
POLICY AND PROCEDURE

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

POLICY:

UNC Health Care is committed to considering requests for reasonable accommodations made by residents with known disabilities who can meet the clinical and academic requirements of their residency program as set forth by its respective ACGME or ADA Residency Review Committee.

DEFINITIONS:

Disability: For the purpose of considering an accommodation, according to the Americans with Disabilities Act of 1990, the term “disability” means, with respect to an individual, a person with a physical or mental impairment that substantially limits one or more of the major life activities.

Major Life Activities: Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, working, receiving education or vocational training, and the operation of major bodily functions, including, functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions.

Reasonable Accommodation: Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enables qualified individuals with disabilities to perform the essential functions of that position. Accommodation options may include job restructuring; part-time or modified work schedules; modification of training materials or policies; elimination of non-essential job functions; modification of current equipment; acquisition of adaptive software or assistive technology and equipment; talking calculators; and/or telephones compatible with hearing aids.

An accommodation is NOT considered reasonable if it imposes an undue hardship, alters the fundamental nature or requirements of the residency program, or poses a direct threat to the health or safety of others. Examples of proposed accommodations that may impose an undue burden include, but are not limited to: extensions of time to complete a residency training program that have an adverse affect on the accreditation of the residency program; or job restructuring that compromises duty hours for other residents or has a negative effect on the training of other residents in the program.

PROCEDURE:

Request for Accommodation — Residents with disabilities are responsible for requesting reasonable accommodations and providing medical documentation appropriate to verify the existence of the disability and to identify and assess potential reasonable accommodations. Requests should be directed to the UNC Health Care System Americans with Disabilities Act (ADA) Officer, residency program director, and Designated Institutional Official (DIO). The ADA Officer, residency program director and DIO will review the request. If it is determined that additional medical information is needed, the resident will be provided with any forms/questionnaires necessary for his/her health care provider to complete. The ADA Officer will evaluate information to determine eligibility within the guidelines of ADA.

The ADA Officer, residency program director and DIO will then coordinate with the necessary institutional staff and the resident to determine whether the requested accommodation would be effective, reasonable, and 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, including new requests from residents who are currently receiving accommodation. The process of evaluating accommodation requests is highly interactive, and requires a case-by case review. Participants in the process may include, but are not limited to, the following:

- the resident and his or her medical provider
- ADA Officer and designated staff in the UNC Health Care System Equal Opportunity Office
- department chair/residency program director
- supervising faculty members

- GME Disability Officer (Executive Associate Dean for Graduate Medical Education or designee)
- Accommodation Review Team
- accrediting body for specialty/subspecialty area.

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 time, 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 information necessary to make the determinations they are required to make in connection with a request for an accommodation. 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 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 must be made well in advance of the need so that it can be evaluated or alternative accommodation considered. The request must be detailed enough to ensure that, if granted, the accommodation can be effectively implemented.
2. Identifying the nature of the condition which gives rise to the request.
3. Providing adequate medical documentation. Upon request from the ADA Officer, the resident must provide timely and adequate written documentation from an appropriate health care provider(s) which substantiates the presence of an impairment that entitles the resident to state or federal disability coverage and supports the need for a requested accommodation. Each accommodation request may require additional documentation, and some covered disabilities require intermittent re-testing. The resident is responsible for complying in a timely manner with any request for documentation or information from the ADA Officer.
4. Fulfilling his/her responsibilities in conjunction with an agreed upon accommodation.
5. Maintaining regular contact with the ADA Officer and DIO. The resident should contact the ADA Officer and DIO at least once during each rotation which requires an accommodation to provide feedback about the effectiveness of the accommodation and discuss program needs.

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