



## POLICY

<b>Policy Name</b>	<b>Match Waiver and Deferral Policy</b>	
<b>Affected Parties</b>	<b>Applicants, Programs, Sponsoring Institutions, and Medical Schools</b>	
<b>Approval Authority</b>	Chief Executive Officer/ Board of Directors	<b>Adopted:</b> September 2021
<b>Responsible Department</b>	Compliance	<b>Contact:</b> <a href="mailto:policy@nrmp.org">policy@nrmp.org</a>

### 1. Policy Statement

A waiver or deferral of the binding match commitment outlined in the Match Participation Agreement (MPA) provides Match participants relief under certain circumstances. Neither applicants nor programs may release each other from the binding match commitment, or an offer accepted during the Supplemental Offer and Acceptance Program® (SOAP®). A waiver or deferral may only be obtained from the NRMP.

### 2. Reason for Policy

- a. To provide Match participants with guidance for requesting a waiver or deferral of their binding match commitment.
- b. To outline the NRMP's procedures for processing a waiver or deferral request and the rights and responsibilities of the Match participants involved.

### 3. Definitions

- a. **Deferral:** A one-year delayed start of training mutually agreed to by the matched applicant and the program.
- b. **Match Participant:** Any individual, program, institution, or medical school participating in a Match and/or SOAP, either for residency or fellowship appointment, in any Match year.
- c. **Match Participation Agreement (MPA):** The contractual arrangement between the NRMP and a Match participant that affirms their agreement to adhere to match policy and establishes a binding commitment between an applicant and a program.
- d. **Remedy:** An action applicants may be offered by the NRMP in lieu of a violation investigation when they indicate they will not honor a binding match commitment established through a match or acceptance of an offer through SOAP.
- e. **Sanction:** The imposition of a penalty based on the outcome of an investigation.
- f. **Unanticipated, Serious, and Extreme Hardship:** The significant and unexpected adversity a Match participant may experience if required to honor a binding match commitment.

- g. **Violation:** A confirmed breach of the Match Participation Agreement committed by a Match participant.
- h. **Waiver:** The release of Match participants from the binding match commitment following a Match or acceptance of an offer through SOAP.

#### 4. Policy

- a. Matched applicants, programs, or institutional officials must request a waiver or deferral through the NRMP website. Information provided must be complete, timely, and accurate for the NRMP to process the request.
- b. The requestor must notify the matched counterpart of the waiver or deferral request, along with the reason, before submission to the NRMP.
- c. The requestor must demonstrate to the reasonable satisfaction of the NRMP that the criteria for issuance of a waiver are present.
- d. A waiver will be granted by the NRMP if:
  - i. The applicant is confirmed to be ineligible to begin training in the matched position(s) by the start date;
  - ii. The NRMP determines that the fulfillment of the commitment would cause unanticipated, serious, and extreme hardship; or
  - iii. An applicant has accepted an advanced position or a fellowship position and has elected to change specialties, subspecialties, or leave medicine and has requested a waiver no later than January 15 before the start of the training year.
- e. Programs who fail to disclose to applicants the official policies of the appointing institution and/or program prior to the Rank Order List Certification Deadline may not be eligible to receive a waiver of the binding commitment.
- f. Applicants may be granted up to three waiver approvals. Applicants requesting subsequent waivers may be subject to a violation investigation by the NRMP.
- g. A deferral will be considered by the NRMP only if:
  - i. Both parties agree to delay the start of training.
- h. Waiver or deferral requests made after a violation investigation has been initiated may not be considered by the NRMP until a Final Report of the violation investigation has been issued.
- i. The NRMP's decision is final and is not subject to challenge in arbitration, by judicial review, or by review of any other third party.

#### 5. Waiver Procedure

- a. If an applicant requests a waiver, the NRMP will:

- i. Acknowledge receipt and request additional information from the applicant, if needed. If the applicant's response is not received by the specified date, the case will be reviewed absent the applicant's statement.
  - ii. Request the applicant attest in writing to their intent to honor the binding commitment absent approval of the request.
    - 1. If the applicant indicates in writing they will not honor the binding commitment regardless of the NRMP's decision, the NRMP:
      - a. Will release the matched program from the commitment, if such program consents to the release; and
      - b. May initiate a violation investigation or offer a remedy (Section 9) in lieu of the violation investigation.
  - iii. Send a notice of the request to the matched program requesting that it:
    - 1. Provide a written statement and any relevant documentation. If the program's response is not received by the specified date, the case will be reviewed absent the program's statement.
  - iv. Contact other relevant parties believed to have knowledge of the circumstances (e.g., school official, institutional official) with requests for information.
- b. If a program or institution requests a waiver, the NRMP will:
- i. Acknowledge receipt and request additional information, if needed. If the program's response is not received by the specified date, the case will be reviewed absent the program's statement.
  - ii. Request the program director or institutional official attest in writing to their intent to honor the binding commitment absent approval of the request.
    - 1. If the program indicates in writing it will not honor the binding commitment, regardless of the NRMP's decision, the NRMP:
      - a. Will release the matched applicant from the commitment, if such applicant consents to the release; and
      - b. May initiate a violation investigation.
  - iii. Send notice of the request to the matched applicant requesting that they:
    - 1. Provide a written statement and relevant documentation. If the applicant's response is not received by the date specified, the case will be reviewed absent the applicant's statement.
  - iv. Contact other relevant parties believed to have knowledge of the circumstances (e.g., program director, school official, or institutional official) with requests for information.

- c. If a waiver is granted:
  - i. All relevant parties are notified of the NRMP's decision.
    - 1. If either party disagrees with the waiver decision, and the party meets criteria for reconsideration, they may request reconsideration (Section 6) by the specified due date.
      - a. If reconsideration is requested, the waiver decision shall not be considered final until the reconsideration process has concluded.
    - 2. If both parties accept the waiver decision, the NRMP will send a waiver closed memo to all parties.
  - ii. The applicant may accept another position or participate in future Matches after receiving the waiver closed memo, with the following exceptions:
    - 1. If the waiver for a change of specialty is granted, the applicant may not re-enter the same specialty in another program.
    - 2. If the waiver to leave medicine is granted, the applicant may not re-enter the Match for two years.
    - 3. If the NRMP determines a violation may have occurred by the applicant, the NRMP may initiate a violation investigation.
  - iii. The program may recruit another candidate for the vacant position after receiving the waiver closed memo, with the following exception:
    - 1. If the NRMP determines a violation may have occurred by the program, the NRMP may initiate a violation investigation.
- d. If a waiver is denied:
  - i. All relevant parties are notified of the NRMP's decision.
    - 1. If either party disagrees with the waiver decision, and the party meets criteria for reconsideration, they may request reconsideration (Section 6) by the specified due date.
      - a. If reconsideration is requested, the waiver decision shall not be considered final until the reconsideration process has concluded.
    - 2. If both parties accept the waiver decision and agree to honor the commitment, the NRMP will send a waiver closed memo to all parties.
  - ii. If an applicant refuses to accept the waiver decision and indicates they will not honor his or her binding commitment:

1. Once declined, the NRMP will offer the applicant a post-decision pathway of either:
  - i. Remedy (Section 8); or,
  - ii. Violation investigation which may result in sanctions (see Violations Policy).
2. The matched program will be released from the binding commitment.
- iii. If a program refuses to accept the waiver decision and indicates it will not honor the binding commitment:
  1. The matched applicant will be released from the binding commitment.
  2. The NRMP may initiate a violations investigation, which may result in sanctions (see Violations Policy).

## **6. Reconsideration of Initial Waiver Decision**

A request for reconsideration of an initial waiver decision may be made by either party. Waiver decisions are not final until both parties have exhausted the reconsideration process or have communicated they do not wish a reconsideration of the decision.

- a. Either party may request reconsideration of the initial waiver decision when:
  - i. An initial waiver request is granted, and the matched counterpart indicates they are not in agreement; or
  - ii. An initial waiver request is denied, and the matched counterpart indicates they are not in agreement.
- b. Reconsideration will not be considered when an applicant is ineligible for a position due to delayed graduation, incomplete prior graduate medical education, inability to obtain a Visa, or any other circumstances that makes the applicant ineligible to begin training.
- c. If either party requests reconsideration, the NRMP will send a notice of reconsideration to the matched counterpart and relevant parties. All parties will have the opportunity to submit additional information.
- d. If the reconsideration decision reverses the initial waiver decision, all relevant parties are notified of the NRMP's decision.
- e. If the reconsideration decision upholds the initial waiver decision, all relevant parties are notified of the NRMP's decision.

## **7. Deferral Procedure**

- a. Upon request for a deferral from either party, the NRMP will acknowledge receipt and request additional information, if needed.

- b. The NRMP will send a notice of the request to the matched counterpart requesting they indicate their agreement with the request.
- c. If the deferral is granted:
  - i. The applicant and program will have a one-year delayed start to the appointment;
  - ii. The program may recruit a candidate for the vacant position; and
  - iii. The NRMP will send a deferral closed memo to all parties.
- d. If the deferral is denied:
  - i. All relevant parties are notified of the NRMP's decision and the binding commitment must be honored for the matched appointment year.

## **8. Remedy**

If an applicant refuses to accept a waiver decision as set out in Section 5(d)(ii) above, in lieu of a violation investigation, the applicant may agree to the following remedy:

- a. Being barred from accepting or starting a position (or renewing a training contract for a position at a different level or for a subsequent year), regardless of the start date, in any residency and fellowship training program sponsored by a Match-participating institution that would commence training within one year from the date of the NRMP's final decision to deny the waiver; and
- b. Being barred from Match participation for one year; and
- c. Being flagged as a match violator in the R3 system for one year.

This remedy will be effective upon the NRMP's receipt of a signed confirmation from the applicant that he or she will agree to the remedy.

Such remedy shall be deemed to constitute a final determination and is not subject to arbitration or judicial review. The remedy will be reflected in the R3 system and the Applicant Match History for the length of time the remedy is in effect.

## **9. Match Violations**

If the NRMP initiates a violation investigation to determine whether an applicant, program, or institution has violated the terms of the applicable Match Participation Agreement, the investigation and any confirmed violation will be handled in accordance with the terms of the relevant Match Participation Agreement and the Violation Policy of the NRMP Match Participation Agreements: Reporting, Investigation, and Disposition Policy.

## **10. Communications, Confidentiality, and Responsibilities**

- a. Communications from the NRMP to Match participants will be transmitted electronically. If requested, the NRMP will communicate by U.S. mail.
- b. In requests for information, the NRMP will specify a due date for receipt of materials.

- c. Absent an applicable legal requirement, NRMP treats as confidential all communications and other information collected in connection with the waiver and deferral review process.
- d. Applicants requesting a waiver or deferral may not apply for, discuss, interview for, or accept a concurrent year position in another program prior to completion of the waiver or deferral process.
- e. Programs may not discuss, interview for, or offer the position to any other candidate prior to completion of the waiver or deferral process.

## 12. Resources

- f. Office of Match Compliance ([policy@nrmp.org](mailto:policy@nrmp.org) or 202-400-2235)
- g. Office of Match Operations ([support@nrmp.org](mailto:support@nrmp.org) or 866-653-6767)
- h. Violations Policy (<https://www.nrmp.org/wp-content/uploads/2020/07/2021-Violations-Policy-1.pdf>) All In Policy (<http://www.nrmp.org/all-in-policy/>)
- i. NRMP Privacy Statement (<http://www.nrmp.org/privacy-policy/>)
- j. Match Agreement and Resources: Residency Applicants (<http://www.nrmp.org/residency-applicant-match-participation-agreement/>)
- k. Match Agreement and Resources: Fellowship Applicants (<http://www.nrmp.org/fellowship-applicant-match-participation-agreement/>)
- l. Match Agreement and Resources: Medical Schools (<http://www.nrmp.org/medical-school-match-participation-agreement/>)
- m. Match Agreement and Resources: Programs and Institutions (<http://www.nrmp.org/program-inst-match-participation-agreement/>)