

**UMDNJ-ROBERT WOOD JOHNSON MEDICAL SCHOOL
NEW BRUNSWICK, NEW JERSEY**

GRADUATE MEDICAL EDUCATION MANUAL

POLICY#: XI.11
SECTION: INSTITUTIONAL POLICIES RELEVANT TO GME
SUBJECT: GRADUATE MEDICAL, DENTAL AND PODIATRY EDUCATION

I. PURPOSE

To specify minimum standards of the University for the eligibility, selection, evaluation, promotion and dismissal of housestaff in all postgraduate programs sponsored by UMDNJ Schools and/or core teaching hospitals. Each School and postgraduate program shall establish its own requirements which may be more stringent but shall not be less stringent than the requirements specified herein.

II. ACCOUNTABILITY

Under the direction of the President, the Senior Vice President for Academic Affairs shall ensure compliance with this policy. The appropriate Deans or their designees shall implement this policy through the Graduate Medical Education and Graduate Dental Education Program Directors.

III. DEFINITIONS

- A. Housestaff: Interns, residents and clinical fellows.
- B. House officer: Individual intern, resident or clinical fellow.
- C. Postgraduate program: Internship, residency or clinical fellowship program.

IV. REFERENCES

- A. Outside Employment 00-01-30-10:00
- B. Housestaff Immunizations and Health Requirements 00-01-40-45:00

V. POLICY

- A. Requirements for Admission to UMDNJ postgraduate programs:

It is the policy of UMDNJ to obtain a consumer report or investigative consumer report, as those terms are defined in the federal Fair Credit Reporting Act, on all applicants to the University's postgraduate programs. In order to be admitted to a UMDNJ postgraduate program, the applicant must receive a consumer report and/or investigative report deemed favorable by UMDNJ.

B. Other requirements for admission are as follows:

1. Graduate Medical Education Programs

- a. For admission to the first postgraduate year (PGY1), the applicant must qualify for registration with the New Jersey State Board of Medical Examiners as defined in State Board of Medical Examiners Regulation 13:35-1.5(c) (EXHIBIT A).
- b. For admission to PGY2 and subsequent years, the applicant must qualify for a permit issued by the New Jersey State Board of Medical Examiners as defined in State Board of Medical Examiners Regulation 13:35-1.5 (EXHIBIT A).
- c. For admission to PGY3 and subsequent years, the applicant must have passed United States Medical Licensing Exam (USMLE) Step 3, National Board of Osteopathic Medical Examiners (NBOME) Part III or Comprehensive Osteopathic Medical Licensing Examination (COMLEX) Level III (which replaced NBOME Part III in February 1995).
- d. For admission to any postgraduate year after the applicant has used up his or her five (5) years of eligibility for registration/permit in the State of New Jersey, the applicant must have a New Jersey license.
- e. International Medical Graduates (IMGs) must, in addition to the above:
 - i. be U.S. citizens, U.S. permanent residents or holders of J-1 Exchange Visitor visas issued by the Education Commission on Foreign Medical Graduates (ECFMG); and
 - ii. hold a currently valid ECFMG certificate.
 - iii. In rare instances under special circumstances, the University may sponsor an IMG for an H-1B Temporary Worker visa. Such sponsorship must be approved by the School's Associate Dean for GME, the Dean and the Vice

President for Academic Affairs following justification from the Dean.

2. Graduate Dental Education Programs

- a. For admission to PGY1 or PGY2 of a UMDNJ graduate dental education program, the applicant must:
 - i. be a graduate from an institution approved by the Commission on Dental Accreditation of the American or Canadian Dental Association (EXHIBIT B), and
 - ii. hold a resident permit from the New Jersey State Board of Dentistry unless already licensed to practice dentistry in New Jersey (EXHIBIT B), and
 - iii. have passed Parts I and II of the National Board of Dental Examiners (NBDE) (EXHIBIT B).
- b. For admission to an Oral & Maxillofacial Surgery Program, the applicant must fulfill the requirements in section V.B.2.a above plus have U.S. citizenship or permanent residency status with associated proofs thereof.

3. Graduate Podiatry Education Programs

- a. For admission to the first postgraduate year (PGY1), the applicant must qualify for registration with the New Jersey State Board of Medical Examiners as defined in State Board of Medical Examiners Regulation 13:35-1.5 (EXHIBIT A) and must have passed the examination of the National Board of Podiatry Examiners.
- b. For admission to PGY2 or PGY3, the applicant must qualify for a permit issued by the New Jersey State Board of Medical Examiners as defined in State Board of Medical Examiners regulation 13:35-1.5 (EXHIBIT A).

C. Housestaff Selection

Postgraduate programs should develop selection criteria appropriate to the discipline and to the goal of producing caring and competent practitioners.

D. Housestaff Contracts

The contract for each house officer in a graduate medical, dental or podiatry program shall:

1. specify the specialty and sub-specialty, where applicable, and the level or Postgraduate Year (PGY), e.g., Internal Medicine PGY 1, 2, 3, or Internal Medicine-Cardiology PGY 4, 5, etc., and the term of the contract;
2. have an attachment describing assigned duties including patient care and teaching, and the program's overall work schedules;
3. specify that the pertinent registration/permit/licensure requirements of the New Jersey State Board of Medical Examiners must have been met as a precondition of the contract;
4. contain an attachment for medical or podiatry housestaff defining scope of practice of registration or permit holders as per regulations of the New Jersey State Board of Medical Examiners; and for dental housestaff, contain and define New Jersey State Board of Dentistry regulations regarding scope of practice;
5. describe benefits including vacations, professional and/or sick leave, family leave, liability insurance, health insurance and other insurance for housestaff and their families, and meals and laundry or their equivalent, consistent with hospital or University policies or the collective bargaining agreement between the Committee of Interns and Residents (CIR) and the University, where applicable;
6. specify whether or not extramural employment (moonlighting) is permissible; and, where moonlighting is permissible, specify that malpractice coverage is not provided by the University for moonlighting and additionally specify that the house officer must (a) have approval of the Program Director and (b) must give assurance that this activity will not interfere with responsibilities to the postgraduate program (see University policy, Outside Employment, 00-01-30-10:00);
7. have as attachments copies of Sections V.E (Academic Evaluation of Housestaff) and V.F (Promotion) of this policy;
8. specify that compliance with the University's Housestaff Immunizations and Health Requirements policy is required as a condition of the contract; and
9. state that "the house officer agrees that this agreement is contingent upon receipt by UMDNJ of a consumer report or investigative report, as those terms are defined in the federal Fair Credit Reporting Act, deemed favorable by UMDNJ."

E. Academic Evaluation of Housestaff

1. Evaluation System

Each postgraduate program must have in place a system of evaluation used to assess the academic performance of housestaff on a continuing basis; this system must be followed uniformly for all housestaff in the program. There shall be timely feedback to housestaff, particularly with regard to any deficiencies noted. Evaluations shall be documented in each house officer's academic record.

2. Requirement of Satisfactory Progress

In order to continue in a postgraduate program a house officer must make satisfactory academic progress as determined in accordance with the postgraduate program's evaluation system.

3. Scope of Academic Evaluations

All academic matters shall be considered in determining whether a house officer is making satisfactory academic progress. Academic matters include acquisition of knowledge related to the discipline as well as all aspects of the development of clinical and professional skills necessary for effective functioning as a health care professional. Of particular importance as academic issues are such areas of professional development as professional ethics and maintaining professional relationships with patients and with other health care professionals, including subordinates, colleagues and superiors.

4. The University's Model Statement on Academic Evaluation of Housestaff and Procedures for Academic Dismissals of Housestaff (EXHIBIT C) should be used as a guide in the academic evaluation of housestaff.

F. Promotion

1. Criteria for promotion in each postgraduate program shall be specified, updated, documented and communicated to housestaff at the beginning of each academic year.

2. In general, a housestaff's postgraduate level is determined by the Program Director, the Department Chair and the Dean on the basis of previous training and experience.

3. In addition to fulfilling the requirement of satisfactory academic progress as specified in Section D above, housestaff must satisfy the following requirements:

a. Graduate Medical Education Programs

- i. For promotion to PGY2 through PGY5, the house officer must either have a New Jersey medical license or obtain and maintain a permit issued by the New Jersey State Board of Medical Examiners as defined in State Board of Medical Examiners Regulation 13:35-1.5 (EXHIBIT A); an unlicensed house officer who does not obtain or make application for such a permit shall automatically be terminated at the conclusion of PGY1; an unlicensed house officer who fails to maintain such a permit shall be terminated upon the loss of the permit.
- ii. For promotion to PGY3, the house officer must also have passed USMLE Step 3, NBOME Part III or COMLEX Level III (which replaced NBOME Part III in February 1995); a house officer who has not passed USMLE Step 3, NBOME Part III or COMLEX Level III shall automatically be terminated at the conclusion of PGY2.
- iii. For promotion to any postgraduate year after a house officer has used up the five (5) year limit for registration/permit eligibility (as specified in NJSA 45:9-21d), the house officer must have a New Jersey license; a house officer whose eligibility for a permit has expired and who has not obtained a New Jersey license shall automatically be terminated at the conclusion of the last academic year of eligibility for a permit; and
- iv. Postgraduate programs have the option of requiring housestaff to obtain New Jersey licensure as a condition of promotion to PGY3 if eligible at that time, or to any succeeding postgraduate year. (For IMGs, there can be no requirement for licensure until PGY4 as they are ineligible for New Jersey licensure until they have completed three (3) years of graduate medical education).

b. Graduate Dental Education Programs

For promotion to PGY3 and beyond, a house officer must have a dental license from New Jersey or a dental license from another U.S. jurisdiction plus a New Jersey State Board of Dentistry resident permit. A house officer who has not obtained a dental license from New Jersey or from another U.S. jurisdiction plus a New Jersey State Board of Dentistry resident permit shall automatically be terminated at the conclusion of PGY2. (A house officer who has a New Jersey dental license does not need to have a resident permit).

c. Graduate Podiatry Education Programs

For promotion to PGY2 and beyond, a house officer must qualify for a permit issued by the New Jersey State Board of Medical Examiners as defined in State Board of Medical Examiners Regulation 13:35-1.5 (EXHIBIT A).

G. Dismissal for Academic Cause

Each school shall develop, maintain and follow a defined, written process for dismissal for academic cause. The process must satisfy the requirements of fundamental fairness and must apply equally to all housestaff. The process description should include details of determination of cause for dismissal, notification, and the right to be heard. The University's Model Statement on Academic Evaluation of Housestaff and Procedures for Academic Dismissals of Housestaff should be followed as a guide in all dismissals for academic cause (EXHIBIT C).

H. Inclusion of Policy in Housestaff Manuals

Policies and procedures regarding the eligibility, selection, evaluation, promotion and dismissal of housestaff shall be included in housestaff manuals of each teaching facility sponsoring postgraduate training under the aegis of a UMDNJ school and affiliated teaching hospital, or included in written materials distributed to all housestaff.

VI. EXHIBITS

- A. Regulations of the New Jersey State Board of Medical Examiners governing postgraduate training, and registration and permit requirements for graduate medical education programs in medicine or podiatry (13:35-1.3 and 1.5)
- B. Statutes and regulations of the New Jersey State Board of Dentistry governing licensure requirements to practice dentistry (13:30-1.1 through 13:30-1.3)
- C. Model Statement on Academic Evaluation of Housestaff and Procedures for Academic Dismissals of Housestaff

By Direction of the President:

Vice President for Academic Affairs

University Coding: 00-01-20-87:00
Adopted: 07/27/95
Amended: 05/15/03

EXHIBIT A
Regulations of the New Jersey State Board of Medical Examiners

13:35-1.3 Postgraduate training

Postgraduate training shall be taken under the auspices of a hospital or hospitals accredited for such training by the Accreditation Council for Graduate Medical Education (ACGME) or by the American Osteopathic Association (AOA) or by the American Podiatric Medical Association (APMA), as applicable to the profession. The program shall further be acceptable to the Board, which shall take into account the standards adopted by the Advisory Graduate Medical 13:35-1.4 Military service in lieu of M.D. or D.O. internship or postgraduate training.

The Board may grant a license to practice medicine and surgery to any person who shall furnish proof, satisfactory to the Board, that such person has fulfilled all of the formal requirements established by law, and who has served at least two years in active military service in the United States Army, Air Force, Navy, Marine Corps, Coast Guard or the U.S. Public Health Service as a commissioned officer and physician and surgeon in a medical facility which the Board determines constitutes the substantial equivalent of the approved internship or residency training program required by law; provided, however, that such military service actively occurred subsequent to graduation from an approved medical school.

13:35-1.5 Registration and permit requirements for graduate medical education programs in medicine or podiatry

- (a) The following terms shall have the following meanings unless the context in this section indicates otherwise:

"Applicant" means a graduate of a medical or podiatric school, unlicensed in this State, seeking authorization to engage in the practice of medicine or podiatry as a resident in a graduate medical education program. A registration applicant is seeking authorization to participate in the first year of a graduate medical education program. A permit applicant is seeking authorization to participate in his or her second year (or beyond) of a graduate medical education program.

"Director" means a physician holding a plenary license to practice medicine and surgery in New Jersey who is responsible for the conduct of a graduate medical education program at a hospital licensed in this State and whose responsibilities shall include generally overseeing the selection, training and evaluation of residents. With respect to graduate medical education programs in podiatry, the director shall be a podiatric physician licensed to practice podiatry in New Jersey.

"Graduate Medical Education Program" means an education program, whether denominated as an internship, residency, or fellowship, which is accredited by the Accreditation Council on Graduate Medicine Education

(ACGME) or by the American Osteopathic Association (AOA) in which the graduates of medical schools participate for a limited period of time under the supervision of plenary licensed physicians. With respect to podiatry, "Graduate Medical Education Program in Podiatry" means an education program, whether denominated as an internship, residency, or fellowship, which is accredited by the Council on Podiatric Medical Education of the American Podiatric Medicine Association (APMA) in which the graduates of podiatric schools participate for a limited period of time under the supervision of a licensed podiatric physician.

"Master list" means a list prepared by the director setting forth the name of each person seeking to practice medicine or podiatry in that graduate medical education program in New Jersey, designating the date of birth and medical or podiatric schools attended.

"Permit" means a document issued by the New Jersey State Board of Medical Examiners authorizing the holder to engage in the practice of medicine or podiatry in the second year of a graduate medical education program (or beyond) in medicine or podiatry in this State, subject to the limitations set forth in this rule.

"Permit holder" means a person authorized to engage in the practice of medicine or podiatry, as appropriate, while in the second year or beyond of a graduate medical education program in medicine or podiatry in the State of New Jersey, subject to the limitations set forth in this rule.

"Registered Resident" means an applicant granted authorization to engage in the practice of medicine or podiatry in the State of New Jersey in the first year of a graduate medical education program, subject to the limitations set forth in this rule.

"Registration" means authorization to engage in the practice of medicine or podiatry in this State in the first year of a graduate medical education program subject to the limitations set forth in this rule.

"Resident" means a participant in training in a graduate medical education program in podiatry at a licensed hospital in this State. For purposes of this rule, persons serving in internships and fellowships shall be deemed residents.

- (b) No unlicensed person shall engage in the practice of medicine or podiatry in the first year of a graduate medical education program unless and until he or she is registered with the Board. No unlicensed person shall engage in the practice of medicine or podiatry in the second year of graduate medical education or beyond unless or until he or she has been issued a permit by the Board.

- (c) A registration applicant shall certify that he or she:
1. Has attained the preliminary educational prerequisites for licensure, including:
 - i. Completion of at least 60 undergraduate level credits, at a college or university attained prior to medical or podiatric school. With respect to medical residents, the credits shall include at least one course each in biology, chemistry and physics.
 - ii. With respect to medical residents, graduation from a medical school which, during each year of attendance, was either accredited by the Liaison Committee on Medical Education (LCME) or the AOA or listed in the World Directory of Medical Schools. If the applicant has attended more than one medical school, he or she shall certify that each school attended was accredited or listed in the World Directory during the same time he or she was matriculated. With respect to podiatry residents, graduation from a podiatric school accredited by the Council on Podiatric Medical Education of the American Podiatric Medicine Association (APMA). If the applicant has attended more than one podiatric school, he or she shall certify that each school attended was accredited or listed.
 - iii. Attendance at medical or podiatric school for at least 32 months prior to graduation.
 - iv. With respect to medical students, where clinical clerkships have been completed away from the site of a medical school not approved by the LCME or the AOA, satisfactory completion of clinical clerkships of at least four weeks duration each in internal medicine, surgery, obstetrics and gynecology, pediatrics and psychiatry at hospitals which maintained at the time of the clerkship a graduate medical education program in that field.
 2. Has never been the subject of an administrative disciplinary proceeding by any state professional licensing agency, has never been convicted of a criminal offense of any grade or admitted to a pre-trial diversionary program, has never been denied licensure eligibility to sit for an examination or eligibility to participate in a postgraduate training program in this or any other state, has never had privileges at a hospital terminated or curtailed for cause, has never been asked to resign from a graduate medical education program or hospital staff, has never had privileges to prescribe controlled dangerous substances curtailed or limited by any

regulatory authority, has never had privileges to participate in any State or Federal medical assistance program (Medicare, Medicaid) curtailed or limited by any regulatory authority.

3. Is not, at the time that the certification is executed, the subject of an administrative disciplinary proceeding by any State professional licensing agency, or other regulatory authority (that is, Drug Enforcement Agency, Medicare, Medicaid), or the subject of any criminal proceeding (under arrest, indictment or accusation).
 4. Is not physically or mentally incapacitated to a degree which would impair his or her ability to practice medicine or podiatry, as applicable, and is not at the time of application habituated to alcohol or a user of any controlled dangerous substance except upon good faith prescription of a physician.
 5. Has obtained ECFMG or Fifth Pathway certification, if he or she is a graduate of a foreign medical school.
- (d) The Director shall obtain a registration form from each registration applicant and shall retain those forms, which may be subject to review by the Board. The Director shall certify that he or she has personally reviewed the registration form of each registration applicant who has accepted an offer of employment to ascertain that the registration applicant has certified that he or she has attained the prerequisites set forth in (c) above and that the Director is unaware of any information which would contradict any of the representations contained in that registration application form. If the Director shall have reason to question the veracity or reliability of those representations, he or she shall direct the registration applicant to supply the supporting documentation. The Director shall prepare a master list including all registration applicants and shall submit it to the Board, along with his or her certification, no later than one month before the registration applicants are to begin participating in the graduate medical education program.
- (e) The Board shall review the Director's certification, and shall issue to the Director a list of residents registered to engage in the practice of medicine or podiatry in the first year of the graduate medical education program conducted by that hospital. The Board shall provide to the Director a permit application for dissemination to each registered resident.
- (f) A registration applicant unable to certify that he or she has attained the prerequisites set forth at (c) above shall state on the registration application form the reason that he or she is unable to so certify. The Director seeking to offer employment to a registration applicant unable to certify that he or she has attained all the prerequisites may seek from the Board a waiver which would enable the applicant to participate in the first year of a graduate medical education program. The Board, in its

discretion, may grant or withhold such waiver for good cause. However, in no event may the applicant begin participating until the waiver for good cause request has been granted and the individual's name included on the list of registered resident or temporary authorization has been granted pursuant to (g) below.

- (g) In the event that a registration applicant has been unable to submit the required certification in a timely manner, the Director may grant that applicant temporary authorization to participate in the first year of a graduate medical education program, which will allow him or her no more than 30 days to complete the application process, provided that notice of such a grant is provided to the Board within five working days.
- (h) A registered resident may engage in the practice of medicine or podiatry provided that such practice shall be confined to a hospital affiliated with the graduate medical education program and outpatient facilities integrated into the curriculum of the program, under the supervision of licensed plenary physicians or licensed podiatric physicians, as appropriate. All prescriptions and orders issued by registered residents in the inpatient setting shall be countersigned by either a licensed physician or a licensed podiatric physician, as applicable; or a permit holder at the minimum upon the patient's discharge, or sooner if the Director so requires. All prescriptions issued by registered resident in the outpatient setting which are to be filled in a pharmacy outside a licensed health care facility shall be signed by either a licensed physician or licensed podiatric physician, as appropriate.
- (i) The Board may refuse to register a registration applicant if he or she has not certified that the prerequisites set forth in (c) above have been satisfied or if the Board is in possession of any information contradicting the representation made in the registration application form. The Board shall give the Director and the registration applicant notice of its refusal, allowing the submission of documentary evidence in rebuttal. Upon a showing of good cause the applicant will be granted an appearance before a committee of the Board.
- (j) In addition to any practice declared to be a basis for sanction, pursuant to P.L. 1978, c.73 (N.J.S.A. 45:1-14 et seq.), the practices listed below, upon proof, shall also provide a basis for the withdrawal of the authorization to engage in the practice of medicine or podiatry as a registered resident. Upon receipt of the notice of proposed withdrawal, the registered resident may request a hearing, which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq.
 - 1. Termination or withdrawal from the graduate medical education program.
 - 2. Failure to advise the Board of a termination or withdrawal from a graduate medical education program.

3. Engaging in any act or practice beyond the scope of those authorized pursuant to (h) above.
- (k) Upon a duly verified application of the Attorney General, alleging a violation of any act or regulation administered by the Board, which palpably demonstrates that the resident's continued practice would constitute a clear and imminent danger to the public health, safety and welfare, upon notice, the Board may enter an order temporarily suspending the resident's authority to engage in the practice of medicine or podiatry pending a plenary hearing on the charge.
- (l) A permit applicant shall submit to the Board a permit application form certifying that he or she has attained the prerequisites set forth in (c) above, and in addition, shall forward to the appropriate individuals requests for the production of the documentation listed below. The documentation sought by the permit applicant shall be sent directly to the Director by the certifying individual. The permit applicant shall also submit to the Director a check or money order in the sum of \$50.00 made payable to the New Jersey State Board of Medical Examiners.
1. Registrar's certification of attendance or college transcript from each college attended;
 2. Registrar's certification of attendance or school transcript from each medical or podiatric school attended;
 3. With respect to medical residents, ECFMG or Fifth Pathway certification, if applicable;
 4. Certification of successful performance during the first year of a graduate medical education program to date.
- (m) The Director shall obtain from the permit applicant the application form and the \$50.00 fee and shall also receive and retain certified documentation, set forth in (1) above. No later than four months before the date on which the applicant is scheduled to begin participating in the second year of a graduate medical education program (or beyond), the Director shall submit to the Board a complete application packet for each person to whom an offer of employment has been extended. This packet shall include:
1. Permit application, completed by the applicant.
 2. Registrar's certification for each college attended or college transcript for each college attended.

3. Registrar's certification for each medical or podiatric school attended, or transcript for each medical or podiatric school attended.
 4. With respect to medical residents, ECFMG or Fifth Pathway certification, if applicable.
 5. Certification of successful performance during the first year of graduate medical education to date.
 6. Permit fee of \$50.00 in the form of check or money order made payable to the New Jersey State Board of Medical Examiners.
- (n) The Director shall certify that he or she has offered a position to the applicant and has personally reviewed the permit application form and all supporting documentation and is unaware of any information which would contradict any of the representations in that application form or in any of the supporting certifications. If the Director shall have reason to question the veracity or reliability of those representations, he or she shall direct the permit applicant to supply the supporting documentation.
- (o) Upon receipt of the permit application packet, the Board shall review each permit packet and if it is satisfied that the permit applicant has the necessary prerequisites, it shall issue to the applicant a permit authorizing that person to engage in either the practice of medicine or the practice of podiatry, as appropriate, in the second year (or beyond) of a graduate medical education program.
- (p) A permit applicant unable to certify that he or she has attained the prerequisites set forth at (c) above shall state on the permit application form the reason that he or she is unable to so certify. In addition, if he or she is unable to produce the supporting documentation set forth at (m) above, an explanation must be provided. A permit applicant who has been unable to certify that he or she has attained all the prerequisites, or unable to produce the required supporting documentation, may seek from the Board a waiver which would enable the person to be issued a permit. The Board, in its discretion, may grant or withhold such waiver for good cause shown. However, in no event may the permit applicant begin to participate in the second year (or beyond) of a graduate medical education program until the program waiver request has been granted and the permit issued or a temporary permit issued.

- (q) In the event that a permit applicant has been unable to submit the required certification or supporting documentation in a timely manner, the Director may grant the permit applicant a temporary permit, which will allow him or her to participate in the graduate medical education program for no more than 60 days, to allow for the completion of the application process provided that notice of such a grant is provided to the Board within five working days.
- (r) A permit holder may engage in the practice of medicine or podiatry provided that such practice shall be confined to a hospital affiliated with the graduate medical education program and outpatient facilities integrated into the curriculum of the program, under the supervision of licensed plenary physicians or licensed podiatric physicians, as appropriate. Prescriptions and orders may be issued by permit holders in the inpatient setting without countersignature. All prescriptions issued by permit holders in the outpatient setting which are to be filled in a pharmacy outside a licensed health care facility shall be signed by a licensed physician or licensed podiatric physician, as appropriate.
- (s) The Board may refuse to issue a permit to a permit applicant if he or she has not certified that the prerequisites set forth in (c) above have been satisfied, if the supporting documentation set forth in (1) above has not been produced or if the Board is in possession of any information contradicting the representations made in the permit application form or supporting documentation. The Board shall give the Director and the applicant notice of its refusal, allowing the submission of documentary evidence in rebuttal. Upon a showing of good cause the applicant will be granted an appearance before a committee of the Board.
- (t) In addition to any practice declared to be a basis for sanction, pursuant to P.L. 1978, c.73 (N.J.S.A. 45:1-14 et seq.), the practices listed below, upon proof, shall also provide basis for the termination or suspension of a permit. Upon receipt of the notice of proposed termination or suspension the permit holder may request a hearing which shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B- 1 et seq.
1. Termination or withdrawal from a graduate medical education program.
 2. Failure to advise the Board of a termination or withdrawal from a graduate medical education program.
 3. Engaging in any act or practice beyond the scope of those authorized pursuant to (r) above.
- (u) Upon a duly verified application of the Attorney General alleging a violation of any act or regulation administered by the Board which palpably demonstrates that the resident's continued practice would constitute a clear and imminent danger to the public health, safety and welfare, the Board may enter an order temporarily suspending the

resident's permit to engage in the practice of medicine or podiatry pending a plenary hearing on the charge.

- (v) A permit shall be valid for the duration of the graduate medical education program in which the permit holder is participating. If the permit holder seeks to change programs, he or she must submit a transfer application form. All transfer applications must be accompanied by a certification from the Director of the graduate medical education program in which the applicant has been or is currently participating, attesting to successful performance in the program.
- (w) Each hospital offering a program(s) in medicine shall designate one physician who would qualify as a Director to fulfill the responsibilities set forth in this rule. Each hospital offering a podiatry program shall designate one podiatric physician who would qualify as a Director of a podiatry program to fulfill the responsibilities set forth in this rule. The Director may delegate to individual program directors these responsibilities, so long as the Director retains ultimate responsibility for the conduct of the program, except that the Director may not delegate the authority to issue temporary authorizations. In addition to the responsibilities placed upon any Director by this rule, he or she shall:
 1. Implement procedures to assure that all prescriptions and orders issued by residents are countersigned or signed in accordance with the requirements of this rule.
 2. Provide broad oversight of the activities of all program participants.
 3. Report to the Board any conduct by a resident which, if proven, would represent cause for the withdrawal of registration or the suspension of a permit.
 4. Report to the Board if any resident is granted a leave of absence for any reason, relating to a medical or psychiatric illness or to medical competency or conduct which would represent cause for the withdrawal of the authority to practice, providing an explanation.
- (x) The authorization granted to an unlicensed person to participate in the first year of a graduate medical education program shall not be construed to imply that that person will be deemed eligible for the issuance of a permit or a license. The issuance of a permit similarly should not be construed to imply that the permit holder will be deemed eligible for licensure.
- (y) This rule shall be effective upon publication as an adopted rule in the New Jersey Register. With respect to the first year during which this rule is in effect, Directors shall be required to submit a master list. Registration application forms and permit application forms will be made available after the publication of the rule. Unlicensed residents intending to

participate in a graduate medical education program on or after July 1, 1988 may, if they so choose, seek registration or a permit, as may be applicable for the year beginning on July 1, 1988. Registration and permits will be required, as applicable, for participants in the second year (or beyond) of a residency training program which begins on or after July 1, 1989.

EXHIBIT B
Statutes and Regulations of the New Jersey State Board of Dentistry

SUBCHAPTER 1. APPLICANTS FOR LICENSE TO PRACTICE DENTISTRY

13:30-1.1 Qualifications of applicants

- (a) All persons desiring to practice dentistry in New Jersey must secure a license from the Board.
- (b) To qualify as a candidate for dental licensure, an applicant must present satisfactory evidence of successful completion of the following:
 - 1. A dental degree from a dental school, college or department of a university approved by the Board and the Commission on Dental Accreditation;
 - 2. The Northeast Regional Board Examination. The Board will recognize successful completion of the Northeast Regional Board examination for up to five years. After five years, the Board will review each request on a case-by-case basis pursuant to the provisions of N.J.A.C. 13:30-1.3.
 - 3. The New Jersey jurisprudence examination; and
 - 4. All parts of the National Board Dental Examinations.

13:30-1.2 Resident permit

Prior to obtaining licensure, a graduate of an approved dental school who has passed Part I and Part II of the National Board Dental Examination may serve as a resident in an approved hospital upon obtaining a resident permit from the Board. A resident permit shall be renewed annually for the length of the residency program.

13:30-1.3 Recognition of Northeast Regional Board Examination after five years

- (a) The Board may, in its discretion, recognize successful completion of the Northeast Regional Board Examination after five years as set forth in N.J.A.C. 13:30-1.1(b) 2 provided that the candidate submits, at a minimum, evidence satisfactory to the Board that the candidate holds a license in good standing in every state where currently licensed.
- (b) As part of its review, the Board shall consider and evaluate any prior record of disciplinary action or pending disciplinary action or investigation in any other state and applicant's complete professional employment history.

EXHIBIT C

February 5, 2001

UNIVERSITY OF MEDICINE AND DENTISTRY OF NEW JERSEY

MODEL STATEMENT ON ACADEMIC EVALUATION OF HOUSESTAFF AND PROCEDURES FOR ACADEMIC DISMISSALS OF HOUSESTAFF

This document sets forth a model to be used in developing the procedures for evaluation of the academic performance of housestaff at the University of Medicine and Dentistry of New Jersey as well as procedures for adverse actions, including dismissal, based on such academic evaluations. (Note that throughout this document the term housestaff is used to refer inclusively to interns, residents and clinical fellows. Similarly, the term postgraduate medical/dental program is used inclusively to refer to internship, residency and clinical fellowship programs.) These procedures are not intended to be applicable to non-academic matters; procedures for dealing with non-academic discipline are specified in the University's contract with the Committee of Interns and Residents (CIR). However, all matters that are academic in nature shall be addressed via this process even if such matters have both academic and non-academic implications.

I. Definition of Academic Matters for Purposes of these Procedures

Academic matters include acquisition of knowledge related to the discipline as well as all aspects of the development of clinical and professional skills necessary for effective functioning as a health-care professional. Of particular importance as academic issues are such areas of professional development as professional ethics and maintaining professional relationships with patients, staff members, students and other health-care professionals, including subordinates, colleagues and superiors. When particular issues are of concern as both academic and employment-related, they should ordinarily be treated as academic issues. Since the academic development of housestaff is the paramount reason for the existence of postgraduate medical and dental programs at UMDNJ, it is incumbent upon postgraduate program administrators and faculty to give the highest priority to and to place the strongest emphasis upon academic difficulties that housestaff may be experiencing.

II. Academic Evaluation of Housestaff

Each house officer shall be continuously evaluated for his/her academic performance as follows:

- A. Evaluations of knowledge and of clinical and professional development shall be prepared periodically by all attending staff members who interact to a significant extent with the housestaff. Evaluation forms for this purpose will be developed by the Schools, departments or programs. Standard forms developed by the appropriate specialty board or college may be utilized for this purpose. The

evaluation interval shall be established by the program and shall, at a minimum, meet accreditation standards.

- B. Evaluations are to be completed at the conclusion of each rotation by the house officer's supervising attending, utilizing the School/department/ program evaluation forms.
- C. Other measures of performance to be considered in assessing academic growth include but are not limited to the following
 - 1. Standardized examinations
 - 2. Required certifications
 - 3. In-service examinations
 - 4. Quality of research, presentations, publications, etc.
 - 5. Success in achieving assigned goals, including remediation goals.
- D. Communications shall be documented between program director and faculty or other persons in a supervisory role. In order for such communications to be used meaningfully in evaluation, oral communications must be documented, with a copy placed in the house officer's file and another copy provided to the individual. However, documentation of such communication may occur for the first time when an evaluation form is completed.
- E. Periodic review of each house officer's progress in the program shall be conducted by the program director in which all of the above performance measures are discussed.

III. Remediation of Academic Deficiencies

In the event that academic deficiencies are identified:

- A. The program director or designee shall counsel the house officer. If counseling is conducted by a designee, the program director shall be informed in writing.
- B. When a house officer is asked to attend a personal interview for the purpose of investigating his/her performance or conduct and such interview may reasonably be expected to lead to actions that could be characterized as disciplinary in nature (such as a formal letter of reprimand, a suspension or a dismissal), written or oral notice of the interview shall be given to the Associate or Assistant Dean responsible for graduate medical/dental education and to the Committee of Interns and Residents (CIR). A CIR representative may accompany the house officer to hear the matter being discussed, but may not interfere with the interview or speak. Upon determining in good faith that the matter is academic in nature, the CIR representative should leave.
- C. The program director shall outline corrective measures and shall establish criteria and time frames for the correction of the deficiencies.
- D. The program director shall document the above interactions with the house officer in writing, with a copy placed in his or her file.

- E. The program director shall re-evaluate compliance with corrective actions as established earlier.
- F. If performance is restored to a satisfactory level, the program director will indicate this orally to the house officer as soon as it has occurred. A written notation of this interaction will also be placed in the individual's file, with a copy to the individual.
- G. If the house officer fails to correct the identified academic deficiencies to the satisfaction of the program director within the specified time frame, the program director may either extend the remediation period, using the same procedures as for an initial remediation effort, or proceed with termination in accordance with Section IV.
- H. For severe deficiencies warranting immediate termination, the program director may proceed in accordance with the steps outlined in Section IV, below.
- I. Copies of all documentation regarding academic deficiencies of housestaff should be provided to the Associate or Assistant Dean responsible for graduate medical/dental education.

IV. Termination

- A. In the event of severe academic deficiencies or failure to remediate lesser deficiencies, the program director may make the determination that the house officer should be terminated from the program. The program director should consult with a representative group from among the faculty who interacts to a significant extent with the individual.
- B. Once the program director has made the decision to terminate a house officer from the program, the director shall notify the individual in writing of the termination. Copies of this notice shall be provided to the associate or assistant dean responsible for graduate medical/dental education and to the CIR. Termination shall ordinarily become effective not less than two weeks after receipt of the written notice. The notification period may be waived at the discretion of the program director if, in the judgment of the program director, continuance of the individual in the program during the notice period would result in a risk of danger to patients or in a risk of other harm or damage either to the program itself or to other University personnel. The notification shall include the following:
 - 1. Reasons for dismissal
 - 2. Effective date of dismissal
 - 3. Process for appealing the dismissal

V. Appeal Process

- A. The house officer may appeal the program director's dismissal decision to an Ad Hoc Appeal Committee established as indicated in Section V.B. This appeal must be made in writing to the program director within five (5) working days of having received the notification of termination.
- B. If the house officer submits a timely notice of appeal, the director shall convene an Ad Hoc Committee of faculty members of the division, department or group of departments responsible for the program. The faculty members selected for this purpose shall be experienced faculty in the area of graduate medical/dental education. The number of members of the Ad Hoc Committee shall be large enough to be representative of the faculty of the division, department or group of departments responsible for the program but in any case shall not be larger than five (5) faculty members.
- C. The house officer may request to meet with the Ad Hoc Committee in person and be accompanied at the hearing by a faculty member or fellow housestaff who may act as an advisor. A CIR representative may be present at the hearing (but may not participate in the proceedings) only if the matter under discussion is disciplinary or has a disciplinary component, but not if the matter is strictly one of academic performance. The program director will also be present at the hearing at which time he or she shall set forth the reasons for which the house officer has been dismissed. Following the presentation, the house officer and/or his or her advisor shall be permitted to set forth whatever information the individual wishes the Committee to consider as reasons to vacate the decision to dismiss him or her.
- D. Following the hearing before the Ad Hoc Committee, the Committee will immediately confer and, after deliberations, advise the Department Chair in writing of its recommendation and the reasons for that recommendation. The Department Chair shall render a decision, and the decision of the Chair shall be final. This decision shall be conveyed to the house officer in writing. The Chair shall provide copies of the decision to the Dean of the School and to the Associate or Assistant Dean responsible for graduate medical/dental education.