



OMECO

Graduate Medical Education

Approved by the GMEC (Graduate Medical Education Committee) on November 28, 2018

Effective Date: July 1, 2019

Review Date: May 2021

Next Review Date: May 2023

Policy Title: Fitness for Duty Policy

Purpose: The purpose of this policy is to ensure that all Trainees are fit for duty and work free from harm to themselves and others.

Policy Type: Sponsoring Institution/Sponsored Program Policy

Behavioral Health and/or Substance Abuse Resources (Physician Impairment)

OSU-CHS/OMECO is committed to providing appropriate and compassionate support to any Trainee who experiences mental, emotional, or physical health problems, including those who also require professional assistance to deal with substance abuse, psychiatric, or behavioral health issues. It is therefore the policy of the Sponsoring Institution that residents be afforded the opportunity to seek and obtain professional assistance at the earliest indication of need. For further information as it relates to physician impairment specifically, please review the Policy for Physician Impairment.

This policy does not limit the Sponsored Programs the right to take employment action, and application of this policy is not a substitute for discipline. In circumstances where a Trainee has engaged in misconduct or failed to perform his/her duties, disciplinary action up to and including termination of employment may be imposed notwithstanding a referral for a fitness for practice examination.

The Sponsoring Institution is committed to equal employment opportunity, and it prohibits discrimination against qualified individuals with disabilities. This policy is to be construed consistent with that commitment and in compliance with applicable law, including the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

Professional assistance is accessed by either self-referral by the Trainee or referral by the Trainees' Program Director. All Trainees under the Sponsoring Institution will have access to services provided at Oklahoma State University Center for Health Sciences (OSU-CHS)/OMECO. Trainees and Program Directors will be provided with relevant contact information at the beginning of each academic year.

Each Sponsored Program will provide an employee assistance program (EAP) and also provide essential information to their Trainee for the EAP and Oklahoma Health Professionals Program (OHPP). OHPP is the State of Oklahoma's Physician health program that provides confidential help for Physicians, medical residents/fellows, and medical students with substance or alcohol use disorders, behavior or mental health issues, and burnout.

If Trainees are determined to be impaired and no harm has resulted to patients/peers/institutions resulting from the impairment, the Sponsored Program may refer the Trainee to the OHPP. Referrals must be communicated with the DIO. or the Trainee may self-refer to the OHPP. Self-referral and Sponsored Program referrals may not require reporting to the Oklahoma State Board of Osteopathic Examiners (OSBOE) () unless circumstances result in harm to patients/peers/institution.

Trainee Responsibilities

All Trainees are required to report to work fit for practice and to be able to perform their job duties in a safe, professional, and effective manner.

The Sponsoring Institution encourages Trainees to voluntarily seek assistance for emotional and/or personal problems, physical and/or mental health conditions, including controlled substance, drug, and alcohol abuse/addictions, before their work performance is adversely affected.

No Trainee shall report to the work site impaired for any reason including but not limited to personal stress, medical condition, use of alcohol or controlled substances, including drugs prescribed by a physician, or by use of over-the-counter medication.

No Trainee shall use, sell, possess, distribute, dispense, and/or divert alcohol, controlled substances, and/or prescription drugs without a valid prescription while on campus or at training sites. Such conduct is also prohibited during non-working time to the extent that it impairs the Trainees' ability to perform their job upon arrival at work, including while officially on call, including at-home call.

Trainees who consume alcohol or controlled substances or any other impairing substances under any circumstances and return to work during that workday/shift are subject to evaluation under this policy.

A Trainee arrested or convicted of any alcohol related (DUI citation, etc.) or criminal drug offense must immediately notify their Program Director and DIO (Designated Institutional Official) no later than the first business day after the arrest/conviction.

Program Responsibilities for Fitness for Duty Evaluations

Grounds for Seeking a Fitness for Practice Examination may either be combined with the Physician Impairment Policy or independently developed depending on the circumstances prompting the evaluation. The referring Program Director or supervisor may request a medical fitness for practice evaluation when:

- A Trainee's conduct creates a reasonable belief that a threat to the health or safety of the Trainee, others, or to the Sponsored Program's designated site(s) (hospital/office/etc.) exists.
- There is objective evidence that the Trainee cannot safely perform their essential job functions.

The grounds for seeking a fitness for practice evaluation may become evident from a supervisor's observations and/or receipt of a reliable report of a Trainees' lack of fitness for practice.

Observations or a Trainees self-report may include, but are not limited to difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, outbursts, hostility, violent behavior, suicidal or threatening statements, change in personal hygiene, and/or reasonable suspicion (via odor or observation) of drug or alcohol use.

Program Directors should consult with the Designated Institutional Official (DIO) prior to making a referral for a fitness for duty examination. If the DIO agrees an evaluation is warranted, they will work with the Sponsored Program to determine if a fitness for duty evaluation is necessary, and if the resident should be referred to the OHPP. If the Trainee is determined to need a fitness for duty evaluation, the first step should be referral to the professionalism committee for further evaluation after approval by the DIO. Complete documentation of risk factors and concerns with specific examples should be provided to the professionalism committee by the Sponsored Program. The professionalism committee may require additional information from the Sponsored Program to make an accurate assessment and recommendation back to the Sponsored Program and the DIO. The Trainee should always be informed that a referral to the professionalism committee is being implemented and signed documentation that was discussed with the trainee should be included in the referral request to the professionalism committee.

The professionalism committee will send a report with recommended next steps to the DIO and Sponsored Program after review and evaluation of the documentation and Trainee. The report returned to the DIO and program will assist in further delineation of the next recommendations as it relates to fitness of duty, other disciplinary action, or referral to the OHPP.

A Trainees' medical fitness may also be evaluated in other contexts, including because of any required post-offer, pre-employment medical screen or as required after a leave of absence or return from leave of absence. The purpose of the evaluation is to determine if the Trainee can perform the essential functions in a safe manner and if there is a need for restrictions.

Practice Procedures for Fitness for Duty Evaluations

If it is determined that a fitness for duty evaluation is necessary, all costs thereof will be incurred by the Trainee as it is considered a necessary evaluation to protect patients, others, the Sponsored Program, and the Trainee from negative outcomes. A fitness for duty evaluation is not a confidential session between the Trainee and a counselor or physician; it is considered an academic referral and therefore, will not be subject to the same privacy rules as occurs in a therapeutic or doctor/patient relationship.

A report shall be generated by the evaluator to inform the Program Director whether or not a Trainee is fit to return to practice. If the evaluator determines that the Trainee is fit to return to practice, they will notify the Program Director in writing who will in turn notify the DIO.

If the evaluator determines that the Trainee is not fit to return to practice, they will notify the Program Director who will in turn notify the DIO. Once the written report is received, the Program Director will determine if a medical leave of absence, personal leave of absence, or discipline up to and including termination is necessary.

For reinstatement into a program following a leave of absence, a fit for practice report must be submitted to the Program Director who will then notify the DIO. A normal fitness to practice report must be submitted in order to re-enter practice. A Trainee that continues to be not fit for practice after 90 days is in jeopardy of losing their position in the Sponsored Program.

A Trainee who refuses to undergo a fit for practice evaluation (as well as a drug or alcohol test), or referral to the professionalism committee for further recommendations is subject to termination from the program if the concern for the Trainees' re-entry into the program could result in patient or self-harm.

Following a treatment plan is the personal responsibility of the Trainee. If a Trainee does not follow their treatment plan, they may be subject to termination.

At all times, patient safety is paramount and nothing in these procedures or policy shall prevent the Sponsoring Institution or Sponsored Program from requiring Trainees to at all times to meet the essential eligibility requirements and technical standards of the Sponsored Program and Sponsoring Institution.

Drug Testing

Trainees, as employees of their Sponsored Programs, are subject to all institutional work rules and policies including illicit substance usage. The Sponsoring Institution supports Sponsored Programs who employ drug and/or alcohol testing where there is reasonable suspicion of drug or alcohol use.

Some situations that might require drug testing include:

- Unusual behavior such as slurred speech or unusual energy levels for which an explanation is not apparent.
- Drastic changes in performance or behavior.
- Unusual drug administration procedures or documentation, including those as noted by a review from the pharmacy staff of any of our teaching hospitals.
- Reports by faculty, peers, or other co-workers of unauthorized drug and/or alcohol use or being under the influence on the job.
- Any behavior that poses a threat to patients or co-workers.

If a Trainee refuses to be tested, the Sponsoring Institution supports the Sponsored Program escorting the Trainee from the grounds where patient care or educational activities that are required by the Sponsored Program are occurring. Additionally, the Sponsored Program may follow its institutional policies and enact disciplinary measures against the Trainee up to and including termination from employment, in accordance with other Sponsored Program and Sponsoring Institution policies. If necessary, the Program Director or attending physician should arrange safe transportation for the Trainee. If there are discrepancies between Sponsored Program and Sponsoring Institution policies, in general the stricter of the two policies will apply; however, the Sponsoring Institution and the Sponsored Programs will work collaboratively to come to consensus in areas of debate.

References

ACGME (Accreditation Council for Graduate Medical Education) Common Program Requirements:

VI.B.3. The program director, in partnership with the Sponsoring Institution, must provide a culture of professionalism that supports patient safety and personal responsibility. (Core)

VI.B.4.c) assurance of their fitness for work, including: (Outcome)

Background and Intent: This requirement emphasizes the professional responsibility of faculty members and residents to arrive for work adequately rested and ready to care for patients. It is also the responsibility of faculty members, residents, and other members of the care team to be observant, to intervene, and/or to escalate their concern about resident and faculty member fitness for work, depending on the situation, and in accordance with institutional policies