



# Substance Abuse and Resident Impairment

## Purpose and Application

The University of Arizona, and its Colleges of Medicine, Nursing and Pharmacy are committed to retaining their valued residents, fellows, nurses, pharmacists or other health care related professionals (hereafter referred to as "health care professional or health care professionals") who may have problems that seriously affect their performance, whether related to emotional, physical or substance abuse issues. The University of Arizona also recognizes the need to protect these individuals' coworkers and patients when they are engaged in the misuse of substances or alcohol. The University of Arizona is committed to working with professional licensing agencies within the State of Arizona, such as The Arizona Board of Medical Examiners, the Arizona Board of Nursing, and the Arizona Board of Pharmacy, as prescribed by A.R.S. §§ 32-1451, et seq., 32-1601, et seq., and 32-1901, et seq., respectively.

These guidelines describe the procedures that faculty members, residency/fellowship directors and other licensed or certified health care professionals at the Arizona Health Sciences Center who may or may not be obligated otherwise to report activities that affect the ability of another health care professional to engage safely in the practice of medicine or other health-related professions to follow when they suspect or are notified that a health care professional may have a problem with or impaired by alcohol or substance abuse or other impairment that prevents him or her from engaging safely in the provision of health care.

Alcohol abuse, drug abuse and other issues affecting another health care professional's ability to engage safely in his/her practice may come to the attention of a number of individuals, some of whom may have independent obligations to report such conduct. In addition, health care professionals may self-refer regarding these issues.

This policy establishes that, when an employee of the University of Arizona Health Sciences Center has a reasonable suspicion, based upon the totality of facts and circumstances of which she is aware, to believe that a health care professional is practicing medicine, nursing or pharmacy while under the influence of alcohol, legal or illegal drugs, and may be impaired as a result, or is involved in the negotiation for or use, possession, sale, purchase, or transfer of illegal drugs, or otherwise is impaired such that she is unable safely to engage in the provision of health care, the employee shall follow the procedures outlined below.

## Definitions

1. Alcohol and Chemical Dependencies are illnesses in which an individual's use of alcohol or other chemicals interferes with his/her academic and/or clinical performance, interpersonal skills and relationships.
2. "Impairment" shall be defined as a condition that renders an individual unable to engage safely in the provision of health care because of use or misuse of alcohol or other substances or some mental

or physical condition as determined by someone trained in the identification of substance abuse or by a psychiatrist or psychologist.

3. "Reasonable Suspicion" shall be defined as a belief, based on specific, contemporaneous, and articulable observations concerning appearance, behavior, speech or body odor.

## Procedures

### 1. Reporting.

- a. When an individual learns or has reasonable suspicion to believe that a resident or fellow who is engaged in patient care is or may be misusing or is impaired by alcohol, legal or illegal drugs, or is involved in the negotiation for or use, possession, sale, purchase, or transfer of illegal drugs, or is otherwise impaired such that s/he is unable safely to engage in the provision of health care, the individual shall notify the attending physician on call for that resident or fellow, or the Residency/Fellowship Director, or the Associate Dean for Clinical Affairs for the College of Medicine.
- b. When an individual learns or has reasonable suspicion to believe that a health care professional other than a resident or fellow, who is engaged in patient care is or may be misusing or is impaired by alcohol, legal or illegal drugs, or is involved in the negotiation for or use, possession, sale, purchase, or transfer of illegal drugs, or is otherwise impaired such that s/he is unable safely to engage in the provision of health care, the individual shall notify the health care professional's program director or appropriate Dean.

2. **Removal from Shift and Preparation of Report.** If an attending physician, in consultation with any of the above-listed individuals, has reasonable suspicion to believe that a practicing resident or fellow is impaired, the attending physician shall cancel the resident fellows remaining on-call shift. The attending physician shall prepare and file a report with the Graduate Medical Education Office at the University of Arizona College of Medicine within 24 hours of the incident. A copy of the report shall be given to the Residency/Fellowship Director in the case of residents and fellows, or the appropriate Dean or Department Head in the case of other health care professionals. Any other health care professional who participates in reporting another health care professional's impairment due to the use of alcohol, legal or illegal drugs, or other cause shall prepare and file a report with the appropriate office in the College in which the individual is affiliated and a copy of the report shall be given to the appropriate office, as set forth above. In either case, the affected resident/fellow or other health care professional shall be required to meet with his/her program director within 24 hours of the action.

3. **Counseling.** In circumstances where the behavior or actions of a resident or fellow appear to or have jeopardized patient care or have created serious conflict with staff, the Residency/Fellowship Director, in consultation with the appropriate Department Head and the Associate Dean for Clinical Affairs shall refer a resident or fellow to the Housestaff Counseling Office, with which the affected resident or fellow shall cooperate fully. In the case of a resident or fellow, the Housestaff Counselor will determine whether it is safe for the resident/fellow to return to work. In circumstances where the behavior or actions of another health care professional appear to or have jeopardized patient care or have created serious conflict with staff, the program director, in consultation with the appropriate Dean and Department Head, shall refer the individual to an appropriate counselor, with whom the affected individual shall cooperate fully. The health care professional shall make an

appointment to meet with the counselor selected by the Dean or Department Head, and shall make a determination whether it is appropriate for the individual to return to work.

The health care professional shall be advised that the communications between the Housestaff counselor or other counselor and the health care professional shall not be confidential, and may be used to determine whether or not the health care professional has an alcohol or substance abuse problem or is impaired to the extent that she cannot safely engage in providing health care to patients.

**4. Investigation.**

- a. In the case of residents or fellows, the Residency/Fellowship Director, in concert with the Associate Dean for Clinical Affairs shall conduct an investigation consistent with advice received from the University of Arizona Attorney assigned to the Arizona Health Sciences Center. In the case of other health care professionals, the program director, in concert with the appropriate Dean for Academic Affairs, shall conduct an investigation consistent with advice received from the University of Arizona Attorney assigned to the Arizona Health Sciences Center. In either case, the resident/fellow or other health care professional shall be advised that an investigation has begun, and shall be permitted to provide information to the individuals investigating the matter to respond to the allegations.
  - b. The investigators shall be chosen from among faculty and/or staff who have been selected previously to participate in such investigations; however, no individual who was responsible for making a report of suspected misuse of alcohol, legal or illegal drug use or involvement or other impairment that indicates that the individual may not be able to engage safely in patient care shall participate in an investigation, except to the extent of providing information pertinent to that investigation or provision of a report.
  - c. If, following the investigation, it appears that a health care professional is impaired as a result of use or misuse of alcohol, drugs or other substances, or is otherwise unable safely to engage in the practice of medicine or other health care related endeavor, the investigators shall, within 48 hours of concluding their investigation, prepare a report outlining the facts and their findings. The investigators shall provide a copy of that report to the University of Arizona Attorney assigned to the Arizona Health Sciences Center. A copy of the report also shall be provided to the Residency/Fellowship Director and the Graduate Medical Education Office in the case of residents and fellows or the appropriate Dean or Department Head in the case of other health care professionals.
- 5. Discipline.** With respect to residents and fellows, the Residency/Fellowship Director and the Housestaff Counselor will consult with the Assistant Dean for Clinical Affairs or the Dean for Academic Affairs and the University of Arizona Attorney assigned to the Arizona Health Sciences Center to determine whether further action, including disciplinary action, should be undertaken. In the case of other health care professionals, the program director and the counselor to whom the individual has been referred shall consult with the appropriate Dean for Academic Affairs within the College and the University of Arizona Attorney assigned to the Arizona Health Sciences Center to determine whether further action, including disciplinary action, should be undertaken.
- 6. Reporting Results of Investigation to Professional Licensing Agencies.** If it is determined after consultation with the University Attorney assigned to the Arizona Health Sciences Center that a report should be made to a professional licensing agency, a copy of the report prepared pursuant to

paragraph 4 above shall be sent to that agency. In the event that a decision is made to refer a matter to a professional licensing agency, the Residency or Fellowship Director or program director, Dean or Department Head, as the case may be, shall advise the affected resident/fellow or other health care professional of the decision.

7. **Suspension or Removal from Program Pending Investigation by Professional Licensing Agency.** In the case of residents or fellows, if the Residency/Fellowship Director, after consultation with the Housestaff Counselor and the Associate Dean for Clinical Affairs, or the Dean for Academic Affairs and the University of Arizona Attorney assigned to the Arizona Health Sciences Center, determines that it is necessary to suspend or recommend removal of a resident or fellow from his or her program during the course of an investigation by an appropriate licensing agency because patients may be at risk, she shall do so in accordance with existing procedures at the Arizona Health Sciences Center.

In the case of other health care professionals, if the program director, Dean or Department Head, as the case may be, and the University of Arizona Attorney assigned to the Arizona Health Sciences Center, in consultation with the counselor selected to evaluate the professional and the appropriate Dean, determines that it is necessary to suspend or recommend removal of the health care professional from his/her program during the course of an investigation by an appropriate licensing agency, she shall do so in accordance with existing procedures within the University, and due process procedures shall be followed in so doing.

8. **Notice.** Arizona Health Sciences Center staff, other residents/fellows, attending physicians, faculty and other health care professionals shall be made aware of this policy and be advised that, if they believe that a health care professional may be, as a result of use of alcohol, legal or illegal drugs or other impairment, endangering the safety or well-being of a patient, medical staff or other hospital personnel, they shall report such conduct to the individuals named above. At the beginning of each residency/fellowship or program involving other health care professionals, each participant shall be advised of this policy and shall be provided a copy.
9. **Failure to Cooperate.** Failure of an individual under investigation to cooperate fully with any of the procedures outlined in this policy shall be deemed to be misconduct under University policies, and may give rise to disciplinary action without regard to any results obtained from the investigation hereunder.