

Notices of Proposed Rulemaking

Office of the General Counsel; 02/27/1996

Health Center

RULE TITLE:	RULE NO.:
Health Center; Teaching Hospital; Procedure for Removal or Suspension House Staff in Post-Graduate Training	6C1-5.076

PURPOSE AND EFFECT:

The language of Rule 6C1-5.076 is being modified to reduce wordiness and to improve clarity.

For administrative convenience, the rule clarifies that residents primarily based in Jacksonville will have applicable decisions rendered by the Jacksonville-based authority (e.g.: Associate Chair/UFHSC-J; Associate Dean/UFHSC-J).

Because the Chair of a Department is responsible for the operation of his other Department, the decision to non-renew or dismiss a resident is changed from solely the Program Director to being initiated by the Program Director, but require the participation of the Chair of the Department in which the resident was enrolled in the Residency Program.

Because the applicable Chair of the Department is now involved in the initial decision to dismiss or non-renew a resident, a resident's first appeal is changed from the Chair to the Director of Graduate Medical Education. Review by the Director of Graduate Medical Education will also provide a review which is, in most cases, outside the departmental structure of the particular Residency Program and, consequently, should be perceived by all parties as a more objective forum.

Appeals of the review decision of the Director of Graduate Medical Education remain at the level of the Dean (or Senior Associate Dean/UFHSC-J).

With the substitution of the Director of Graduate Medical Education for the department chair on the first level of appeal and the review of the first appeal decision by the Dean or Senior Associate Dean/UFHSC-J, it was felt additional appellate review by the Vice President for Health Affairs created unwarranted duplication of effort and delay, and such review is, therefore, eliminated.

SUMMARY:

Rule 6C1-5.076 provides procedures for the non-renewal, termination or suspension of a resident from a residency program. The rule lists the persons permitted to suspend the resident from patient care responsibilities. The rule provides for the initial recommendation for dismissal or non-renewal to be made by the Program Director of the particular residency program, while the final decision would be made by the Chair (or Associate Chair/UFHSC-J for residents primarily in Jacksonville) of the applicable department. The rule provides the resident may appeal a decision for non-renewal or dismissal to the Director of Graduate Medical Education and may appeal the decision of the Director of Graduate Medical Education to the Dean (or Senior Associate Dean/UFHSC-J for residents primarily based in Jacksonville). The decision of the appropriate Dean which constitutes final agency action of the University. The rule eliminates a third level of appeal to the Vice President of Health Affairs.

SPECIFIC AUTHORITY:

240.227(1), 395.0115, F.S.

LAW IMPLEMENTED:

120.53(1), 240.227(1), 395.0115, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THE RULE:

There is no economic impact other than the cost of rulemaking and publication of this rule.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 11:00 a.m. on March 19, 1996

PLACE: J. Wayne Reitz Union, Room 355

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS:

Mrs. Karon S. Grabel
Clerk of the University
207 Tigert Hall, University of Florida, Gainesville, Florida 32611.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dr. Timothy C. Flynn, Director of Graduate Medical Education.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Dr. Timothy C. Flynn, Director of Graduate Medical Education.

DATE PROPOSED RULE APPROVED:

February 20, 1996

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