

Advising the ACGME on the Implementation and Monitoring of the Duty Hour Standards
The First Report of the ACGME Duty Hour Subcommittee
June 2003

In February 2003, the ACGME approved new duty hour standards for all accredited programs, including an 80-hour weekly limit, rest periods, and limits on continuous duty hours. The new standards become effective July 1, 2003. The Council also charged a Subcommittee (*Exhibit 1*), with advising the Board of Directors on matters related to the implementation and monitoring of the standards and building knowledge about innovative approaches to meet the requirements. This document constitutes the Subcommittee's first report. The aim is to increase the awareness on issues related to the standards, and offer recommendations for consideration by the Board.

Data Collection

In its discussions regarding data to monitor compliance, the Subcommittee focused on the need to go beyond collecting data only at the time of the site visit. The recommendations emphasize the importance of annually collecting duty hour data from accredited programs and the need to involve sponsoring institutions to assist them in discharging their oversight responsibility. Data collected annually will assist in ensuring that the ACGME has current, complete information on the extent to which programs comply with the standards. The Subcommittee recommends that:

- A survey on the numeric duty hour standards be fielded annually to all program directors of accredited programs through the ACGME's WebADS System.
- The sponsoring institution's designated institutional official (DIO) be given oversight of the data provided by the accredited programs at his/her institution. DIOs should be asked to sign off on the information provided by programs, and program directors should be formally notified that the data are reviewed by the DIO.
- The ACGME provide the DIO a report showing duty hour data for all programs sponsored by the institution, which compares this information to the national means for each specialty. Program directors should be able to view data for their program compared to national mean for their specialty.
- Duty hour data be collected via the web-based survey of residents. All residents should be surveyed every 24 months, using a brief set of questions related to duty hours that is part of the ACGME's resident survey.
- The review of programs use information from multiple sources, including program director, the resident survey, information from site visit interviews and from the review of rotation and call schedules, to allow cross-validation of the information.

Use of the Data

Equally important to data collection to monitor compliance is the use of the data and the actions

taken in instances where the data suggest noncompliance. The Subcommittee recommends that:

- ACGME track the data collected via the WebADS survey and share information with the RRCs, and that these follow-up with programs where the data suggest noncompliance. Follow-up should use an algorithm (*Exhibit 1*) that consistently applies the common standards across programs to facilitate timely follow-up and correction of deficiencies.
- As shown in the algorithm, follow-up for programs with compliance problems include immediate notification of the program director of the program and the sponsoring institution's designated institutional official (DIO), alerting them to the non-compliance and asking for information about the matter and a plan for corrective action. Correction plans should be implemented within 8 to 12 weeks, and information shared with the RRC and, in cases of a lack of institutional oversight, the Institutional Review Committee (IRC). The RRC/IRC will assess whether the corrections made have achieved compliance duty hour requirements. This may include resurveying of the residents in the program using the duty hour survey questions from the ACGME resident questionnaire or a brief custom-designed instrument.
- The algorithm be used to define the actions to be taken by the RRCs, IRC and ACGME; the actions expected of programs and sponsoring institutions; and the consequences of programs and/or institutions failing to take corrective actions, including the use of adverse accreditation actions and the ACGME's "Egregious Violations" procedure.

Site Visit Interview Procedures

The ACGME promotes compliance through on-site inspections that include interviews with program directors, faculty, DIOs and in a given year, interviews with 12,000 to 15,000 residents. Collection and verification of information during site visits is an important element of promoting compliance. The Subcommittee recommends that:

- The ACGME site visitors use consistent questions about resident hours, and residents and faculty should corroborate the data provided by programs.
- Site visitors inspect resident schedules and other documents to establish the activities and time devoted to education and patient service.
- Residents be asked about their duty hours, ability to attend conferences, support for non-educational work, and related areas, such as education about sleep deprivation.
- Residents be assured confidentiality, and site visitors pay particular attention to indications of constraints on frank reporting, such as concerns about retaliation/retribution.

Whistleblower Provisions

The ACGME has a formal mechanism for receiving and following up on complaints related to alleged noncompliance of programs or sponsoring institutions with the Program and Institutional Requirements, which is publicized on the ACGME Web site. The ACGME evaluates the merit of

a complaint, and conducts appropriate follow-up. The Subcommittee recommends that:

- The ACGME use its existing complaint management process as a “whistleblower provision” related to complaints about duty hours through which residents or others with knowledge may lodge complaints related to alleged noncompliance with the standards.
- The ACGME directly provide information to all residents about the options for residents to voice a complaint directly to the ACGME; the rules for the circumstances under which this is appropriate and the actions taken by the ACGME in response to complaints.

Unannounced Site Inspections

The duty hour compliance process in New York State and the JCAHO both use unannounced site inspections, raising the question whether the ACGME should use unannounced visits to monitor resident hours. Two factors speak against its use. First, it would represent a departure from the process of basing reviews on a program information form (PIF) prepared by the program, although information from the ACGME’s duty hour data collection activities could serve as the basis for the inspections. Second, there are concerns about singling out duty hours as the only standard area that would result in an unannounced visit. The Subcommittee recommends that:

- The ACGME not use unannounced site visits on a random basis to assess duty hour compliance because it would make the compliance process for duty hours different from that for other elements of the standards; and it would represent a departure from the ACGME’s use of programs’ self-study reports as the basis of the site visit.
- In lieu of unannounced site inspections, the ACGME use inspections on short notice under its “Egregious Violations” procedure in instances where data or complaints from residents or others suggest a serious compliance problem.
- The ACGME also reserve the right to use “unannounced inspections” (inspections with 48 hours to a few days of advance notice) for programs with severe violation of the standards under the existing Egregious Violations procedure, and as a follow-up monitoring mechanism for a subset of programs identified to be noncompliant with the standards, after these programs notified the ACGME that they corrected the deficiencies.

Collecting information on “Innovative Approaches”

There is demand for information on innovative, successful strategies to comply with the standards for duty hours and those in related areas. Successful approaches for reducing hours that preserve education could be adopted or adapted by other programs and institutions. Information on the effect of the new standards is also needed to add to knowledge on how the new standards influence patient safety and high-quality education. Setting a research agenda to assess the effect of the new duty hour standards is an important priority. The Subcommittee recommends that:

- The WebADS-based duty hour data collection system be used to solicit voluntary information about “innovative approaches” at programs and institutions.

- The ACGME work closely with its member organizations to provide the GME community with information on innovative approaches to the duty hour standards.
- The ACGME set a research agenda for assessing the effect of the new duty hour standards on patient care, health care safety and resident education.

Public Reporting of Compliance Data

Due to the high visibility of this matter, including proposals for federal regulation, lawmakers, government and the general public are interested in the ACGME's success in attaining compliance. Residents also desire information on whether a particular program has been cited for duty hour compliance issues. The ACGME has explored public disclosure of duty hour citations, but the importance of other aspects of the standards makes it inadvisable to single out duty hours for public disclosure. There are also concerns about the effect of disclosure on the ability to conduct a frank and forthright review of programs. The Committee recommends that:

- The ACGME continue its practice of periodically providing summary data on compliance, which is made more meaningful by the existence of uniform standards.
- The Monitoring Committee be asked to consider this issue as part of its ongoing discussion of the degree to which accreditation information should be made public.

Communicating with Residents

Many residents are not familiar with the ACGME and its role in developing and enforcing educational standards. It is thus important to communicate directly with residents about the standards, to emphasize the ACGME's commitment to limiting hours and to increase resident confidence in its ability to enforce the standards. The Subcommittee recommends that:

- In August 2003, the ACGME communicate with all residents in accredited programs, to inform them about the new duty hour standards and the ACGME's monitoring efforts.
- The letter addressed to the residents be disseminated to the Sponsoring Institutions' DIOs, with instructions to distribute the letter to all residents in accredited programs.

ACGME Internal Monitoring

To ensure consistency in applying the common duty hour standards, the Monitoring Committee has been charged with reviewing RRCs' performance in applying the duty hour standards. To allow this committee to carry out this monitoring function, the Subcommittee recommends that:

- The Monitoring Committee track the number/percent of programs in each specialty cited for duty hours, and also monitor the process within each RRC to set standards for what constitutes moderate or severe noncompliance with the duty hour standards.
- To ensure consistent application and enforcement of the standards across RRCs, the Monitoring Committee regularly review the data from the program director and resident surveys on duty hours, information from duty hour citations given by each RRC, and

information on the follow-up to alleged non-compliance with the duty hour standards, including adverse actions, shortened cycles, progress reports and other follow-up.

- The Monitoring Committee follow-up as needed with RRCs that fail to consistently enforce the standards, including requesting progress reports and shortening the period of delegated accreditation authority.
- In 2004 and beyond, the Monitoring Committee seek information from RRCs on what is learned when programs have follow-up site visits after a prior citation for duty hours.

Exceptions to the 80-Hour Weekly Limit

The most important aspect of exceptions beyond the 80-hour weekly limit is ensuring that their goal is added time for educationally valuable activities. The Subcommittee feels that the needs of programs to allow residents to participate in educationally meaningful activities beyond 80 weekly hours can be accommodated through the existing program-level exception, available with the endorsement of the GMEC and approval by the RRC. It recommends that:

- The moratorium on specialty-wide exceptions granted to all programs in a given discipline be maintained.
- The Monitoring Committee collect information on exceptions from all RRCs that grant them, including data on the number of programs that were granted an exception, the educational justifications provided by programs, as well as data on denials of requests, including the reasons for the denial.

Conclusion – Going Forward

In the coming months, the Subcommittee plans to continue its work to advise the ACGME on the implementation and monitoring of the standards. Focal areas will include validation of the data collected on duty hour compliance, recommendations to further define institutional monitoring, and education and outreach activities related to duty hours. These are important areas because implementation of the new duty hour standards occurs in a complex environment that must continue to function 24-hours, 7 day a week despite reduced resident hours. As the new standards are being implemented, the ACGME and academic community will continue their work to increase knowledge about systems to maximize patient safety and resident learning.

ACGME Duty Hour Subcommittee

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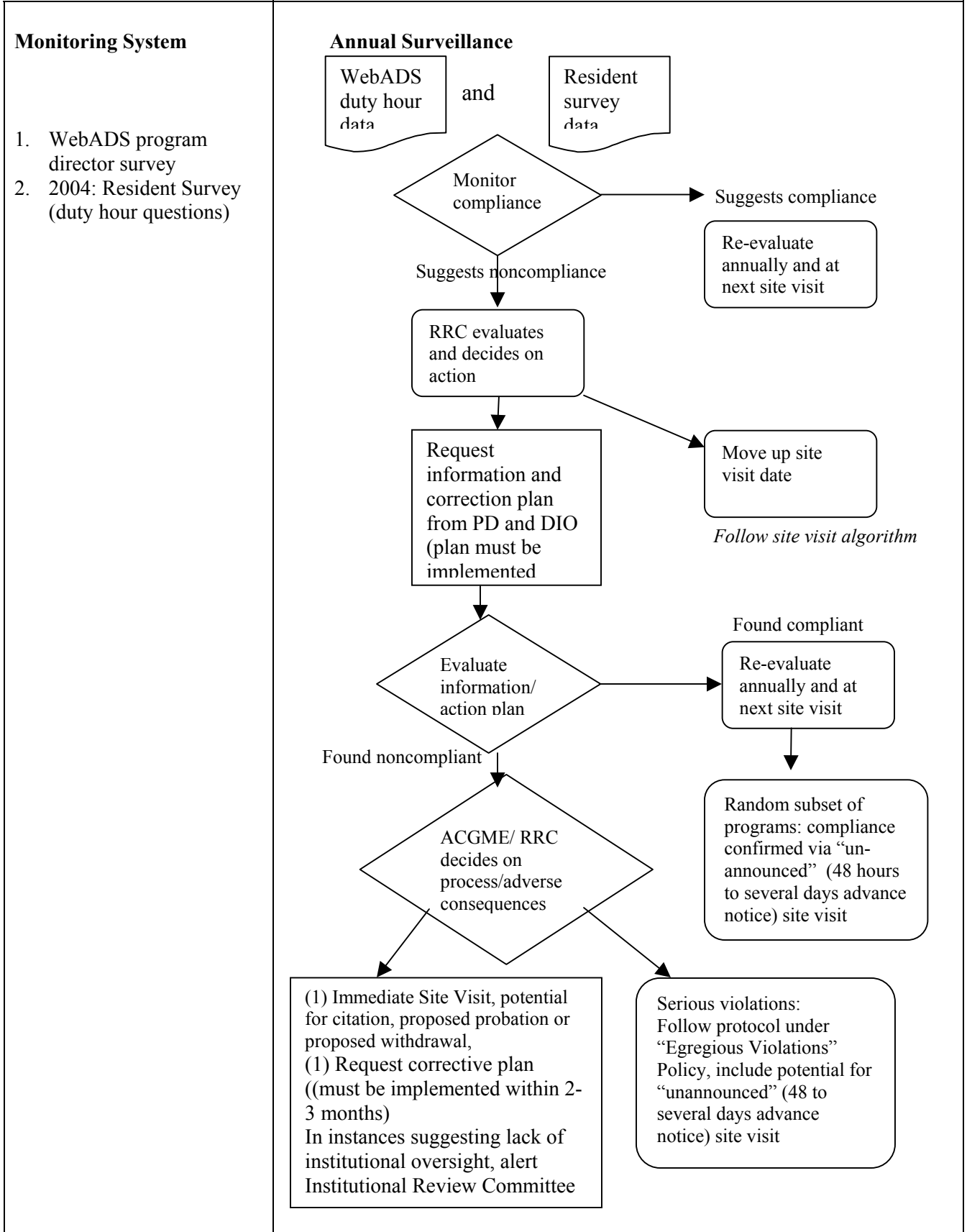
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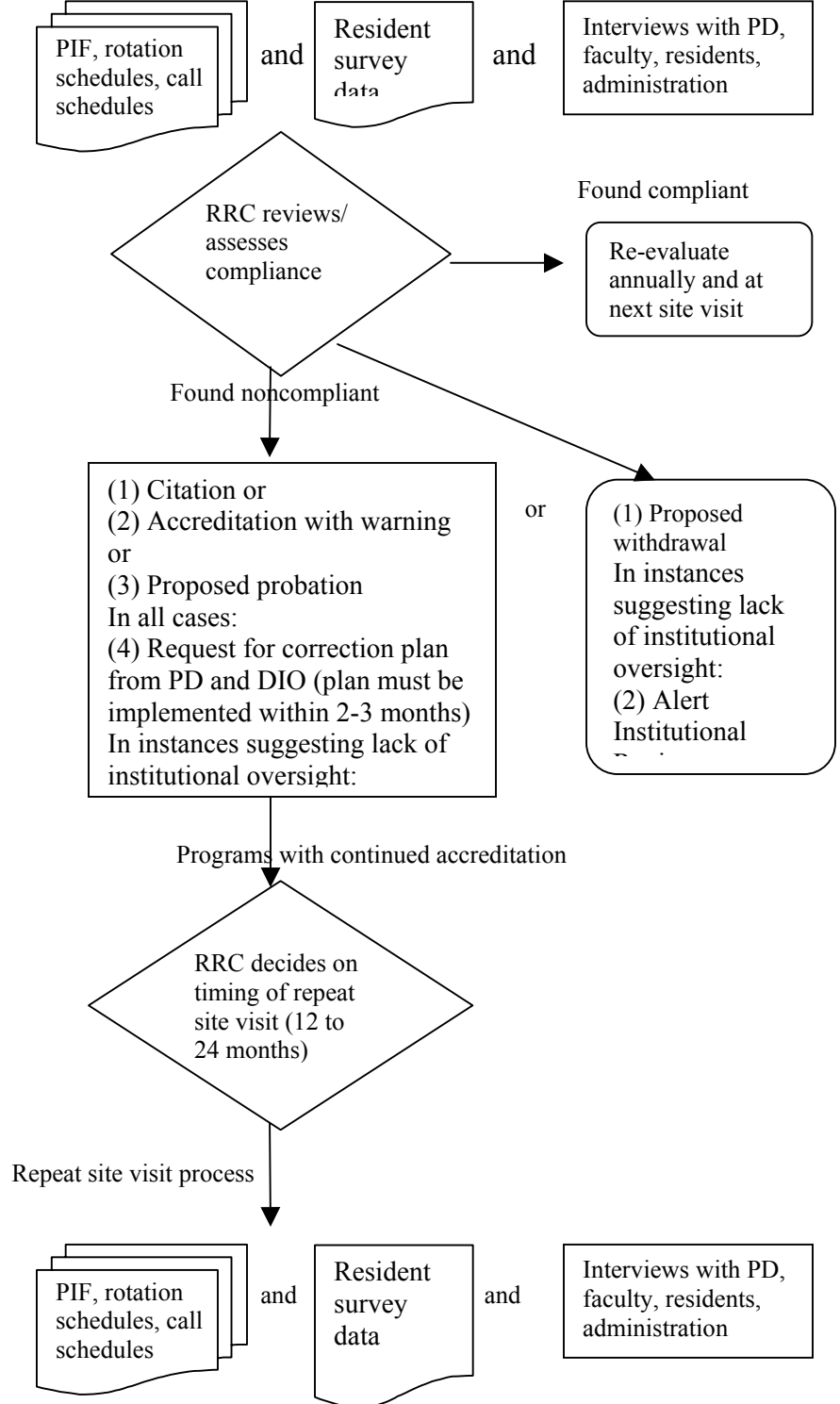
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Accreditation Council for Graduate Medical Education
Algorithm for Compliance Monitoring and Follow-up Related to Resident Duty Hours



3. Program Information Form (PIF)
4. Interview with program director
5. Interviews with residents and faculty
6. ACGME Resident Survey
7. Interview with DIO (most visits)
8. Review of documents (rotation schedules, call schedules)

Site Visit Process



- 9. ACGME Complaint Management Process
- 10. External sources of information about alleged non-compliance with the duty hour standards

Complaint or External Information

