

POLICY AND PROCEDURE

UNIVERSITY OF NORTH DAKOTA

SCHOOL OF MEDICINE & HEALTH SCIENCES GRADUATE MEDICAL EDUCATION POLICY ON ACCOMMODATION OF RESIDENTS WITH DISABILITIES

A residency program is a structured educational activity, comprising a series of learning experiences in Graduate Medical Education (GME) designed to conform to the program requirements of a particular specialty or subspecialty. A physician must possess the ability, knowledge and skill to function effectively in a variety of clinical situations and to render a broad spectrum of patient care. All residents must meet the essential clinical as well as academic requirements of the post-graduate medical education program, which include, but are not limited to:

- the intellectual, behavioral, and social capacity to observe and communicate;
- sufficient motor and sensory abilities to perform physical examinations and basic laboratory and diagnostic procedures;
- mental and emotional stability to exercise good judgment and work effectively in stressful situations; and
- Intellectual ability to synthesize data and solve problems.

POLICY:

RESIDENTS WITH DISABILITIES

It is the experience of the University of North Dakota School of Medicine and Health Sciences (UNDSMHS) that a number of individuals with disabilities (as defined by Section 504 of the Rehabilitation Act and the Americans With Disabilities Act, as amended) are qualified to study and practice medicine with the use of reasonable accommodations. To be qualified in the Graduate Medical Education Program, residents must be able to meet the essential clinical and academic requirements of their residency program, with or without reasonable accommodation, as set forth by its respective ACGME Residency Review Committee.

THE USE OF AUXILIARY AIDS AND INTERMEDIARIES

Qualified residents with documented disabilities are provided with reasonable accommodations at UNDSMHS, which may include involvement of an intermediary or auxiliary aid. No disability, however, can be reasonably accommodated at UNDSMHS with an aid or intermediary that provides cognitive support or substitutes for essential clinical skills, or supplements clinical and ethical judgment. Thus, accommodations cannot eliminate essential program or training elements or fundamentally alter the required training experience.

PROCEDURE:

Request for Accommodation - Residents with disabilities are responsible for requesting reasonable accommodations in writing. Medical documentation may be necessary to verify the existence of the disability and to identify and assess potential reasonable accommodations. (See ADA Request for Accommodation Form, www.und.edu/dept/aa and click on forms.)

Requests should be directed to the Affirmative Action Officer or residency program director or Designated Institutional Official (DIO). The Affirmative Action Officer will evaluate information to determine eligibility within the guidelines of ADA.

The Affirmative Action Officer, residency program director and DIO will determine with the resident whether the requested accommodation would be effective and reasonable, and would enable the resident to perform the essential functions of the position and achieve the essential educational goals and program objectives or make a good faith effort to negotiate another accommodation. Each accommodation request will be handled on a case-by-case basis. New requests from residents who are currently receiving accommodations will follow the same process. The process of evaluating accommodation requests is interactive and requires a case-by case review. Any accommodation request and its implementation in specific situations shall be the responsibility of the resident, residency program director, and DIO. Others involved in the resident's training may be informed of the accommodation but are not entitled to any medical records or information that would reveal the medical condition. For example, a resident needs an accommodation that requires periodic and regular breaks to eat because of a diabetic condition. The break periods are the accommodation that is approved, and others such as supervising faculty need to know of the accommodation but do not need to know of the underlying condition, unless a safety situation exists to establish a need to know.

A request for accommodation may be made at any time during residency training. **In order for the resident to receive maximum benefit from his/her residency training, requests for accommodation should be made as early in the training process as possible.**

Confidentiality of Records - All medical-related information must be kept confidential and maintained separately from other resident records. However, supervisors and managers may be advised of a resident's functional limitations appropriate to the training and service specific to required performance of a rotation. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations. Government officials investigating compliance with the ADA may also be provided relevant information as requested. Medical information, not associated with a request for a disability-related accommodation, may also be provided, as needed for workers' compensation purposes (for example, to process a claim), and for certain insurance purposes.

Resident Responsibilities - A resident requesting reasonable accommodation is responsible for:

1. Requesting the accommodation. The request should be made well in advance of the need, so that it can be evaluated or an alternative accommodation considered. The request must be detailed enough to ensure that, if granted, the accommodation can be effectively implemented.
2. Identifying the functional limitation which gives rise to the request (see ADA Accommodation Request Form).
3. Providing recent and adequate medical documentation as may be required and upon request from the Affirmative Action Office.
4. Fulfilling his/her responsibilities in conjunction with an agreed upon accommodation.
5. Contacting the DIO or the Affirmative Action Office immediately if the agreed upon accommodation is not effective. There is no **guarantee** that any approved accommodation will make the resident successful in meeting the requirements of the residency program or in any of its required rotations.