

Title: GME Physician Impairment	*Applicable to: Beaumont Health	Effective Date: 03/27/2018
Policy Owner: Graduate Medical Education Committee	Document Type: Policy	Last Periodic Review Date: 03/27/2018 Functional Area: GME Human Resources

***For This Document, Beaumont Health Includes:**

Beaumont Corporate Shared Services
 Beaumont Hospital, Dearborn
 Beaumont Hospital, Farmington Hills
 Beaumont Hospital, Grosse Pointe
 Beaumont Hospital, Royal Oak
 Beaumont Hospital, Taylor
 Beaumont Hospital, Trenton
 Beaumont Hospital, Troy
 Beaumont Hospital, Wayne
 Beaumont Medical Group

I. PURPOSE

The purpose of this policy is to identify resources and outline processes related to the use or abuse of alcohol and drugs by residents and fellows.

II. POLICY

Beaumont Health (Beaumont) is committed to maintaining a drug- and alcohol-free environment to protect the safety, health and welfare of all employees, patients, visitors and the communities in which we serve. Its hospitals comply with Federal and State laws, which impose an obligation to maintain a drug-free work force.

III. DEFINITIONS

- A. **Physician Impairment:** The inability of a physician to practice his/her respective medical specialty with reasonable skill and safety due to use or abuse of drugs or alcohol, or because of a physical or mental illness.
- B. **Prohibited Acts:** The illegal manufacture, distribution, dispensing, possession or use of, being under the influence of, or being impaired by alcohol, controlled substances, illegal drugs, narcotics or intoxicants, or the improper use or abuse of over-the-counter or prescribed drugs by a resident/fellow while on duty or reporting to duty.
- C. **Resident/Fellow:** A physician in a graduate medical education program.
- D. **Supervising physician:** Any physician who has a role in the education of residents/fellows and who have documented qualifications to instruct and supervise.

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- E. **Health Professional Recovery Program (HPRP):** The Health Professional Recovery Program (HPRP) is a State of Michigan-established voluntary program for assisting health professionals who have an impairment. *Impairment* is defined by the State as “...the inability or immediately impending inability of a health professional to practice his or her health profession in a manner that conforms to the minimum standards of acceptance and prevailing practice for that health profession due to the health professional’s substance abuse, chemical dependency, or mental illness, or the health professional’s use of drugs or alcohol that does not constitute substance abuse or chemical dependency.”

The HPRP is initiated when the state’s Health Professional Recovery Committee receives information about an impaired health professional. If the circumstances are appropriate, the committee will offer the health professional an opportunity to participate in the HPRP rather than undergo a formal disciplinary process. To participate in the program, the health professional must acknowledge his/her impairment and must voluntarily agree to participate in the HPRP.

- F. **Resources for Residents & Fellows:** Residents/fellows may seek confidential help from HPRP by contacting them at 800-453-3784. Additional resources are available by contacting the Beaumont Health Director of Resident & Fellow Wellness.

IV. IMPROPER BEHAVIORS

A. Improper Professional Behavior

1. Under Michigan law, a licensed or registered health care professional who engages in health care practice exceeding a statutorily-determined blood-alcohol level or is under the influence of a controlled substance, whether or not due to the illegal or improper use of a controlled substance, that *visibly affects ability to safely and skillfully engage in health care practice*, may be found by a State court to be guilty of a misdemeanor.
2. Residents/fellows who commit any Prohibited Acts are subject to disciplinary action up to and including dismissal from the residency/fellowship program and termination of employment. Violations are reported to the Michigan Department of Licensing and Regulatory Affairs (LARA).

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B. Reporting Personal Behavior

1. Licensed health professionals are required to report to the licensing authority the **conviction** of a misdemeanor that is reasonably related to or that adversely affects the licensee’s ability to practice in a safe and competent manner. A resident/fellow who is **arrested or charged** with driving under the influence (DUI), formally known as operating while visibly impaired (OWVI), operating while intoxicated (OWI), or operating with any presence of a Schedule 1 drug or cocaine (OWPD), **must inform their Program Director or designee immediately. Failure to report the charge to the Program Director or designee could lead to suspension or dismissal from the program and termination of employment.** The Program Director or designee will inform the Designated Institutional Official (DIO) of ongoing status.
2. If the charge is reduced to something less serious, the matter may be addressed within the residency/fellowship program.
3. **Reporting, if convicted:** Physicians, including resident/fellows, have a duty to report any **criminal conviction** to LARA within 21 days from the date the clerk enters the conviction in the court record. LARA will review the circumstances of the charge and determine any appropriate disciplinary actions. The resident/fellow is required to provide their Program Director a copy of the report submitted to LARA, which shall be placed in their file.
4. Failure to report a violation to LARA is subject to administrative action by the State of Michigan.
5. Convictions may also have an impact upon Board eligibility.

V. DRUG & ALCOHOL TESTING

Testing may be conducted in any of the following situations:

- A. **Pre-Placement Testing.** All prospective residents/fellows are subject to drug testing, including testing for nicotine, during the pre-placement physical. All resident/fellow Agreements of Appointment (Contracts) are conditional upon passing a physical examination, which includes these screenings.
 1. **Consequences:** Any applicant with a positive drug screen (not attributed to a prescribed drug reported in advance) will be deemed to have not passed the pre-placement physical examination and is NOT eligible to enter the residency/fellowship program, or any employment at Beaumont. This will be reported to the matching program as a violation of the Match agreement. Entry into the residency/fellowship program at a later date is at the discretion of the program director, in consultation with the DIO or Associate DIO and Beaumont Occupational Health.

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B. Reasonable Suspicion or Probable Cause Testing for Drugs or Alcohol. When an observer determines that a reasonable suspicion exists -- based on performance, appearance, behavior, speech, gait, odor, etc. -- that a resident/fellow is impaired by drugs or alcohol, the observer will immediately report the behavior, consistent with Beaumont’s “Speak Up” program , to the resident/fellow’s supervising physician and program director or designee. The supervising physician will meet as soon as possible with the resident/fellow in private to share observations and request an explanation of the reported behavior. If the supervising physician determines that there is reasonable suspicion or probable cause, the resident/fellow is required to be suitability tested and to provide authorization for test results to be provided to the Program Director related to whether he/she was or was not under the influence of or impaired by alcohol, controlled substances, illegal drugs, narcotics or intoxicants. Refusal to be tested, failure to provide authorization for disclosure, being unable to provide a sample for suitability testing, or disruption during the specimen collection process may result in the immediate termination of the resident/fellow Contract for GME training and associated employment. The supervising physician or designee will accompany the resident/fellow to the designated draw site for suitability testing and arrange safe transportation home. The resident/fellow will immediately be placed on Administrative Leave with pay pending test results.

1. **Consequences:** In the event of a confirmed positive test result, the resident/fellow may be offered an opportunity to enter into a *Last Chance Agreement*, requiring the resident/fellow to participate in and successfully complete an appropriate substance abuse rehabilitation program (e.g., HPRP) acceptable to Beaumont. Participation will be monitored by Beaumont Employee Health & Safety for the duration of the *Last Chance Agreement*.
 - a. Failure to accept the *Last Chance Agreement*, failure to complete the rehabilitation program as specified in the *Last Chance Agreement*, subsequent positive testing or a second offense may result in the immediate termination of the resident/fellow Contract for GME training and employment.

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VI. IMPAIRMENT DUE TO PHYSICAL OR MENTAL ILLNESS

- A. Residents/fellows must report to their Program Director any physical or mental illness which may *impact their ability to safely and skillfully engage in health care practice.*
- B. Any individual who has a reasonable suspicion that a resident/fellow has an impairment due to physical or mental illness, should provide a confidential, good faith report to the Program Director, Associate DIO or DIO. The report shall include a description of the incident(s) that led to the belief that the physician may be impaired. The report must state the facts that support the suspicion, but does not require proof.
- C. After discussing the incident(s) with the individual who filed the report, if the Program Director and DIO or Associate DIO believe there is enough information to warrant an investigation, the DIO or Associate DIO shall oversee the investigation. The DIO will inform the Chief Academic Officer of ongoing status.
- D. **Investigation.** The DIO or Associate DIO will meet with the resident/fellow to inform him/her of the suspicion and allow for self-reporting of any related medical condition. The resident/fellow should not be told who filed the report and does not need to be given specific details contained in the report that might identify the individual who reported the concern. Depending on the severity of the problem and the nature of the impairment, the DIO or Associate DIO shall assemble the appropriate resources to investigate (e.g., Human Resources, Legal Counsel, etc.) and may place the resident/fellow on immediate Administrative Leave with pay, pending results. The individual may be required to undergo a Fitness for Duty evaluation. GME will cover the cost of Fitness for Duty evaluation(s), if not covered by the individual's health insurance. Refusal to be evaluated and failure to provide authorization for the evaluation and disclosure of results may result in the immediate termination of the resident/fellow Contract for GME training and associated employment.
- E. **Results.** Upon receipt of the results of the Fitness for Duty evaluation, the DIO or Associate DIO shall assemble the appropriate resources (e.g., Human Resources, Legal Counsel, etc.) to make recommendations for action depending on the severity of the problem and the nature of the impairment.

VII. ATTACHMENT (see attachment tab, upper right corner)

Authorization for Disclosure of Limited Confidential Information: Fitness for Duty & the Need for Ongoing Management

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VIII. REFERENCES

Accreditation Council for Graduate Medical Education (ACGME) Institutional Requirements, Section IV.H.2

Approved by the Beaumont Health Graduate Medical Education Committee (GMEC),
June 20, 2017

Revisions approved by the GMEC: August 22, 2017
January 23, 2018

CORPORATE AUTHORITY:

Beaumont Health (“BH”) as the corporate parent to William Beaumont Hospital, Botsford General Hospital, and Oakwood Healthcare Inc., (“Subsidiary Hospitals”) establishes the standards for all policies related to the clinical, administrative and financial operations of the Subsidiary Hospitals. The Subsidiary Hospitals, which hold all health facility and agency licenses according to Michigan law, are the covered entities and the providers of health care services under the corporate direction of BH. The Subsidiary Hospitals’ workforces are collectively designated as BH workforce throughout BH policies.