

Impaired Physician Policy

March 25, 1998 Rev. March, 2003 *

Introduction

University at Buffalo (UB), and its affiliated entities, University Medical Resident Services, P.C. ("UMRS") and University Dental Resident Services, P.C. ("UDRS") are committed to supporting the teaching programs and educational goals of the State University of New York at Buffalo Schools of Medical and Biomedical Sciences and Dental Medicine ("University"). University at Buffalo (UB), UMRS and UDRS have an obligation to the University, the affiliated teaching hospitals, their employees, patients, and the community, to promote and nurture a safe and productive work environment. Resident health and welfare are fundamental to the delivery of quality care to patients, indispensable to the education of trainees, and essential for a safe and constructive work environment. Therefore, resident behaviors that compromise this obligation, interfere with learning, and/or pose a danger to patient care violate generally accepted standards of medical care in this community, and define resident impairment. Such behaviors warrant immediate intervention and/or disciplinary action.

Definition

Impairment is defined as any damage or decline in physical or cognitive function due to medical or psychiatric illness, abuse of alcohol, illegal prescription or non prescription drugs, or illicit drugs or other substances.

Scope and Administration

This policy applies to all residents at the University at Buffalo (UB).

The policy will be administered by the applicable program director (or his/her designee), as the designated University at Buffalo (UB) official, in consultation with the Office of Graduate Medical Education and the Medical Directors of University at Buffalo (UB) affiliated hospitals where an involved resident is engaged in training.

Substance Abuse Policy

Residents are prohibited from on-the-job possession, sale, or use of, and/or impairment from alcohol, illegal drugs or any controlled substances. Medications prescribed for the resident by a licensed physician may be used as directed.

Any resident or faculty member who has reason to believe that another resident possesses, sells, and/or uses such substances or is otherwise impaired or potentially impaired, shall report such knowledge or evidence to the program director or his/her designee. All residents agree, as a condition of resident status, to accept a clinical evaluation to evaluate impairment arranged by their program director.

Voluntary Treatment

University at Buffalo (UB), UMRS and UDRS are concerned about the health and welfare of their residents and encourage residents who suspect or know that they are, or are becoming, impaired, to refrain from practice and voluntarily seek appropriate evaluation and treatment. Residents who voluntarily admit to having an alcohol, substance abuse, or mental health problem and requests assistance or treatment prior to discovery will be offered a leave of absence to seek evaluation and treatment, will not be subject to disciplinary action by the program, and will be offered readmittance into his or her residency program within four months upon satisfactory evidence of the successful completion of or participation in an appropriate treatment program and notification of the hospital medical director in cases where a hospital assignment was suspended. Residents

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who suspect they might be impaired should speak with their program director or his/her designee or with the Director of Employee Health Services of the University at Buffalo (UB).

The Committee for Physicians' Health, a Program of the Medical Society of the State of New York, was founded to help physicians affected by substance abuse or addiction, mental health problems, and cognitive disorders. Their program recognizes that these problems can be successfully treated through compassionate intervention. The program is both nonjudgmental and confidential!

Confidentiality is protected by state and federal law. Under New York State law, professionals who make a good faith report and volunteers who work with clients of the committee for Physicians' Health have legal protections. In addition, the legal mandate of reporting impaired physicians to the New York State Department of Health, Office of Professional Medical Conduct is waived for physicians participating in the program provided the impaired physician stays with the program, is helped by treatment, and does not present an imminent danger to the public.

Additional information is available directly from the Committee for Physicians' Health using their toll-free number: 1-800-338-1833. All calls are confidential.

Residents enrolled in a substance abuse treatment program and determined to be "in recovery" must notify the Director of Employee Health Services of the University at Buffalo (UB).

Testing or Screening

University at Buffalo (UB), UMRS and UDRS reserve the right to require a resident who is reasonably suspected of impairment to undergo a clinical exam which may include blood testing and/or urinalysis to ascertain the cause of the impairment (the "clinical examination"). A resident *may* be subject to such clinical examination in the following circumstances:

- 1) The resident exhibits behavior normally associated with persons under the influence of alcohol or controlled substances;
- 2) The resident is involved in a work-related incident;
- 3) The resident is involved in an on-the-job accident;
- 4) The resident is involved in other instances where alcohol or substance abuse is suspected to be a contributing factor.
- 5) The resident exhibits behavior which is consistent with cognitive dysfunction or psychiatric illness.

The clinical examination will be performed with concern for the resident's dignity and, to the extent possible, will respect his or her confidentiality. Results of clinical evaluations will be maintained in the resident's confidential Employee Health Record by the Director of Employee Health Services.

Failure to Cooperate

Any resident who refuses to consent to be interviewed (described below) by his or her program director or designee concerning a possible impairment and/or undergo the clinical examination is subject to immediate disciplinary action, up to and including suspension without pay or termination from the residency program.

Procedural Steps to Take When A Possible Impairment is Reported

As a condition of New York State licensure, physicians are required to report professional misconduct, which includes practicing while impaired by alcohol, drugs, or mental disability. Failure to make such report may also be misconduct.

- 1) **Initial Report:** A report on observable behavior is to be completed and provided to the applicable program director or his/her designee (Attachment 1).
- 2) **Resident Interview:** The resident is to be interviewed by his or her program director or designee before a witness, using the guidelines suggested by the Committee for Physician's Health (Attachment 2). Residents refusing to agree to the interview when requested will be subject to immediate disciplinary action, up to and including suspension without pay or termination from the program. The

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- Program Director or designee is to instruct the resident to provide a urine specimen (see #4 - Specimen Collection).
- 3) **Consent and Authorization for Medical Examination Form:** If requested, a resident shall sign a release of information form (Attachment 3). Residents will continue to receive salary and benefits if relieved from duties while undergoing a clinical exam to determine impairment. Residents who refuse to sign the form when so requested are subject to immediate disciplinary action, up to and including suspension without pay or termination from the program.
 - 4) **Specimen Collection:** Specimens must be collected within two hours of request at designated laboratories (see Attachment #4). Costs for obtaining the specimens, transportation to the laboratory and home are assumed by the University at Buffalo (UB) affiliated hospitals.
 - 5) **Negative Clinical Exam Results:** If the clinical examination does not confirm the suspicion of impairment, the resident will be returned to duty without loss of wages or benefits.
 - 6) **Further Testing and Evaluation:** University at Buffalo (UB), UMRS and UDRS reserve the right to require the resident to undergo further testing and evaluation prior to return to duty to the extent necessary to determine the cause of the observed impairment.

Positive Result

If the clinical examination confirms impairment, the resident may be subject to immediate disciplinary action, up to and including suspension without pay or termination from the program. Where appropriate, the physician may be afforded the opportunity to participate in the health recovery program administered by the Committee for Physician's Health or equivalent program determined acceptable by the Director of Employee Health Services.

The medical director of the hospital providing training will be notified if there is any temporary suspension of training.

Readmittance to the Residency Program

A resident may be readmitted to his or her residency program under the following terms and conditions:

- 1) Receipt of satisfactory evidence of successful completion of, or participation in, a prescribed rehabilitation, inpatient treatment or therapeutic program, provided the absence for treatment did not exceed 4 months.
- 2) Receipt of a recommendation from the rehabilitation, treatment or program provider that the resident is medically fit to return to practice;
- 3) Resident agrees to a provisional period during which time the resident may be monitored and/or tested periodically with or without notice for the presence of alcohol and/or other controlled substances;
- 4) Resident agrees to attend all after care or support group meetings.
- 5) Resident completes or adheres to conditions required by the Committee on Physicians' Health or equivalent program acceptable to the Director of Resident Health Services.

The program director must notify the Office of Graduate Medical Education and the medical director(s) of any hospital(s) where training was interrupted when a formerly impaired resident returns to their training duties.

Salary and Benefits

During treatment for an impairment, residents will continue to receive full salary and benefits until exhaustion of accrued and unpaid vacation and sick leave. May have access to FMLA for continued health insurance benefits.

Attachment 1

Factors Leading to Suspicion of Chemical Dependence

Describe the behaviors forming the basis of your suspicion that a resident may be impaired. Include the resident's name, specific examples, dates, locations, and possible witnesses.

The Committee for Physician's Health reports the following factors lead to suspicion of chemical dependence in physicians, residents, and medical students:

1. Personality changes
2. Recurrent absenteeism and lateness for work
3. Inappropriate prescribing of large doses of narcotics and/or other potentially addicting substances
4. Changes in routine
5. Sloppy charts & writing
6. Refuse lunch relief
7. Desire to work alone
8. Long sleeves in warm environments
9. Unpredictable work habits and patterns
10. Frequent bathroom relief
11. Frequent illness
12. In the department a lot when off duty
13. Physical changes
14. Heavy "wastage" of drugs

Attachment 2

Guidelines for Approaching the Physician, Resident, or Medical Student Suspected of Chemical Dependence

1. DO NOT confront him/her alone.
2. Do not try to ignore the problem to "protect" him/her.
3. Gather the information/evidence.
4. Phone the Committee for Physician's Health (A program of the Medical Society of the State of New York) for trained intervention assistance. (1-800-338-1833 or 1-518-436-4723)
5. Arrange an interview with the resident.
6. Do not tell the suspected resident about the interview until just beforehand.
7. Be FIRM but SUPPORTIVE during the interview.
8. In conjunction with the County or State Medical Society representative, have a referral plan.
9. Be prepared for DENIAL and HOSTILITY.
10. If the resident rejects the referral plan, see section 4 of the policy.
11. STRESS the ADVOCACY role that YOU are playing.

Attachment 3

Consent and Authorization for Medical Examination (Drug and Alcohol Screening) and Release of Information

In accordance with the UMRS/UDRS Impaired Physician Policy, I, _____ ,
hereby consent to undergo a medical examination which may involve, among other things, a blood test and
urinalysis. I further authorize the results of the medical examination to be released to UMRS/UDRS, its authorized
representatives, and/or an appropriate representative of any of the hospitals affiliated with the SUNYAB Schools of
Medicine and Biomedical Sciences and Dental Medicine.

Resident

Witness

Date

Attachment 4

Within **two hours** of the time and date indicated below the following urine samples must be collected at one of the sites indicated. **University at Buffalo (UB) affiliated hospitals** will be responsible for all costs associated with this testing. **Notify Dr. McAloon at 878-7853 when screening tests are ordered.**

Resident/Fellow Name: _____

Signature of Residency Program Director or designee: _____

Date: _____ Time: _____

Substance Abuse Panel 10 including the following: (test code #6633)

Amphetamines (1000 mg/mL screen)	Cocaine Metabolites	Methaqualone
Barbiturates	Marijuana Metabolites (50 ng/mL screen)	Opiates
Benzodiazepines	Methadone	Phencyclidine
		Propoxyphene

The following tests if indicated with a \checkmark :

Alcohol (urine)	_____	(test code 56457W)
Fentanyl	_____	(test code 39151)
Other (indicate specific test):	_____	

If testing is required at times other than those indicated below, call Health Works at 823-5050. Arrangements will be made to have a screening done within the two hour timeframe.

Quest Diagnostics or Health Works representative please indicate date and time of specimen collection: _____

Results and collection fees should be forwarded to: Dr. Margaret McAloon, Director of Employee Health, 185 Bryant Street, Buffalo, NY 14222, in an envelope clearly marked **“CONFIDENTIAL LAB TEST RESULTS”**.

If screening is indicated and available during the hours listed below, one of the Quest Diagnostics sites listed must be used.

ADDRESS	CITY	PHONE #	HOURS
350 Alberta Drive, Ste 106	Amherst	836-1343	M-F 7:30am-12:30pm & 1:00pm-4:00pm; Sat 8:00am-12:00pm
4955 N. Bailey Avenue	Amherst	833-2348	M-F 7:30am-12:30pm & 1:00pm-4:00pm
3950 E. Robinson Road, Ste 202	Amherst	691-1744	MTThF 8:30am-12:30pm & 1:00pm-5:00pm Wed 7:30am-12:30pm & 1:00pm-5:00pm
191 North Street; Ste 207	Buffalo	886-1801	M-F 8:30am-12:30pm & 1:00pm-5:00pm; Sat 8:00am-12:00pm
975 Hertel Avenue	Buffalo	874-1703	M-F 6:00am-4:30pm
1 Sylvan Parkway	Buffalo	568-5200	M-F 8:00am-5:00pm; Sat/Sun 8:00am-12:00pm
85 Wehrle Drive	Cheektowaga	835-6651	M-F 7:30am-12:30pm & 1:00pm-4:00pm
9095 Main Street, Ste A	Clarence	634-1914	M-F 8:00am-12:30pm & 1:00pm-4:30pm
5334 Transit Road	Depew	681-5517	M-F 6:30am-6:30pm; Sat 7:00am-12:00pm
17 Long Avenue	Hamburg	649-9171	M-F 6:30am-11:00am & 11:30am-3:00pm; Sat 8:00am-12:00pm
2949 Elmwood Avenue, Ste 201	Kenmore	877-5040	M-F 6:30am-6:30pm; Sat 7:00am-12:00pm
755 Center Street, Ste 4	Lewiston	754-1670	M-F 7:30am-12:30pm & 1:00pm-4:00pm
125 Professional Parkway	Lockport	439-0805	M-F 6:30am-3:00pm; Sat 7:00am-12:00pm
746 Main Street, Lower Level	Niagara Falls	285-4619	M-F 8:00am-12:30pm & 1:00pm-4:30pm; Sat 8:00am-12:00pm
3685 Southwestern Boulevard, Upper Level	Orchard Park	662-3319	M-F 8:30am-12:30pm & 1:00pm-5:00pm; Sat 8:00am-12:00pm
3055 Southwestern Boulevard, Ste 102	Orchard Park	677-0051	M-F 8:30am-12:30pm & 1:00-5:00pm
18 Limestone Drive, Ste #9	Williamsville	631-0273	M-F 8:00am-12:30pm & 1:00pm-4:30pm
1150 Youngs Road	Williamsville	688-7149	M 6:30am-7:00pm; T-F 6:30am-6:00pm; Sat 7:00am-12:00pm

S: GME/Public/Quest Diagnostics

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