

 Samaritan <small>Health</small> 830 Washington Street Watertown, NY 13601	Corrective Action		Document No. 2127
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Business Units:	Medical Center, Samaritan Home Health, Samaritan Keep Home, Samaritan Summit Village Assisted Living, Samaritan Summit Village Skilled Nursing, Centers and Clinics		

PURPOSE:

This policy sets forth Samaritan’s corrective action process for all persons affected by Samaritan’s risk areas, including employees, the chief executive officer, and other senior administrators, managers, and contractors, agents, subcontractors, independent contractors, and governing body and corporate officers (“Affected Individuals”) who fail to comply with the written policies and procedures, standards of conduct, or State and Federal laws, rules and regulations. The purpose is to provide affected individuals with an opportunity to conform to the organization's policies and to provide the organization with a progressive corrective action method of dealing with infractions

POLICY:

This Policy and Procedure is applicable to Samaritan Medical Center and its Affiliates: Samaritan Keep Home, Samaritan Medical Practice, Samaritan Summit Village, and Samaritan Home Health (collectively, “Samaritan”).

Disciplinary standards must be enforced fairly and consistently throughout all levels of personnel.

Samaritan has established various degrees of disciplinary actions to be taken in the event of non-compliance with intentional or reckless behavior being subject to more significant sanctions.

Progressive corrective action steps are taken with Affected Individuals who do not comply with standards of conduct.

PROCEDURE:

A. Causes for Corrective Action:

- I. Conduct that interferes with, or is detrimental to good patient care, safety, health; or, failure to comply with Samaritan’s policies, procedures, Compliance Plan, Code of Conduct, laws, rules and/or regulations, such as:
 - Mistreatment of confidential information, such as unauthorized access or release of patient or facility information.

- Solicitation of tips, gratuities or personal favors from patients/residents, visitors or others.
- Unauthorized possession, use, copying or reading of Hospital/Home records or disclosure of information contained in such records to unauthorized persons.
- Disregard of established safety, housekeeping, sanitary conditions, infection control or tobacco use policies and procedures.
- Disregard of instructions about personal appearance, uniform, dress or personal hygiene.
- Failure by staff to conform to patient visiting rules and regulations.
- Failure to report non-compliant conduct, or failure to assist in the resolution of compliance issues.
- Failure to detect noncompliance with requirements where reasonable diligence on the part of the manager or supervisor would have led to the discovery of violations

II. Refusal or failure to do assigned work or conduct that interferes with Hospital/Home operations, such as:

- Refusal to accept responsible job assignments, follow instructions or walking off duty; to include any occupational contact with a patient or employee diagnosed with an infectious condition.
- Insubordination.
- Sexual, physical, verbal or other harassment of fellow employees or others in the organization.
- Performance of duties below standard after a reasonable period of appraisal, and training.
- Sleeping, loitering or loafing during duty hours.
- Unauthorized absence from workstation.
- Smoking in unauthorized areas or at unauthorized times.

III. Misconduct that would in any way be detrimental to the Hospital's/Home's operation such as:

- Stealing or other unauthorized removal and/or possession of property belonging to the Hospital/Home, to another employee, a patient/resident/registrant or a visitor.
- Negligently or deliberately damaging, destroying, defacing or tampering with property belonging to the Hospital/Home, patients, residents, registrants, visitors or employees.
- Falsification of employment, medical or other Hospital/Home records.

- Falsifying timecards or sign-in sheets including failure to properly record time worked, recording another employee's time or permitting another person to record an employee's time.
- Posting or removing any material on Hospital/Home property or distributing written or printed matter of any kind or soliciting of any kind in violation of the organization's solicitation policy.
- Making personal calls on Hospital/Home telephones.

IV. Conduct that would discredit the organization's good reputation, is not in keeping with the organization wide performance standards, or that is detrimental to safe, pleasant working conditions such as:

- Unauthorized handling, possession or use of any drugs or alcoholic beverages on Hospital/Home premises or reporting to work under the influence of behavior altering substances or intoxicants.
- Fighting, slapping, pushing, shoving, threatening violence, intimidating, coercing, gambling, disorderly conduct, unauthorized possession or use of weapons or objects as weapons on the premises.
- Dishonesty or illegality on the Hospital/Home premises or anywhere in the performance of the job.
- Use of vile, intemperate or abusive language or acting in a disrespectful manner toward an employee, patient, resident, registrant or person at any time.
- Indecency or immoral conduct of any nature on the premises.
- Use of disparaging comments or language in regard to a patient's, resident's, registrant's, employee's or visitor's age, race, sex, sexual orientation, marital status, religion, national origin, or disability.
- Conviction of a felony while an employee of the Hospital/Home.

This list is not at all inclusive. The organization reserves the right to take appropriate corrective action in the best interests of the organization.

B. CORRECTIVE ACTIONS

i. EMPLOYEES

Occasionally it may be in the best interests of the individual and/or the organization to remove the employee from the working environment for a defined period of time to fully investigate the circumstances surrounding an incident. At the conclusion of the investigation, those normally

scheduled workdays will be paid if the employee is found faultless and will be considered a disciplinary suspension without pay if the employee is found guilty.

Employee misconduct may result in corrective action up to and including termination of employment depending on the seriousness of the misconduct and related circumstances. The Department Manager or designee may determine interim action appropriate to the situation. Disciplinary procedures must conform with collective bargaining agreements when applicable.

The following corrective action procedures will apply to the corrective action process. Department Managers or designees are advised to consult with the Human Resources Department prior to the initiation of corrective action.

Verbal Warning: An initial violation of standards of the Hospital/Home will generally result in a written warning presented by the Department Manager or designee. The warning will be entered on a record of warning form checked "verbal" and will be maintained in the Human Resources Department.

Written Warning: A second violation, whether the same or different violations, will result in a written warning. Exceptions: Any other disciplinary action listed in any collective bargaining agreement as well as any Attendance discipline is managed separately in accordance with the Attendance Policy. The written warning will be completed by the Department Manager or designee and reviewed by the employee. A written warning can also be given as the initial notice of a violation when a violation is considered serious enough by the Department Manager or designee to warrant such action.

Suspension: (1) Continued violation within a twelve-month period following the presentation of a written warning or (2) a serious violation of rules and regulations or (3) unacceptable work performance, can result in a disciplinary suspension. This is determined by the Department Manager or designee in coordination with the VP of Human Resources or designee and will not normally exceed three (3) working days, which is at the discretion of Human Resources and the Manager. Suspensions will be documented in writing and reviewed with the employee. All pertinent documentation will be placed in the employee personnel record.

Discharge: Continued violation after suspension within an 18-month period or a serious violation of the organization's policies may result in discharge of employment.

The above progressive corrective action procedures do not apply to probationary employees.

Should any employee refuse to sign a corrective action document at any stage of the corrective action process, the Department Manager or designee shall review the specific document with the employee in the presence of another manager, who will serve as a witness to the review and sign the document.

Except as stated in the [HIPAA Violations – Sanctions policy](#), written warnings may be removed from the employee's personnel record after a period of twelve (12) months if the violations have been satisfactorily corrected and all other job performance is satisfactory. Removal must be

recommended by the Department Manager and approved by the VP of Human Resources or designee.

II. MEDICAL STAFF AND ALLIED HEALTH APPOINTEES

Violations by medical staff and allied health appointees will be reported to the Vice President of Medical Affairs for follow-up and corrective action will be instituted in accordance with the applicable entity's Medical Staff Bylaws, Rules and Regulations. Documentation of corrective action is included in the provider's Quality Assurance file for review at the time of reappointment.

III. CONTRACTORS, VOLUNTEERS, AND OTHER NON-EMPLOYEES OR NON-MEDICAL STAFF APPOINTEES.

Violations will be evaluated on a case-by-case basis and may result in Samaritan discontinuing its relationship with the violator. Agreements with Contractors will include the right to terminate the agreement in the event of non-compliance with Samaritan's Compliance Program as it relates to the risk areas potentially affected by the Contractor.

IV. BOARD MEMBERS

With respect to violations by governing board members, disciplinary actions will be taken in accordance with the applicable bylaws of the entity.

RELATED POLICIES

[Attendance](#)

[Code of Conduct](#)

[Compliance Plan](#)

[HIPAA Violations - Sanctions.docx \(sharepoint.com\)](#)

[Off Duty Misconduct.docx \(sharepoint.com\)](#)

[Solicitation.docx \(sharepoint.com\)](#)

[Termination of Employment](#)

[USE OF PERSONAL CELL PHONES.docx \(sharepoint.com\)](#)

[Workplace Harassment](#)

[Workplace Violence](#)

RELATED FORMS

[Record of Warning](#)

Reviewed: May 2017, October 2019, February 24, 2023