



GRADUATE MEDICAL EDUCATION COMMITTEE POLICY NO. 26

A. SUBJECT: Fitness for Duty

B: EFFECTIVE DATE: June 18, 2014

C: POLICY:

The University of Virginia Medical Center strives to build a healthy, safe, and supportive environment for all members of its community. To promote this goal, Graduate Medical Education (GME) Trainees (“trainees”) shall not be allowed to work unless they maintain a Fitness for Duty required for the safe performance of their essential job functions. Each trainee is required to report to work in a physically and mentally capable of safely performing the functions of his/her job.

This policy outlines the responsibilities for action when a trainee’s Fitness for Duty is in question, the steps to be taken to assess such fitness, the necessary follow-up, and the steps to be taken before a trainee can return to duty. The conditions by which a trainee may be deemed unfit for duty include physical, mental, and alcohol or chemical impairment. This policy outlines the responsibilities for action under each of these conditions.

This policy applies to all GME trainees of the Medical Center in any capacity including observers, visitors, and externs.

All graduate medical trainees also fall under Medical Center policy, and the relevant Medical Center policies will be cross-referenced with the current policy.

D. DEFINITIONS:

1. Fit for Duty; Fitness for Duty – The trainee is physically and mentally capable of safely performing the functions of his/her job. Fitness for Duty includes being free of alcohol and drugs that have not been legitimately prescribed and being free from impairment that affects job functioning due to a) use of prescription or nonprescription drugs, and/or b) medical or emotional problems while enrolled in a UVA graduate medical training program.
2. Coordinating Party – The appropriate party/office (based on the specific situation) responsible for coordinating and facilitating the Fitness for Duty evaluation. For GME trainees, this includes, but is not limited to, the Program Director, Chairman of the Department, Designated Institutional Officer (DIO), or Graduate Medical Education Office; the representative from the Faculty and Employee Assistance Program (FEAP) or Physician Wellness Program (PWP).

E. PROCEDURE

1. Physical Impairment (See also Medical Center Policy No. 0091 “Infection Prevention and Control”)
 - a) If a trainee is found to have an infectious/communicable disease, he/she will be evaluated for infectious processes and/or referred to his/her medical provider for further evaluation. If indicated, the trainee will be placed off duty until cleared to return to work by Employee Health.
 - b) If a trainee suffers a physical impairment including, but not limited to, injury, illness, or fatigue that precludes effective patient care or the ability to perform his/her job, the trainee will be placed on medical (“sick”) leave until able to return to work as determined by his/her medical provider. For details on sick leave, see Graduate Medical Education Policy No. 3, Absence from Graduate Medical Training, “Sick Leave.”
2. Mental Impairment and/or Impairment related to use of alcohol or drugs (See also Medical Center Policy No. 702 “Fitness for Duty”)
 - a) No trainee may unlawfully manufacture, distribute, dispense, use, possess, sell, or be under the influence of alcohol, illegal drugs or any medications that impair performance while on Medical Center premises and while conducting business-related activities off Medical Center premises.
 - b) The following applies when addressing concerns with trainees whose performance and/or behavior brings into question their fitness for duty, necessary follow up, and return to duty.
 - i. Trainees must comply with all aspects of the Fitness for Duty evaluation (which may include drug and alcohol testing) or be subject to disciplinary action, up to and including termination. Trainees must also comply with all treatment recommendations resulting from a Fitness for Duty evaluation in order to be cleared to return to work.
 - ii. The trainee’s work performance is the basis for continued employment. When a program suspects impairment, whether due to emotional difficulty and/or drug/alcohol impairment, as the underlying cause for a trainee’s poor performance, referral must be made immediately to the Faculty and Employee Assistance Program (FEAP) and the Physician Wellness Program (PWP). Participation in a treatment or rehabilitation program does not guarantee continued employment and will not necessarily prevent disciplinary action for violation of the GME and Medical Center policies.

- iii. Trainees taking prescription medications or over-the-counter medications that impair their ability to work safely are subject to the conditions of this policy.
 - iv. Trainees who have the responsibility for on-call shifts must meet the Fitness for Duty standard during the entire on-call period.
- c) When there is concern that the trainee is not Fit for Duty, the trainee's supervisor, Program Director, Chairman, or the administrative representative on duty must document the encounter (the Initial Observation Report Form is a suggested means of documentation; see form at the end of this policy) and follow the recommended steps outlined below:
- i. Note observations; check all behavioral examples that apply and either complete the Initial Observation Form in its entirety or document the encounter.
 - ii. Obtain a witness for a private interaction with the trainee, if possible.
 - iii. Consult with a representative of FEAP at 924-0000. Discuss any concerns about safety and ensure a plan is in place to provide support for the trainee.
 - iv. Meet with the trainee and perform the following actions:
 - Remove the trainee from direct job duties and inform the trainee that he/she is relieved from duty at this time.
 - In private, state your concerns for the safety and well-being of the trainee.
 - Ask the trainee to explain any signs of possible impairment and document his/her response.
 - v. Arrange for removal of the trainee from the worksite. Trainees who are required to go to FEAP or Employee Health as directed by FEAP must be escorted by the trainee's supervisor, Program Director, or representative to the destination, and must remain for disposition. The trainee must be informed that failure to comply with this directive shall result in suspension and disciplinary action.
 - vi. Identify means for transporting the trainee safely home. Should the trainee become uncooperative contact Security or University Police as appropriate.
- d) The results of Fitness for Duty evaluations performed by qualified, licensed health care professionals shall be presumed to be valid. Results of the evaluation will be received by FEAP and PWP. The trainee shall be notified of the results of the evaluation by the evaluator and/or FEAP/PWP. Only necessary information shall be shared with the Coordinating Party.

After an evaluation, information given to the Program Director, Chairman, GME Office, shall be limited to whether the trainee may:

- return to full duty;
 - not return to full duty, pending required follow-up action; or
 - return to modified duty that meets the evaluator's recommendations.
- e) Continued employment will be contingent upon compliance with conditions established by FEAP and or PWP such as periodic testing, participation in professional counseling and treatment programs, re-assignment of duties for a specific period of time and/or continued performance of specified functions under more immediate supervision. Failure to comply may result in disciplinary action up to and including termination from employment. FEAP and or PWP will coordinate with the Program Director and GME Office regarding return to work status.
- f) Acts or Threats of Violence and the Threat Assessment Team:
The University has established a Threat Assessment Team ("TAT") with responsibility for implementing the University's assessment, intervention and action protocol in cases suggesting a potential risk of violence. All acts of violence, threats of violence or other seriously disruptive behaviors must be reported immediately to University Police and/or to the TAT.
- g) Confidentiality/Privacy of Fitness for Duty Evaluations:
Under the Health Insurance Portability and Accountability Act (HIPAA), any document containing medical information about a trainee is considered a medical record and is regarded as confidential. Records of fitness for duty evaluations shall be treated as confidential medical records and maintained by FEAP, PWP or Employee Health, as appropriate. This information may be shared only when necessary to support treatment, business operations, and upon the execution of appropriate release by the individual trainee or as otherwise permitted or required by law. Trainees may obtain a copy of the medical report upon written request to FEAP or Employee Health.
- h) Suspension of Clinical Duties:
The trainee's assignment of clinical duties may be suspended for suspicion of any impairment as outlined in this policy or for the following: refusal to undergo an evaluation, failure or refusal to stop practice after a recommendation has been made for treatment, refusal to comply with treatment recommendations, or non-compliance with required monitoring.

3. Responsibilities:

- a. A trainee is responsible for:

- Coming to work Fit for Duty and performing job responsibilities in a safe, secure, productive, and effective manner during the entire time at work;
- Notifying the Program Director or attending physician when not Fit for Duty;
- Notifying the Program Director or attending physician when a co-worker is observed acting in a manner that indicates the co-worker may not be Fit for Duty;
- Informing the Chairman or Designated Institutional Officer for further guidance, if the supervisor's behavior is the focus of concern. Threats or acts of violence should be reported immediately to the University Police Department by calling 911;

b. A supervisor, Program Director, or attending physician is responsible for:

- Monitoring the attendance, performance, and behavior of the trainees under his/her supervision;
- Notifying FEAP and the Graduate Medical Education Office (or DIO) when a trainee is exhibiting behavior that suggests he/she may not be Fit for Duty;
- Following this policy's procedures for documentation or completing an Initial Observation Report form when presented with circumstances or knowledge that indicate that a trainee may be unfit for duty;
- In consultation with FEAP, arranging for the trainee to be removed or escorted from the worksite if the trainee is deemed unfit for duty (unless he/she poses an immediate safety threat in which case the supervisor should call 911) and calling the trainee's emergency contact or a taxi service to transport the trainee home. The supervisor or other staff members should not personally drive the trainee home.
- Maintaining the confidentiality of a trainee's medical record. (See Section 2.g above)

GME Policy Subcommittee Drafted: February, 2014

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GMEC Reviewed/Approved: June 18, 2014