

**INSTITUTIONAL GME POLICY—Resident Eligibility, Selection, Promotion & Visa Status**  
**Approved by GMEC – September 23, 2011**

1. Compliance with ACGME Requirements.

The Institutional Sponsor for all Hawaii Residency Programs, Inc. (“HRP”) and Fellowship Training Programs is the University of Hawaii John A. Burns School of Medicine (“JABSOM”). HRP, acting on behalf of the DIO, ensures compliance with the requirements listed in the ACGME’s Graduate Medical Education Directory as well as the Institutional/Common Program Requirements for the current year. HRP also monitors the compliance of the Institution Sponsor and each program with these procedures. In summary, these ACGME Institutional Requirements specify:

A. Resident eligibility:

Applicants with one of the following qualifications are eligible for appointment to ACGME-accredited programs:

- (1) Graduates of medical schools in the United States and Canada accredited by the Liaison Committee on Medical Education (“LCME”).
- (2) Graduates of colleges of osteopathic medicine in the United States accredited by the American Osteopathic Association (“AOA”).
- (3) Graduates of medical schools outside the United States and Canada who meet one of the following qualifications:
  - (i) have received a currently valid certificate from the Educational Commission for Foreign Medical Graduates prior to appointment, or
  - (ii) have a full and unrestricted license to practice medicine in a U.S. licensing jurisdiction in which they are in training.

B. Resident selection:

- (1) HRP, in support of the JABSOM, ensures that its ACGME-accredited programs select from among eligible applicants on the basis of their preparedness, ability, aptitude, academic credentials, communication skills, and personal qualities such as motivation and integrity. ACGME-accredited programs must not discriminate with regard to sex, race, age, religion, color, national origin, sexual preference, disability, veteran status, or other statuses protected by federal or state law. HRP monitors compliance with these non-discrimination requirements.
- (2) In selecting from among qualified applicants, the Institutional Sponsor and all of its ACGME-accredited programs are strongly encouraged to participate in an organized matching program, such as the National Resident Matching Program (“NRMP”), where such is available.

HRP’s accreditation requirements prohibit the enrollment of non-eligible residents.

No resident in an accredited program sponsored by the JABSOM will be required to sign a non-competition guarantee as a condition of employment.

2. Licensing/State and Federal Registrations.

All residents must maintain a valid Hawaii temporary or permanent medical license at all times during the term of their training. Failure to obtain or maintain a valid license will result in immediate suspension of the resident from the program at least until such time as the license has been obtained or reinstated. In order to prescribe controlled substances, a resident must be registered with the appropriate state and federal agencies. Please refer to your program guidelines for more specific information regarding licensure and registration. Failure to obtain/maintain required licensure and registration may be grounds for corrective action, probation, suspension or permanent dismissal.

In order to ensure that applicants and current residents are eligible and remain eligible for Hawaii licensure, HRP requires completion of background disclosures and statutory disclosures as permitted and/or required by law. Certain of those disclosures are required as a part of the application process whereas others are required only if the applicant matches or is otherwise offered a resident appointment agreement.

3. Credentialing.

Residents are required to meet the credentialing requirements of their program and assigned hospitals or care facility, and to complete all required paperwork in a timely manner in order to do so. Please refer to your program's specific requirements.

4. Conditions for Appointment to Next Higher Level of Residency Training.

Residents may be considered for appointment to the next level of training at the sole discretion of the Program Director based upon available positions, the needs of the program, and fully satisfactory completion of the current level in accordance with the annual contractual agreement, fully satisfactory performance during the current year, and demonstrated potential to serve successfully at the next higher level of residency training. Factors which may be considered in making this determination include, but are not limited to: patient care, medical knowledge, practice-based learning and improvement, interpersonal and communications skills, professionalism, systems-based practice, satisfactory completion of the learning objectives of the program, technical achievement, professional and ethical behavior, teaching skills, clinical practice and judgment, satisfactory completion of any other departmental specific requirements and overall performance. Residents have no right or entitlement to such reappointment and any reappointment or promise thereof may only be granted by the Program Director and must be in writing.

In order to be eligible for reappointment at or above the third year of residency training, residents and fellows must comply with the USMLE Step III policy explained more fully below.

In the event that the Program Director determines that the Resident will not be offered a Agreement for Appointment to Residency Training for the next level of training, the Resident will be informed of that decision in writing at least four (4) months prior to expiration of the current Agreement, unless the primary reasons for that decision occurred within four months of the current Agreement's expiration. In that event, the Resident will be informed of that decision in writing as soon as the circumstances reasonably allow.

A Resident advised in writing that he or she will not be offered an Agreement for Appointment to Residency Training for the next level of training may file a grievance using the HRP Uniform Hearing, Grievance, and Administrative Procedures available from the Program Administrative offices and on New Innovations.

5. Requirement for Successful Completion of USMLE Step III or Complex III.

HRP and each of its Residency Programs require that each Resident or Fellow provide evidence of having taken and successfully passed the USMLE Step III or COMLEX III not later than December 31 of his/her second year of residency training, or in the case of off-cycle residents in his/her second year of training by the deadlines set forth below, regardless of the PGY year or Level at which the resident is training in that second year. As a consequence, candidates for fellowship must have successfully passed USMLE Step III or COMLEX before being considered for admission into any HRP program.

This requirement applies uniformly to all residents, regardless of the jurisdiction in which he/she graduated from medical school, regardless of the state or jurisdiction in which the resident may desire to seek permanent licensure, and regardless of whether he/she desires permanent licensure. This is an academic requirement unrelated to permanent licensure.

In the event that a Resident fails to demonstrate by that date that he/she has successfully passed the USMLE Step III or COMLEX III, the Resident will not receive a Certificate of Completion for the second year of training, and will not be eligible for Appointment Agreement renewal or extension in any HRP Residency Program. This notice serves as prospective notice of non-renewal in that event. To ensure compliance with this requirement, Residents in their second year of training must demonstrate not later than August 1 of their second year that he/she has applied for the USMLE Step III or COMLEX III to be administered in sufficient time to receive notice of results by December 31 of the same year. Residents are encouraged to apply for earlier examinations in order to permit subsequent efforts in the event of non-pass on the first occasion, and to accommodate scheduling issues.

For Residents who are off-cycle for the second year of training, such Residents must apply for the USMLE III or COMLEX III within 30 days of commencement of his/her second year of residency training, and provide evidence of having taken and successfully passed the USMLE Step III or COMLEX III not later than 6 months from the date of commencing such training.

For Residents who commence training at HRP at Level 3 or above, such Residents must apply for USMLE III or COMLEX III within 30 days of commencement of such training, and provide evidence of having taken and successfully passed the USMLE Step III or COMLEX III not later than 6 months from the date of commencing such training.

Exceptions to this policy will be permitted only in cases in which a Resident's second year of training (or Level 3 or above training if commenced with HRP at or above Level 3) is interrupted by statutorily required leaves of absence from training. Such exceptions shall not be granted to excuse the requirement to pass the USMLE Step III or COMLEX III. Rather, an exception shall merely allow the Resident such additional time as he/she was in a statutorily mandated absence status and then only if he/she received an extension of the Appointment Agreement to compensate for such period of statutorily required absence.

*No exceptions to, or extensions of, these deadlines will be granted in the case of a Resident who has taken the USMLE Step III or COMLEX III but who is awaiting results at the expiration of the deadlines provided herein. Such Resident will receive a notice of non-renewal to the same extent as a Resident who had not taken the examination, or failed to demonstrate passage by the deadline.*

#### 6. Employment Eligibility Verification

The Immigration Reform and Control Act (“IRCA”) makes it unlawful for employers to knowingly hire or continue to employ any person who is not authorized to work in the United States and imposes a legal duty on every employer to examine and verify documents which establish the employment eligibility of **all** new employees. In order to comply with IRCA, the employer and the employee must jointly complete the Form I-9 at the time of initial employment.

The employee must attest, under penalty of perjury that;

- s/he is a citizen of the United States, or
- s/he is a non-citizen national of the United States, or
- s/he is lawful permanent resident of the United States, or
- s/he is an alien authorized by the U.S. Department of Homeland Security (“DHS”) to work in the United States, and
- the documents presented as evidence of identity and employment authorization for purposes of completing the Form I-9 are genuine and relate to that employee.

Anyone submitting false documentation shall be immediately dismissed from the program. An employee must inform the Program Director or Program Administrator of any changes in the employee’s work authorization status. Any questions regarding IRCA and the required documentation should be directed to the program.

#### 7. Information for Graduates of Foreign Medical Schools and/or Foreign- Medical Graduates and VISA Status.

HRP is a not-for-profit educational institution committed to providing the opportunity for post-graduate education to qualified medical school graduates accepted into one of our residency training programs.

A graduate of a medical school outside the United States, whether foreign-born or American-born, is required to hold the standard Educational Commission for Foreign Medical Graduates (“ECFMG”) certification.

As indicated in Section 6 above, all persons seeking employment with HRP must show that they are authorized to work in the United States. For purposes of this section, a foreign medical graduate (“FMG”) refers to a medical school graduate who is not a U.S. citizen, a U.S. national or a lawful permanent resident of the United States. HRP will assist an FMG accepted into an HRP residency program to apply for a nonimmigrant J-1 visa if the FMG is not otherwise authorized to work in the United States. The Immigration and Nationality Act permits an FMG

with a J-1 visa to remain in the United States long enough to complete training in a specialty or for seven years, whichever is shorter; a graduate may change his/her designation of specialty once during that period. HRP will only sponsor a J-1 Visa.

For information about the required examinations and procedures for obtaining an ECFMG certificate, contact ECFMG, 3624 Market Street, Philadelphia, PA 19104-2685. The telephone number for the ECFMG is (215) 386-5900.

*Revised: Dec. 7, 2011*