

## **West Virginia University School of Public health Graduate Medical Education Policy on Physician Impairment (IR IV.H.2.)**

The West Virginia University Hospitals (WVUH) Practitioner Health Committee serves as the primary resource for the School of Public Health in the management of impaired practitioners. Practitioners referred to in this policy include, but are not limited to, faculty, clinical staff and residents at the WVU School of Public Health. Impairment includes any physical, mental, behavioral or emotional illness that may interfere with the practitioner's ability to function appropriately and provide safe patient care. The purpose of impaired practitioner assistance is to maximize support for practitioners through appropriate interventions. This process relates specifically to mental, physical or behavioral impairment and does not include performance management or disciplinary actions.

In order to assure the safety of patients, faculty, clinical staff, and residents in the School of Public Health will address all reports of impaired or possibly impaired performance of practitioners. The School of Public Health will also strive to maintain the confidentiality of any and all individuals who may report any observed impairment or possible impaired performance of any practitioner. Impairment may be due, but not limited to physical, and/or mental/behavioral problems, including drug and alcohol use, misuse and/or abuse. All assessments, evaluations and treatment recommendations received by the WVUH Practitioner Health Committee shall be confidentially maintained under the peer-review privilege, except as limited by regulation, ethical obligation, and/or threat to patient safety.

### **Education**

WVU Medicine administrative leadership will assure that policies and procedures related to impairment and recognition issues specific to impairment are widely disseminated to appropriate staff on an annual basis. WVU Medicine encourages self-referral of any practitioner in seeking help for health or impairment problem to the Practitioner Health Committee. Practitioners may voluntarily seek assistance from the WVU Faculty and Staff Assistance Program (FSAP) at any time with or without referral from either the Practitioner Health Committee or other administrative personnel:

<http://www.hsc.wvu.edu/fsap/about-us/contact-us/>

### **New Practitioners**

Any practitioner who requests to practice at WVU Medicine, whose ability to practice medicine may be affected, is undergoing treatment for substance abuse, other physical or mental health problems, or who otherwise is reasonably believed to suffer from a substance abuse, physical or mental health problem, must be referred by the Program Director to the Designated Institution Official (DIO). It is the responsibility of the DIO to notify the Vice President of Medical Affairs and supply in writing the nature of the referral.

2. The Practitioner Health Committee will make recommendations to the Vice President of Medical Affairs. If it is determined by the Vice President of Medical Affairs that the practitioner should seek further evaluation from a specialized counselor for his/her need, an "Agreement of Understanding", as well as a written consent and release, will be presented to the practitioner and shall be signed if he/she continues to seek privileges at WVU Medicine. Such information being released includes urine and blood screening times, results, appointment times, and any referrals to other entities/providers. If further evaluation is required, following receipt of the evaluation, the Practitioner Health Committee will provide a recommendation to the Vice President of Medical Affairs on each of the following:

- Advisability of appointment
- Need for any additional monitoring and treatment
- Need for limitations or conditions on privileges

After discussing the Practitioner Health Committee's recommendations with the Program Director, the Vice President of Medical Affairs will make the final recommendation regarding the practitioner's ability to practice, which will be presented to the WVUH Board of Directors through the Joint Conference Committee. The Vice President of Medical Affairs may grant temporary privileges or allow a practitioner to begin to treat patients at WVU Medicine; however, the WVUH Board of Directors through the Joint Conference Committee has the final decision as to whether a practitioner may practice at WVUH and under what conditions.

The Vice President of Medical Affairs will communicate the final recommendations to the Program Director and the Designated Institutional Official.

When the appointment is contingent upon rehabilitation, counseling or other conditions of appointment or practice, the practitioner will be referred to WVU FSAP or an agreed-upon external provider. The Vice President of Medical Affairs will ensure that the executed "Agreement of Understanding" specifies treatment recommendations and conditions of appointment and/or clinical privileges and is signed by, at minimum, the Vice President of Medical Affairs and the practitioner. Such conditions may include, but are not limited to, random drug screens, continued counseling and meeting with the Practitioner Health Committee.

All further decisions as to what actions, if any, need to be taken, remain with the Vice President of Medical Affairs.

### **Current Practitioners:**

It is the responsibility of all faculty, staff, and residents to immediately report any observed behavior which establishes a reasonable belief that a practitioner is impaired or exhibiting inappropriate behavior (physical, emotional or psychological) or evidence of substance abuse problems that could impact on professional/clinical performance

(evidence other than or in addition to observation of personal behavior includes, but is not limited to, improperly disposed-of syringes and missing or improperly accounted for drugs) to the Program Director.

The Program Director will investigate the allegation to ascertain the credibility of the complaint, concern or allegation. The practitioner will not be told who filed the initial report. If the alleged impairment is deemed credible by the Program Director, immediate drug testing may be requested. During business hours, the practitioner may be referred to Employee Health. After hours, the Practitioner will be referred to the Emergency Department. Refusal to cooperate with testing is grounds for dismissal from WVUH and removal from providing any patient care. Employee Health is the designated department to administer the drug testing and provide the results to the Vice President of Medical Affairs and/or the Practitioner Health Committee.

Employee Health is not required and will not keep any file for individuals including but not limited to any test results and/or appointment times. If the impairment poses an immediate risk to patient safety, the practitioner must be immediately removed from patient care and patient contact and an immediate precautionary suspension will occur. If the impairment does not pose an immediate risk to patient safety, the practitioner may continue with his/her patient care duties. The Vice President of Medical Affairs will then refer the practitioner to the Practitioner Health Committee.

### **Self-Referral**

All practitioners are required to self-refer to his/her Program Director in the event that he/she experiences any substance abuse/health problem that could impact professional/clinical performance. The Program Director shall report the self-referral to the DIO. The DIO will then refer the practitioner to the Practitioner Health Committee.

A practitioner who seeks assistance with the WVU FSAP for an impairment is required to inform the Program Director of this evaluation. The Program Director will then refer the practitioner to the Practitioner Health Committee.

Upon referral to the Practitioner Health Committee, the practitioner is required to sign a consent and release, on behalf of WVUH, allowing information regarding their treatment to be released to the Vice President of Medical Affairs and/or the Practitioner Health Committee by both the WVU FSAP and any treatment provider. Such information being released includes, but is not limited to, urine and blood screening times, results, appointment times, and any referrals to other entities/providers. In the event that he/she refuses to sign the consent and release, he/she will be suspended from duty until the mental health assessment and the signing of the consent and release is resolved. All such reported information shall be kept confidential except as limited by law, ethical obligation, or when patient safety is threatened.

Following a referral from the Vice President of Medical Affairs and the receipt of any investigations and evaluations or results of drug testing, the Practitioner Health

Committee will recommend to the Vice President of Medical Affairs on each of the following:

- Advisability of continued appointment
- Need for any additional monitoring and treatment, continued or privileged, as applicable
- Need for limitations or conditions on privileges

After discussing the Practitioner Health Committees recommendations with the Program Director, the Vice President of Medical Affairs will determine the final recommendation regarding the practitioner's ability to practice, which will be presented to the WVUH Board of Directors, through the Joint Conference Committee. The Vice President of Medical Affairs will communicate the final recommendations to the DIO.

When the continued appointment is contingent upon rehabilitation, counseling or other conditions of appointment or practice, the practitioner will be referred to the WVU FSAP or an agreed-upon external provider. The Vice President of Medical Affairs will develop an "Agreement of Understanding" with the practitioner, which specifies treatment recommendations and conditions of appointment and is signed by at minimum, the Vice President of Medical Affairs and the practitioner. Such conditions may include, but are not limited to, random drug screens, continued counseling and meeting with the Practitioner Health Committee. All further decisions as to what actions, if any, need to be taken remain with the Vice President of Medical Affairs.

If, at any time, the practitioner fails to comply with the indicated terms and conditions, the Practitioner Health Committee will immediately report this information to the Vice President of Medical Affairs, which will report to the Program Director. The Vice President of Medical Affairs has the authority to do one or more of the following:

- Terminate immediately
- Demand that the practitioner comply immediately or be terminated
- Precautionarily suspend the practitioner until he/she comes into compliance

### **Confidentiality**

The Practitioner Health Committee shall handle all communications and discussions in a confidential manner, including the identity of anyone making a report, consistent with applicable legal requirements and patient safety considerations.

### **Faculty and Staff Assistance Program (FSAP):**

The FSAP is a free service offered to WVU employees and their dependents. FSAP is a confidential resource that provides professional staff and a safe place to sort through problems and determine the best resources available to address them.

Approved by GMEC July 17, 2018