

## SECTION THREE – HUMAN RESOURCES/ ADMINISTRATION

**POLICY NO: 3. 2**

**SUBJECT: IMPAIRED HOUSE STAFF**

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### **I. PURPOSE**

To identify and promote the rehabilitation of those house officers whose professional competence or conduct has been affected by the use or abuse of alcohol and illegal drugs, or by the inappropriate use of legal drugs.

In addition, SPUH and its Medical Staff endeavor to create and maintain patient care of the highest possible quality; part of which requires the early detection of a practitioner's impairment and the taking of immediate action where the impairment may subject any person to imminent danger.

Further, this policy shall provide guidance to Program Directors and house staff regarding the counseling and support services available.

### **II. ADDITIONAL DEFINITIONS**

A. Impaired house officer: A house officer who is unable to practice medicine with reasonable skill and safety due to physical or mental illness, loss of motor skills, or abuse of drugs including alcohol. Under this policy, the term "abuse" shall mean the frequent, or repeated use of drugs or alcohol, and "drugs" shall include any and all controlled substances, whether or not deemed to be habit-forming. This impairment may be due to drug and/or alcohol dependency, mental disorder, or other medical disorders. The signs and symptoms of such impairment include but are not limited to a persistent pattern of the following:

1. patient injury and/or formal complaints;
2. unusual or inappropriate behavior;
3. negative changes in performance of assigned duties;
4. frequent or unexplained absences and/or tardiness from duties;
5. frequent or unexplained illnesses or accidents;
6. conduct which may constitute violations of law, including citations for driving while impaired; and/or
7. significant inability to contend with routine difficulties and act to overcome them.

### **III. RESPONSIBILITY/REQUIREMENTS**

A. Introduction:

SPUH recognizes that drug addiction and alcoholism are illnesses which are often treatable. It is SPUH's policy to assist impaired house staff in obtaining treatment, so long as such assistance does not adversely affect SPUH's concomitant responsibility to ensure the safety of its patients, visitors, and other employees.

SPUH shall use reasonable efforts to secure the confidentiality of all actions taken with respect to this policy; provided, however, that such information may

be revealed to (i) those individuals identified in this policy, or any other individual on a need to know basis; and (ii) those individuals required to be notified pursuant to New Jersey or federal law, rule, regulation, or court order.

This policy focuses on the behavior of the impaired house officer and its impact on the house officer and others, rather than the underlying medical condition.

B. Self-Identified Impaired House Staff:

A house officer who is concerned that he/she may have a problem with impairment may discuss the issue with a faculty member, the Program Director, the Department Chair, or the Director of Graduate Medical Education at any time; or, the house officer can contact SPUH's Employee Assistance Program directly at 1-800-531-0200 for confidential outside counseling, therapy, or referral. Assistance is available twenty-four (24) hours a day, seven (7) days a week.

If a house officer brings a concern about his/her impairment to the attention of another individual, the individual so notified must report the same to the house officer's respective Program Director, Department Chair, or Director of Medical Education who must meet with the house officer as soon as possible to discuss an appropriate course of action. If the house officer requires further voluntary evaluation and treatment, the Program Director or Department Chair should notify the Director of Medical Education who will arrange a referral to SPUH's Employee Assistance Program.

C. Referral for Treatment:

Whenever it appears that the professional capabilities of any house officer is impaired (or that such house officer's professional capabilities are at significant risk of being impaired in the future), due to the house officer's suspected use or abuse of drugs or alcohol, any individual working at SPUH may request that appropriate action be taken with respect to the house officer. In such cases, appropriate action shall include the following:

1. The request for action shall be made, preferably in writing, to the house officer's Program Director or the Department Chair.
2. After consulting with the requesting individual and the Program Director, the Department Chair shall determine whether there is sufficient information to warrant an investigation; which may require an immediate suspension of the house officer's participation in an educational rotation until the investigation is completed in accordance with this policy.
3. The Program Director and/or the Department Chair shall contact the house officer to set up an interview. If both the Program Director and the Department Chair agree that the report has no foundation and that there are no performance concerns with respect to the house officer, no further action will be taken. However, in the event, after consultation with the Program Director, the Department Chair believes the report has foundation, the Department Chair shall appoint an Ad Hoc House Staff Assistance Committee which shall:
  - (a) assess the reports of impairment;
  - (b) present concerns of identified members of the house staff, faculty, or SPUH employees;

- (c) refer the house officer for evaluation and treatment;
  - (d) monitor the impaired house officer until final disposition; and
  - (e) prepare and submit a final report to the GME Office.
4. The composition of the Ad Hoc House Staff Assistance Committee shall consist of representation from the GME Office, Program Directors, faculty, senior house officers, and one or more individuals with expertise in mental health and/or addiction/substance abuse. The Ad Hoc House Staff Assistance Committee shall name a chair and establish its own procedures and meeting schedule.
  5. In assessing the situation, the Ad Hoc House Staff Assistance Committee may require the house officer to undergo further testing (psychiatric evaluation and/or drug or alcohol testing). If a decision to require testing is made, the Program Director or Department Chair should contact SPUH's Employee Assistance Program to arrange for testing. Results of the test will be reported directly to the Department Chair.
  6. The Program Director may allow the house officer a house staff leave of absence (see Section One, "Benefits and Amenities") or, if necessary, the Program Director may suspend the house officer from clinical duties during the investigation, in those situations in which the Program Director believes that failure to suspend may result in imminent danger to the health of any individual. If a decision is made to suspend the house officer during the investigation and evaluation period, the house officer shall be notified in writing, with a copy sent to SPUH's Employee Assistance Program. The Department Chair and the Director of Medical Education must be made aware of the circumstances and proposed suspension as soon as a decision is made.
  7. If, after evaluation is completed, it is believed that the house officer needs further evaluation and/or treatment, he/she shall be referred to SPUH's Employee Assistance Program or the New Jersey Medical Society's Physicians' Assistance Program at 609-896-1766, extension 206.

D. Return to the Postgraduate Program:

1. If treatment or rehabilitation is recommended by either SPUH's Employee Assistance Program or the Physicians' Assistance Program and the house officer enrolls in a treatment program, he/she will be required to waive his/her right to confidentiality with respect to notifying the Director of Medical Education of the following:
  - (a) as to whether the proposed treatment plan limits the house officer's ability to work, and, if so, a description of the house officer's limitations;
  - (b) as to whether the house officer is participating in the treatment plan and whether the treatment has been successful, and
  - (c) of any other information needed in order to assess the house officer's continued fitness to work.
2. Whether a house officer will be allowed to return to his/her Postgraduate Program to complete his/her training will be evaluated on a case-by-case basis, taking into consideration, (i) the recommendations of the treatment program; (ii) the limitations, if any, on his/her ability to practice; (iii) the expected duration of the limitation; (iv) whether reasonable

accommodations can be made by the Postgraduate Program; (v) the circumstances that give rise to the initial report of potential impairment (i.e. whether any serious incidents or violations of law occurred); and (vi) whether patient and staff safety can be maintained.

E. Confidentiality:

Every effort shall be made to maintain the confidentiality of referred members of the house staff to the extent possible and permitted by law. Files involving impaired house staff shall be stored under lock separately from personnel records. Inactive files and files of house staff who no longer work at SPUH shall be sealed and stored separately. If a house officer is referred to the Physicians' Health Program, the appropriate files shall be shared with that program and a proper notation shall be made in the house officer's file in the Office of Medical Education.

F. Refusal to Cooperate:

If a house officer who self-reports potential impairment or is determined by his/her Program Director and Department Chair to require further evaluation refuses to enroll or remain enrolled in an assistance program, the Program Director will be obligated to report the house officer to the Director of Graduate Medical Education, who may terminate the house officer's clinical privileges and his/her participation in the Postgraduate Program. The house officer shall have the right to appeal the decision to terminate pursuant to the appeal process set forth in Policy No. 6. 1, "Grievance and Appeals Process."

*Approved:4/2004*  
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