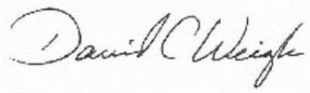


Policy Title: Impaired Resident Physicians



David C. Weigle, PhD, MPH
Assistant Dean for Graduate Medical Education
Designated Institutional Official

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Policy Rationale and Text

Throughout their educational experiences at UT Southwestern, residents must be held to the ethical and professional standards of their chosen profession. Impaired residents can have a negative impact on the learning and working environment, and may present a safety hazard to themselves, others, or the public. Accordingly, it is UT Southwestern policy that all residents must be able to participate in UT Southwestern-related activities in a fit and safe manner. Residents must not be unable to participate in UT Southwestern-related activities because of intoxication or other impairment, regardless of whether these activities take place on property or in buildings owned or controlled by UT Southwestern. Residents are expected to manage their health and behavior so that they can participate in UT Southwestern-related activities in a safe, productive, and effective manner.

This policy seeks to promote detection of potentially impaired residents so that education, evaluation, or treatment may take place, as well as to provide transparent procedures for handling possibly impaired residents. This policy is not intended to replace or alter the standards and requirements set forth in other UT Southwestern or University of Texas System policies concerning drugs and alcohol, student conduct, or professionalism. Residents taking prescription medications that impair their ability to engage in UT Southwestern-related activities safely are subject to the conditions of this policy. Implicit in this policy is a perspective that impairment is the manifestation of a medical and behavioral illness, and that with proper diagnosis, treatment, and progress toward recovery, it will be possible for the resident to return to work in an appropriate capacity.

UT Southwestern expects residents to seek help voluntarily and to assume responsibility for their professional and personal conduct. Residents who believe they are at risk of potential impairment due to untreated alcohol or substance abuse, physical conditions, or mental illness are strongly encouraged to voluntarily self-report to their program director, to seek guidance from the Committee on Physician Peer Review and Assistance (COPPPRA), or to seek treatment from Employment Assistance Program, or from another appropriate medical professional.

Residents must comply with all aspects of the fitness for participation assessment process (which may include testing for the presence of alcohol or drugs) or be subject to disciplinary action under the *Academic Improvement and Corrective Action* policy.

Scope

This policy applies to all residents (as defined in the Definitions section of this policy) engaging in educational, research, training, or clinical activities or events sponsored or supported by

UT Southwestern, regardless of whether the activities or events take place on property or in buildings owned or controlled by UT Southwestern.

Procedures

Procedures for Reporting Concerns about Fitness for Participation

Faculty, staff, residents or students whose observations lead them to question a resident's fitness for participation in UT Southwestern-related activities should immediately contact the resident's program director or the Designated Institutional Official (DIO) to report their observations. Behaviors that might indicate a need to evaluate a resident for potential intoxication or impairment include (without limitation):

- unexplained tardiness or absenteeism;
- uncontrolled angry outbursts, poor impulse control, or unprofessional behavior;
- unexplained decline in academic performance;
- legal difficulties (e.g., an arrest for driving while intoxicated, etc.);
- changes or problems with dexterity, coordination, memory, alertness, vision, hearing, or speech;
- detectable odor of alcohol or slurred speech; or
- lack of interest in activities (or other symptoms of depression).

Reports to the program director and/or DIO should be documented in writing, if possible, and should detail all observations of the resident's conduct or behavior that the observer believes indicate intoxication or impairment.

Faculty, staff, or the program director should immediately contact the UT Southwestern Police Department if: (a) there is evidence a crime may have been committed; (b) a resident has threatened harm to self or others; or (c) a resident is behaving in a way that presents an immediate threat to self or others. The program director may proceed with appropriate action under this policy or under any other applicable UT Southwestern policies, including without limitation interim disciplinary action under the *Academic Improvement and Corrective Action* policy, after any immediate safety issues have been addressed, and without waiting for the outcome of any police investigation or other criminal or civil action.

Upon receipt of a report that a resident may be intoxicated or impaired, the resident's program director will conduct such an inquiry as necessary to validate the report. If the program director concludes there is a reasonable basis to believe the resident is intoxicated or impaired, the program director will:

1. Immediately remove the resident from participation in UT Southwestern-related activities;
2. Immediately notify the DIO of the reported details, the results of his/her inquiry, and the action taken;
3. Promptly notify the resident in writing of the report received, the observations made, and the results of the program director's inquiry;
4. Permit the resident an opportunity to respond and explain the appearance of intoxication or impairment;
5. Document the observed behaviors, the resident's response, and any other relevant information;

6. Contact the Committee on Physician Peer Review and Assistance (COPPPRA) for guidance regarding a course of action, which may include immediate assessment by COPPPRA, further evaluation at a later time by COPPPRA, referral to Occupational Health, assessment by other appropriate healthcare professionals, and/or transporting the resident home; and
7. Consult with the DIO to determine whether external reporting, such as to the Texas Medical Board, is required.

If transportation home is recommended, the program director will make arrangements for transportation (e.g., a local relative or emergency contact of the resident). If such transportation is not possible or the resident refuses assistance, the program director should contact the UT Southwestern Police Department. The resident should not drive, nor should faculty, staff, or fellow residents transport the resident (unless previously identified in writing as an emergency contact).

The resident will not be allowed to return to participation in UT Southwestern-related activities until all aspects of the fitness for participation evaluation are completed. Either the medical director of COPPPRA or the resident's treating healthcare professional must medically release the resident before the resident can return to participation in UT Southwestern-related activities. If a resident is referred to the COPPPRA as a part of the fitness for participation evaluation, that resident may be required to satisfy certain directives set by COPPPRA as a condition of continued participation in UT Southwestern-related activities.

Procedures for Drug or Alcohol Testing

If the resident's appearance, behavior, or other evidence reasonably indicates the resident is not fit for participation in UT Southwestern-related activities due to intoxication or impairment from substance use, the program director may require the resident to pass drug or alcohol testing before being allowed to return to participation in UT Southwestern-related activities. Residents referred for drug or alcohol testing must sign a consent authorizing the release of the testing results to the program director. Residents who fail to report for testing, who refuse testing, or who decline to authorize the release of their results may be subject to disciplinary action in accordance with the *Academic Improvement and Corrective Action* policy.

All drug screens and alcohol testing will be completed in accordance with the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA) drug-testing guidelines. Any testing conducted pursuant to this policy will be done at the expense of UT Southwestern.

Positive test results may result in additional action under this or other UT Southwestern or UT System policies. Test results will not be used for any law enforcement purposes.

Procedures for Referral to the Committee on Physician Peer Review and Assistance

Based on the resident's appearance, behavior, or other evidence, the program director or DIO may refer the impaired resident to the Committee on Physician Peer Review and Assistance (COPPPRA)). The COPPPRA was established to encourage and facilitate recognition, intervention, treatment, and rehabilitation of physicians who may be impaired due to the use or abuse of alcohol or controlled substances, or due to the presence of a physical or behavioral illness.

Individuals who are referred to the COPPPRA may be required to satisfy certain directives set by the COPPPRA as a condition of continued participation in UT Southwestern-related activities. Requirements set by the COPPPRA may include but are not limited to: referral for evaluation or treatment by an

appropriate health care professional; leave of absence to participate in a treatment program; or ongoing monitoring, which may include additional drug screening. The impaired resident is solely responsible for all out-of-pocket expenses associated with compliance.

All COPPRA actions and proceedings are confidential. The COPPRA may periodically report information to the program director regarding the resident's compliance, progress, and fitness for continued participation in UT Southwestern-related activities. Residents who fail to report to the COPPRA as directed by the program director or who fail to satisfy any directive or requirement set by the program director may be subject to disciplinary action in accordance the *Academic Improvement and Corrective Action* policy.

Residents that meet the participation requirements of the Texas Physician Health Program (<http://www.txphp.state.tx.us/index.html>) may choose to participate in that program in addition to or as an alternative to COPPRA.

Confidentiality

All records, files, or other medical, psychiatric, and chemical dependency information, including the results of alcohol or drug testing, are maintained by UT Southwestern as confidential to avoid disclosure to unauthorized persons. All educational records will be maintained in accordance with the Family Educational Rights and Privacy Act (FERPA) and all medical committee and peer review discussions, investigations, deliberations, and documentation will be maintained in accordance with the Texas Medical Practice Act. All records are maintained in accordance with applicable law, UT Southwestern policy, and established records retention requirements.

Responsibilities

The Program Director of the impaired resident's residency will investigate and document reported observations regarding a potentially impaired resident in the manner set forth in this policy; contact the DIO; contact the UT Southwestern Police Department if appropriate; refer the impaired resident to Occupational Health and/or the COPPRA; and take other appropriate actions in the manner authorized by this or other UT Southwestern or UT System policies.

Residents will ensure they are able to participate in all UT Southwestern activities in a fit and safe manner, and are expected to manage their health and behavior so that they can engage in UT Southwestern-related activities in a safe, productive, and effective manner. Impaired residents will satisfy all requirements set forth in this policy and all directives from the resident's program director, DIO, Occupational Health, and the COPPRA.

UT Southwestern Medical Center will conduct all drug screens in accordance with SAMHSA drug-testing guidelines and will maintain all records in a confidential manner, and in accordance with applicable law and UT Southwestern policy.

The Committee on Physician Peer Review and Assistance will encourage and facilitate recognition, intervention, treatment, and rehabilitation of residents with a suspected or confirmed impairment due to the use or abuse of alcohol or illicit drugs, or other physical or behavioral illness.

Definitions

Program Director – an individual designated by the UTSWMC as responsible for the training where the potentially intoxicated or impaired resident is enrolled.

Designated Institutional Official (DIO) –The individual in a sponsoring institution who has the authority and responsibility for all of the ACGME-accredited GME programs.

Drug Screen – a 10-panel test, with integrity checks for creatinine and pH levels, to include cocaine, amphetamines, barbiturates, benzodiazepines, marijuana, opiates, phencyclidine, propoxyphene, methadone, and synthetic opiates.

Intoxicated – the condition wherein any of the body’s sensory, cognitive or motor functions or capabilities are altered, impaired, diminished or affected by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.

Impairment – any physical, mental, or behavioral disorder that interferes with a resident’s ability to engage safely in UT Southwestern-related activities. Impairment includes deterioration through the aging process or loss of motor skills, or excess use or abuse of alcohol or controlled substances.

Resident – Any physician in an accredited graduate medical education program, including interns, residents, and fellows.

Positive Drug Screen – test results that: 1) are above the federal government’s acceptable test ranges for any controlled substance as set forth in 49 CFR Part 40; or 2) are above the limit identified on a valid prescription; or 3) indicate the presence of a controlled substance for which there is no valid prescription.

UT Southwestern-related activities – educational, research, training, or clinical activities or events sponsored or supported by UT Southwestern, regardless of whether the activities or events take place on property or in buildings owned or controlled by UT Southwestern.