

Submitting a Complaint with ACGME for Residency Duty Hours Violations

1. ACGME Duty Hours Requirements

The Accreditation Council for Graduate Medical Education (ACGME) requires that duty hours must be limited to 80 hours per week, averaged over a four-week period, inclusive of all in-house call activities. Duty hours are defined as all clinical and academic activities related to the residency program; i.e., patient care (both inpatient and outpatient), administrative duties relative to patient care, the provision for transfer of patient care, time spent in-house during call activities, and scheduled activities such as conferences. The full text of the ACGME's duty hours requirements can be found at: http://www.acgme.org/acWebsite/dutyHours/dh_Lang703.pdf.

2. Violation of Duty Hours Requirements

If a resident or fellow physician believes that the ACGME requirements for resident duty hours have been violated, the physician should contact the Residency Program Director to discuss the problem, unless the Program Director is involved with the alleged violation. Under those circumstances, or in the case that meeting with the Program Director is ineffective, the resident physician should contact the institutional Graduate Medical Education (GME) committee, the Designated Institutional Official (DIO), the GME office identified on the ACGME website, or the resident representative on any of these oversight groups. If the efforts above do not resolve the issue, contact the ACGME Complaint Officer directly to discuss submitting a formal complaint.

3. Submission and Content of the Formal Complaint

A formal complaint must be submitted in writing and bear the signature and mailing address of the resident physician who is submitting the complaint. Anonymous complaints or complaints submitted solely by e-mail will not be considered. Complaints should be addressed to:

**ACGME Complaint Officer
ACGME
515 North State Street, Suite 2000
Chicago, Illinois 60610**

The complaint should identify the ACGME requirement(s) in question (duty hours) and provide both an explanation and evidence of non-compliance by the residency program. The complaint should also specify steps that have been taken to resolve the issues within the programs or institution prior to the submission of the complaint to the ACGME.

4. Procedures for Processing a Formal Complaint

Once a complete formal complaint is received, the ACGME Complaint Officer will request the Program Director or the DIO of the subject institution to submit a written response within one month from the date of the request. The Complaint Officer shall review both the complaint and the response with the Executive Director of the Review Committee to determine whether the allegations were successfully rebutted or whether the complaint requires a formal consideration by the Review Committee.

5. Review Committee Action

The Review Committee will conclude one of the following: (a) the response satisfactorily addressed the allegations and no further action is required; (b) there is validity to the complaint and a subsequent report on correction is needed; (c) there is validity to the complaint and the site-visitor shall be directed to investigate the matter at the time of the next (regularly scheduled) site-visit; or (d) the matter is sufficiently serious to warrant an immediate site-visit and review. The

Program Director and the DIO shall be informed in writing of the Review Committee's decision on the complaint, and the resident physician submitting the complaint shall be informed in writing as to whether the complaint resulted in a change in accreditation status of the program or sponsoring institution.

6. Confidentiality

Unless there is an alleged due process violation (see #5, below), the ACGME shall keep the name of the resident physician submitting the complaint confidential throughout its processing of the complaint, except when a resident physician specifically waives the right to confidentiality. If the complaint involves failure of a program or institution to provide due process, the name of the resident physician submitting the complaint must be used when a response to the allegation is requested from the Program Director or institutional official.

7. Due Process

Due process is the residency program's policies and procedures for addressing a variety of grievances that a resident physician may have. Due process policies and procedures vary among institutions but usually involve several stages that allow the resident physician the opportunity to be heard before an impartial committee. If a resident physician followed these steps and believes that his/her concerns were ignored or insufficiently addressed, there may be a violation of due process. The resident physician should then submit a formal complaint to the ACGME alleging violation of due process. In these situations, the resident physician's name is released to the Program Director and DIO because the ACGME is inquiring whether due process was followed for that specific resident physician. Since the resident physician has already initiated a complaint internally with the residency program, his/her identity is already known to the residency program. Further, the residency program must know the resident physician's identity in order to effectively respond to the allegations. This differs from a situation where a resident physician contacts the ACGME directly because he/she believes the Program Director is contributing to duty hours requirement violations. There is not a due process violation in this case, so the identity of the resident physician is kept confidential.

8. Additional information

Answers to frequently asked questions pertaining to duty hours requirements and violations are available at: http://www.acgme.org/acWebsite/dutyHours/dh_faqs.pdf.