, interviews for, or offers a position to that applicant to commence training during the one-year period or if the applicant accepts such a position, the NRMP shall initiate an investigation to determine whether the applicant, the program, or the institution has violated the terms of the Match Agreement.

3. If a waiver is not granted and the applicant does not agree to honor the binding commitment, the applicant may be subject to a violation investigation for failure to honor the binding commitment. As a consequence of a confirmed violation, the applicant may be:

- ❖ Barred from future NRMP Matches for a period of one to three years or permanently, as determined by the NRMP.
- ❖ Identified as a Match violator to participating programs for a period of one to three years or permanently, as determined by the NRMP.
- ❖ Barred from accepting a position or new training year, regardless of start date, in any program sponsored by a Match-participating institution and/or starting a position or new training year in any program sponsored by a Match-participating institution if that position has a start date within one year from the date of the NRMP's issuance of the Final Report of the investigation.
- ❖ In addition, the applicant's medical school will be notified of the confirmed violation, with a request that it become part of the applicant's permanent file.

4. If a program is denied a waiver of its binding commitment by the NRMP and does not agree to offer the position to the applicant, the program may be subject to a violation investigation for failure to honor its binding commitment. As a consequence of a confirmed violation, the program may be:

- ❖ Barred from future NRMP Matches for one to three years or permanently, as determined by the NRMP.
- ❖ Identified as a Match violator to participating applicants for one to three years or permanently, as determined by the NRMP.
- ❖ In addition, the NRMP will notify the ACGME and appropriate review committee and the program director association.

5. If any program sponsored by an institution that participates in any NRMP Match, regardless of the program's Match participation status, discusses, interviews for, or offers a position to an applicant who has a concurrent year position and who has

not been granted a waiver by the NRMP, the institution and program may be subject to a violation investigation for failure to comply with the Participation Agreement.

Reconsideration of Initial NRMP Decision

A party adversely affected by the decision of the NRMP to grant or deny a waiver may request reconsideration of the initial NRMP waiver determination.

The party will have five business days from receipt of the initial adverse decision to request reconsideration. The request for reconsideration must state the basis for reconsideration and explain why the initial decision of the NRMP is unreasonable under the circumstances. The NRMP may (but is not required to) request additional information from the parties following its receipt of the request for reconsideration.

The NRMP decision following reconsideration is final and not subject to arbitration. Upon completion of the reconsideration process, if any, the NRMP will issue a letter indicating the final decision regarding the waiver request. Unless otherwise determined by the NRMP, the effective date of the final decision will be the date of the letter that transmits the final decision to the parties.

Reconsideration is not available if the waiver is granted when an applicant is ineligible for a position due to delayed graduation, incomplete prior graduate medical education, an inability to obtain a medical license, or any other circumstances that makes the applicant ineligible to begin training.

Deferral of the Match Commitment

The NRMP, in its sole discretion, may grant to an applicant and a program a one-year deferral of a match commitment if:

- (1) both parties agree to the deferral and provide written documentation, and
- (2) failure to obtain a deferral would cause serious and extreme hardship.

Additionally, the NRMP may grant a deferral of up to one year if arbitration proceedings have been initiated and the outcome is pending.

If for any reason a deferred match commitment cannot or will not be honored, one or both parties shall submit to the NRMP a request for a waiver according to the procedures set forth in the applicable Match Participation Agreement.

Section III- Logistics and Procedures

- If required at your institution (more often public ones such as state universities) notify the appropriate legal contact in risk management. Threats of lawsuits are not uncommon.
- Keep any email contact brief and to the point. Refer to appropriate institutional and NRMP policies. Do not make any promises that cannot be kept (e.g. *I hope you are able to start.*)

- If orientation is occurring while the waiver process is going on, the applicant cannot likely attend any sessions and should be told they are not employed until the process is resolved.
- Stay in contact with the NRMP. That way you know where the investigation stands and occasionally they may need more info from your program.
- Once the waiver is granted, post the position in the CORD community listserv. The thought of having to wade through applications again can be daunting. You will be surprised at how many qualified candidates may apply.
- Don't feel the need to make everyone fly out for interviews. Use Skype, Facetime etc. to conduct interviews. You likely want to fill the position ASAP so time is of the essence.
- Unfortunately only unmatched applicants or those who took a position outside of the match and SOAP can interview due to NRMP rules.

Section IV- Program Coordinators

- Be sure to keep copies of all correspondence between yourself and/or the PD with the applicant. This may be needed later on if questions arise regarding information given in either direction.
- Be prepared to have a mini-interview season once a waiver is approved.
- You will receive a lot of email from candidates. Make an email folder to keep it all contained.

Section V- Other Considerations

- **Case Example from the NRMP:**
- Waiver Granted to a Program:
After the Main Residency Match, the Internal Medicine program at National Medical Center wrote to the NRMP requesting a waiver of its commitment to Dr. Holly Hobbie. Dr. Hobbie had failed to disclose to the program her misdemeanor conviction for driving under the influence, and the program's institutional policies prevented Dr. Hobbie from joining the program. The NRMP initiated a waiver review and requested information from Dr. Hobbie regarding her legal issues. In such a case, the NRMP would approve the waiver request.
- Per section 4.4 below, applicants are responsible for providing complete, timely, and accurate information to programs. This policy targets information about, but not limited to visas, prior residency training and medical school interruptions. It also applies to prior legal issues, malpractice claims, or any other matters that could challenge the sponsoring institution's eligibility requirements or delay issuance of a training license. Information must

be disclosed in a timely manner up until the date specified in the appointment contract.

4.4 Completeness, Timeliness, and Accuracy of Information

Applicants are responsible for the completeness, timeliness, and accuracy of the information provided to programs. The submission of information by an applicant during the interview and/or matching process that is false, misleading, incomplete, or plagiarized from another source is a violation of this Agreement.

Section VI- Resources

NRMP

Policies and Procedures for Waiver Requests

[1 Policies and Procedures for Waiver Requests - NRMP](#)

Requesting a Waiver

<http://www.nrmp.org/requesting-waiver/>

Waiver Case Example from NRMP

<http://nrmp.org/wp-content/uploads/2015/08/Case-Summaries-Waivers.pdf>