



Category: Clinical Operations
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Title: Physician, Faculty, and Licensed Professional Wellness and Resilience Policy and Procedure.

Reference:

A. POLICY

The University of Texas Rio Grande Valley School of Medicine (UTRGV SOM) expects its physicians, faculty, and licensed professionals to exhibit professional attitudes, conduct and behavior at all times that reflect the mission, vision and values of the educational, scholarly and clinical endeavors of the UTRGV SOM and affiliated institutions. Individuals also are expected to uphold the standards of any relevant professional and licensing organizations such as medicine, psychology, nursing, public health, pharmacy, social work and others. Unprofessional conduct or inadequate performance that puts the individual or others at risk for harm or negative consequences is not accepted, condoned or tolerated.

The UTRGV SOM is committed to developing, implementing and maintaining an environment that encourages and supports health, wellness and resilience in its physicians, faculty, and licensed professionals so that they can function and achieve optimally. All UTRGV SOM physicians, faculty, and licensed professionals are expected to utilize the relevant resources and support provided by the UTRGV SOM so that they can conduct themselves appropriately and effectively as UTRGV SOM representatives while performing their roles and responsibilities at UTRGV SOM.

UTRGV SOM physicians, faculty, and licensed professionals whose ability to function effectively is impaired or has the potential to be impaired are expected to seek assistance from their supervisor(s) and/or the resources identified and provided by the UTRGV SOM. From behavior and performance observations, individuals also may be identified by others and encouraged/directed to participate in appropriate services. Individuals who are unable to conduct themselves in a professional manner or who appear for work in a condition that will not allow them to perform their duties in a safe manner will be considered in breach of this Policy and actions may be taken in accordance with this and any other applicable University Policy.

B. SCOPE

This policy applies to all individuals employed, appointed, affiliated with or studying at UTRGV SOM as physicians, faculty, and licensed professionals while they are engaging in UTRGV SOM assigned activities. Individuals become subject to this policy if, and when, there is a reason to suspect that the individuals are distressed or impaired and/or are behaving in a manner suggestive of impairment that is impacting their performance at work. Observations of compromised function, behavior aberrations, poor performance and/or substance may be cause for this conclusion.

C. Definitions

The following are definitions, qualifications or stipulations regarding certain terms used in this policy. Chief Medical Officer (CMO) is defined as the physician administrator of the UT Health RGV MSRDP.

Disruptive Behavior is defined as behavior that has a negative impact on the workplace environment. This includes, but is not limited to, verbal or nonverbal conduct that is (1) is violent or threatening to any other person, (2) negatively affects quality of patient care and/or disrupts the operation of the healthcare setting, (3) affects the ability of others to do their jobs, (4) interferes with an individual's ability to practice competently or (6) adversely affects or impacts the communities confidence in UTRGV SOM's ability to provide quality patient care.

Emergent Situation is one in which there may be a potential adverse effect on a UTRGV SOM patient, employee, faculty or student.

Evaluators requested to evaluate a physician, faculty, or licensed professionals under this policy will act as the agent of the Dean of UTRGV SOM and the Wellness Committee. If there is a conflict in obligation, the responsibility to the Institution takes precedence over the responsibility to the impaired individual.

Faculty is an individual who has an UTRGV SOM faculty appointment and title and has roles and responsibilities related to the educational, scholarly and clinical activities of the UTRGV SOM. This group includes full time and community faculty.

Fit or Fitness for Duty is a state where an individual is able to perform their job duties in a safe, secure, productive, and effective manner, and remain able to do so through the entire time they are working. Individual who is not fit for duty may present a safety hazard to themselves, to other persons, or to the public.

Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

Impairment is the state of being diminished, weakened, or damaged, especially mentally or physically. Major symptoms of alcohol/ drug use and/ or incapacitating medical/ psychiatric disorders may include declining work performance as manifested by unavailability, missed appointments, failure to meet deadlines, lapses in judgment, incomplete work, poor communication, mood swings, unexplained absences, embarrassing behavior, temper outbursts, personality/ character changes, disruptive/ distressed behavior, signs of intoxication or self-medication, lack of collaboration/ cooperation with others, lack of preparation, dangerous/ negative behavior towards self or others, and/or withdrawal from professional activities.

Licensed Professional is an individual employed by the UTRGV SOM to perform designated clinical roles and responsibilities who has successfully completed a prescribed program of study in a variety of health fields and who has obtained a license or certificate indicating his or her competence to practice in that field. Examples include Advance Registered Nurse Practitioner, a Physician Assistant, and a Licensed Social Work.

Physician is an individual employed by the UTRGV SOM who is credentialed to perform designated clinical functions and responsibilities under a state medical license.

Professionalism/ Professional Conduct is abiding by and following professionally accepted standards of personal and business behavior, values and guiding principles; for example, treating patients, students, staff and colleagues with fairness, patience, respect and dignity; refrain from any behaviors or actions that disrupt health, clinical, teaching or scholarly operations; and create safe environments for patient care, learning and scholarship. Professional conduct also requires that employees and students will report to work/ school in a fit condition and ready to perform their duties in a safe manner.

Resilience is the ability of an individual to respond to stress in a healthy, adaptive way such that personal and professional goals are achieved at minimal psychological and physical cost, process of adapting well in the face of adversity, trauma, tragedy, threats, or even significant sources of stress.

Substance misuse is the use of a substance for a purpose not consistent with legal or medical guidelines; for example, personal use of any chemical substance that is specifically proscribed by law or by regulation pursuant to legal authority (e.g., Schedule 1 drugs); the personal misuse of any legally controlled substance; or the personal misuse of any normally legal chemical substance (e.g., alcohol) in a manner that produces the likelihood of the development of impairment.

Wellness is an active process of becoming aware of and making choices toward a more successful, healthy and functional existence.

Wellness Committee is a peer review committee, to assist physicians, faculty, and licensed professionals with physical problems, substance use problems, or mental and emotional difficulties that may affect clinical skill and judgment. The committee members will be appointed by, and report to the Dean. Committee members shall include the CMO, Associate Dean for Faculty Affairs and two Faculty representatives (one clinical and one non-clinical). The Wellness Committee will collaborate with the UTRGV SOM Departments, UTRGV SOM GME Office, and UTRGV SOM MSRDP Faculty Practice Plan, UTRGV as well as the affiliated healthcare and educational systems.

D. Policy and Procedures

UTRGV SOM physician, faculty, and licensed professionals are expected to conduct their activities in the highly complex healthcare, educational and research environment in full control of their manual dexterity and skills, mental faculties, and judgment. Impaired individuals can prevent the UTRGV SOM from meeting its commitments to provide high quality patient care, scholarship and education in a safe environment. However, the UTRGV SOM recognizes that its physician, faculty, and licensed professionals who appear to be impaired and are having difficulty performing their responsibilities adequately are individuals who need help. Common causes of impairment are significant personal and professional stresses, medical illnesses, psychiatric disorders and substance misuse.

Impaired individuals are expected to actively seek out UTRGV SOM appropriate resources and help from their supervisors or appropriate others as well as participate as instructed if others have identified a need for interventions. All physician, faculty, and licensed professionals at UTRGV SOM are expected to report to an appropriate supervisor and CMO all individuals who appear impaired and are engaging in unprofessional behavior and/ or actions that may endanger others. Referrals to appropriate evaluation, treatment and follow-up, if necessary, in a supervised rehabilitation program are among the ways a physician, faculty, or licensed professionals may be assisted in returning to professional activities. All relevant supervisors and departments within UTRGV SOM will be informed of the impaired individual's status and progress. Individuals who fully and appropriately participate in the interventions identified as necessary and regain an adequate and appropriate level of functioning can expect to resume their UTRGV SOM roles and responsibilities after being evaluated and determined to be fit to return to work or school.

Depending on the level and type of impairment and the situation, a physician, faculty, or licensed professionals may be subject to disciplinary action, which may include the immediate suspension of any, or all granted educational, research, clinical or administrative privileges. Termination of employment or enrollment, subject to the discipline policies established by the Board of Regents for The University of Texas System also is possible. In addition, for those clinicians who are appointed to and are members of the Medical Staff of any affiliated healthcare system; any action taken under this policy shall be communicated immediately to the appropriate entity within that system. In addition, they may be reported to the relevant state licensing board.

In situations in which the affected individual is judged to be too impaired to function, individuals should be escorted to a safe place (e.g. home, treatment facility) and relevant individuals notified (e.g. family, friends) so that the individual is safe. If the impaired individual refuses assistance, the UTRGV SOM Police Department must be contracted to ensure that the individual is escorted to a safe location with adequate supervision.

Upon receiving information from others or upon making personal observations regarding the physician, faculty, or licensed professionals' fitness for duty, the individual's supervisor has the responsibility to act to ensure the safety of all patients and other individuals that the identified individual interacts with. In addition, the supervisor or appropriate administrator must

- decide how urgent the situation is and what evaluations/ interventions need to be implemented immediately;
- make a determination if the impaired individual needs to be relieved of any responsibilities immediately and if so, implement the procedure to suspend them and re-assign any duties related to patient care or other activities that must be provided;
- determine if the individual needs to be placed on leave immediately;
- notify as soon as possible the appropriate administrators and entities such as the Chief Medical Officer (CMO) of UT Health RGV, department chair, program director, and Associate Dean for Faculty Affairs;
- meet with the impaired individual to explain the observations and situation, describe any immediate interventions and consequences of refusal to participate, and clarify the process and procedures of investigation, evaluation and interventions as well as what individuals will be involved. This discussion must include the impaired individuals' rights within the UTRGV SOM system. This verbal discussion must be followed by written confirmation/ documentation delivered to the impaired individual with a requirement that the individual signs acknowledging receipt;
- the CMO working with the Department Chair and the Associate Dean for Faculty Affairs will start the process for review and verification of the observations that the identified individual is impaired. An Ad Hoc Committee (Wellness Committee) named by Dean or CMO will evaluate the obtained information, develop recommendations for evaluation, interventions and determination to return to work/school. These process and procedures will be conducted with the strictest confidentiality possible

Medical/ Psychiatric/Psychological Evaluations

- in emergent situations, the impaired individual is to be escorted directly to the nearest/ most appropriate Emergency Room (ER) to be seen for medical evaluation by an appropriate physician, including a request for laboratory testing as relevant for possible medical conditions as well as the presence of drugs or alcohol in body fluids. Any testing for drugs or alcohol is voluntary;
- if appropriate, impaired individuals may also be psychiatrically evaluated;

- in non-urgent situations, a physician will be designated to medically evaluate the fitness for duty of the impaired at an appropriate time; a psychiatrist also may be assigned to evaluate the impaired individual. In some cases, psychological and/or neuropsychological testing may be conducted

Drug and Alcohol Testing

- Any physician, faculty, or licensed professionals being evaluated for a reported condition or impairment may be asked by the CMO, department chair or immediate supervisor to undergo laboratory testing for the presence of drugs or alcohol in body fluids or breathe as a part of the medical and/ or psychiatric evaluation for fitness for duty.
- A screening test positive for chemical substances will be confirmed by the best currently available laboratory techniques. If the accuracy of a positive confirmatory test is disputed by the individual, the confirmatory test on a different aliquot of the same sample will be repeated in a qualified laboratory, which may be chosen by the individual.
- If the test result is not disputed, if additional information is not provided (e.g. documented condition with prescribed medication) and/or if the additional confirmatory test is positive, the result will be taken as definitive evidence of substance use. The entirety of the available evidence will be used to determine the presence or absence of substance use if the substance involved is one for which a bona fide medical indication exists.

The cost of any required medical/ psychiatric/ psychological evaluations and/or substance testing undertaken in the course of investigation for substance use and/or impairment will be borne by the UTRGV SOM except for those portions that are covered by the impaired individual's health insurance. Any evaluations and interventions done as part of treatment or rehabilitation programs will be the responsibility of the individual.

If the impaired individual refuses any evaluation and/ or testing, this information will be communicated immediately to appropriate supervisor or administrator. Failure to comply with any requirements for evaluation and treatment may result in involuntary separation.

Documentation of the report of impairment or behavior suggestive of impairment, medical, psychiatric and/ or psychological evaluation reports, and other correspondence pertaining to these events and the treatment and rehabilitation of any UTRGV SOM employee or staff will be treated as confidential. The contents of the file will be released by UTRGV SOM only upon written authorization of the affected individual, except as required by state and federal law.

Activity restrictions imposed as a result of actions under this policy will be communicated to individuals or entities working with the impaired individual ONLY on a need-to-know basis. The overriding consideration will be the safety of the patients, any other employees or persons at UTRGV SOM, and the affected individual.

Once the identified individual has completed the recommended evaluations and treatment and is deemed to be able to perform the necessary responsibilities and assignments, the individual will have a fitness of duty assessment performed by a physician/ practitioner designated by the UTRGV SOM. If the individual is judged to be able to function at an acceptable level, the individual will be allowed to resume their roles and responsibilities with an appropriate monitoring and oversight. Once the individual has successfully performed for an adequate length of time, the individual's status will return to be the same as a typical employee or student in a similar position.

**Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies),
and/or Coordinating Board Rule(s)**

University of Texas System Board of Regents' *Rules and Regulations*