

**INOVA FAIRFAX MEDICAL CAMPUS  
GRADUATE MEDICAL EDUCATION POLICY**

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**Institutional Policy on the Impairment of House Staff**

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**I. Purpose**

1. To develop a policy for the identification, evaluation, and remediation of house staff who exhibit behaviors suggestive of impairment by substance abuse, psychiatric dysfunction, or other disease.
2. To ensure that such policy is compatible with the *Inova Drug-Free Workplace Policy*.

**II. Scope**

This policy will apply to all house staff participating in post-graduate training programs, whether accredited or unaccredited at Inova Fairfax Medical Campus.

**III. Definitions**

“House Staff/House Officer” refers to interns, residents, and fellows enrolled in post-graduate training programs.

**IV. Operational and Training Responsibilities of the Program Director:**

In his/her role as supervisor of house staff and guarantor of their professional behavior and performance, the Program/Site Director must assume the following responsibilities:

1. (S)he will obtain education through CME courses, professional forums, workshops, or other means that facilitate recognition of those behaviors that often characterize the performance of residents impaired by substance abuse or illness.
2. (S)he must seriously investigate reports from others, including peers, faculty, health care workers, and patients, who claim to have observed such behaviors.
3. After the credibility of reports of impaired behavior is verified, the program/site director must personally confer with the house officer under suspicion about these observations, protecting the anonymity of the reporter whenever possible.
4. If the program/site director feels that a reasonable chance of impairment exists, (s)he must contact the Director of Graduate Medical Education, or designee, and remove the house staff from patient care duties and develop a plan for evaluation of the nature and severity of the impairment. In an acute situation, this may involve immediate drug and alcohol testing on the job as outlined in the *Inova Drug-Free Workplace Policy*, and depending on the circumstances, emergency medical evaluation.  
In the case of more subtle or slowly evolving behavioral abnormality, the program/site director may insist on a medical and/or psychiatric evaluation coordinated by the house officer’s personal physician. The house officer will be informed that failure to cooperate with a diagnostic evaluation may result in adverse disciplinary action and limitation of clinical privileges.
5. Visiting house staff will be subject to the same protocol if the program/site director feels that a reasonable chance of impairment exists. The visiting house staff’s program director will be contacted immediately regarding subsequent actions. The visiting house staff’s institution shall solely be responsible for providing health and welfare benefits to the house staff during the rotation, and the house staff shall not be considered employees of IHS. IHS has the right, without notice, to deny access to its facility and patients to a house officer when, in the judgement of the institution, the house officer poses a risk to patients or staff, or to himself/herself, or the house officer does not conform to the significant safety, health or other policies required by IHS. IHS shall jointly participate with the rotating house staff’s program director and any other parties deemed appropriate in efforts to resolve the situation, either

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- through remediation or reassignment of house officer, facilitation of treatment of the house officer if necessary, or other measures.
6. If the impaired behavior is determined to be the result of treatable medical or psychiatric disease, the program/site director will require a fitness for duty statement from the treating physician or appropriate specialist before the house officer can return to work. If the impairment is found to be due to the use of alcohol, illicit drugs, or inappropriate use of legally prescribed drugs, the program director must notify licensing agencies as required by law. The house officer will also be referred to the rehabilitation program of Virginia Health Practitioners Monitoring Program or a program approved by the Virginia Board of Health Professions. The conditions under which the house officer may return to work, and the measures required to ensure abstinence will be stated in a contract between the house officer and the rehabilitation program as part of the return to work agreement. Payment of the costs of evaluation and treatment are the responsibility of the house officer.
  7. The program/site directors are encouraged to include in their curriculum instruction regarding the clinical presentations of alcohol/drug abuse and other types of work impairment. House staff should be taught about their obligation to report and counsel colleagues who appear to be functioning under impairment.
  9. Every effort must be made to treat impaired house officers with dignity and compassion, and to preserve their confidentiality.

**Inova Fairfax Medical Campus  
Impaired House Staff**

**PURPOSE**

In support of the commitment of the Inova Health System (IHS) to provide a safe and productive environment for patients, visitors, staff and students, IHS establishes a policy and related procedures for the testing of house staff for alcohol and/or drug use related to the workplace.

**I. POLICY**

- A. House staff shall not report to or remain at work under the influence of alcohol or drugs; use alcohol or drugs while on call for clinical responsibilities; use alcohol or drugs in the workplace; or have their job performance impaired as a result of the use of alcohol or drugs.
- B. It is the responsibility of each house officer to know whether prescription medications being taken by the house officer are likely to impair his/her job performance. If the house officer knows that a prescription or over-the-counter medication may impair his/her job performance, he/she is encouraged to report this circumstance to his/her program director/site director.
- C. Testing of a house officer for alcohol and/or drugs use will be required if reasonable suspicion of alcohol and/or drug use exists. In the event a house officer refuses to submit to testing and/or to the release of test results, the house officer will be subject to disciplinary action up to and including termination of employment.
- D. Recognizing the need to protect the patient and to provide a safe and productive work environment, it is the responsibility of all IHS staff to report concerns of reasonable suspicion of drugs and/or alcohol use to his/her own manager who will contact a suspected house officer's program/site director or the report may be made directly to the program/site director of the suspected house officer.
- E. House officers whose behavior in the workplace creates reasonable suspicion as defined by this policy will be relieved of duty.
- F. The Director of Human Resources is responsible for monitoring and providing official interpretation of this policy.

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**II. DEFINITIONS**

The following definitions shall apply for purposes of this policy:

Alcohol – For purposes of this policy, alcoholic beverages as defined in “The Alcoholic Beverage Control Act,” Section 4.1-100 of the Code of Virginia, as amended.

Controlled Substance – For purposes of this policy, any prescription DRUG or substance as defined in “The Drug Control Act,” Section 54.1-3401 and Schedules I through VI of Sections 54.1-3466 through 3456 of the Code of Virginia, as amended, and Section 202 of the Federal Controlled Substances Act (21 U.S.C. 812). Examples include but are not limited to opiates, amphetamines, cannabinoids, barbiturates, cocaine, benzodiazepines, phencyclidine, propoxyphene, methadone, and/or “recreational or street” Drugs.

Drug – 1) any Controlled Substance taken other than as prescribed, 2) over-the-counter medications which may be abused or 3) substances not intended for human consumption which, when taken into the body, may impair mental faculties and/or physical performance.

Employee – All persons employed by IHS.

Medical Review Officer (MRO) – For purposes of this policy, the Medical Review Officer is a third party lab professional.

House Staff – Employees of IHS including residents, interns, fellows, and trainees of graduate medical education programs.

Program/Site Director – For purposes of this policy, an individual who has primary operational responsibility for a residency program. Directors may delegate responsibilities to shift area supervisors or others to serve as their designee in their absence. For purposes of this policy, the Program/Site Director to whom a member of house staff reports is considered his/her manager.

Reasonable Suspicion – Considering the facts and circumstances known at the time, the belief that a house officer is under the influence of or impaired by the use of drugs or alcohol. To determine reasonable suspicion, the following factors are possible but not exclusive indicators to consider in conjunction with other relevant information, including the house officer’s explanation:

1. The physical symptoms or manifestations of drugs or alcohol use such as altered or slurred speech or repeated incoherent statements; dilated or constricted pupils, flushed skin, excessive sweating; excessive drowsiness or loss of consciousness without reasonable explanation.
2. Unexplained, abrupt or radical changes in behavior such as violent outbursts, hyperactivity, extreme suspiciousness, frequent and/or extreme fluctuations of mood swings without reasonable explanation.
3. Inability to walk steadily or in a straight line, or perform normal manual functions essential to a house officer’s position without reasonable explanation.
4. Unexplained, prolonged or frequent disappearances from the work area.

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5. Accidents or near-accidents on the job that appear related to unexplained sensory or motor skill malfunctions.
6. Smell of alcoholic beverage on the house officer when house officer is expected to be performing job duties.
7. The direct observation of drugs or alcohol use while at work or on duty.
8. A report of reasonable suspicion provided by a reliable and credible source.

Return To Work Agreement – A written agreement between IHS and a house officer who has been in treatment or counseling for an alcohol and/or drug related problem and who will be returning to work at IHS.

Testing – A test administered for determining the presence or absence of a drug, its metabolites, or alcohol.

Workplace – Any IHS property, whether owned or leased, or any site where official duties are being performed by an IHS house officer.

**III. PROCEDURE**

**A. Reporting of reasonable suspicion**

Reasonable suspicion should be reported to the residency program/site director (see II. for clarification) who will document in writing details of the report, for example, what was seen or heard, how it was encountered, other witnesses, and any other pertinent information related to the event. If the program/site director is unavailable, the director of Graduate Medical Education, or designee, should be notified.

**B. Testing Procedure**

1. When a program/site director has reasonable suspicion that a house officer is in violation of this policy or has received a report of such, he/she shall contact Human Resources to discuss the appropriate course of action. On a case by case basis, discussion may be required with others in the organization during the decision making process. Program/site directors may also contact Employee Assistance Program (EAP) professionals for assistance in identifying reasonable suspicion behaviors and the best approach to confronting the individual. The program/site director may request the assistance of a substance abuse professional (as in CATS) or Human Resources in meeting with the house officer.
2. The program/site director will inform the house officer that he/she suspects the house officer of being in violation of this policy and will give the house officer the opportunity to respond. After considering the house officer's response, the program/site director will determine if testing is warranted and will notify the house officer that testing is required.
3. The program/site director will contact Employee Health Services (EHS) to arrange for appropriate testing. The house officer will be accompanied to EHS by the program/site director or delegated person. Security may assist if the house officer is perceived to be a threat to self or others.
4. Once in EHS, the program/site director will request that the house officer sign a consent form for testing and release of information and will be informed that refusal to consent to testing or release of results is grounds for disciplinary action, up to and including termination of employment.
5. EHS will collect the sample or arrange for testing according to EHS procedure.

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6. The program/site director will place the house officer on administrative leave with pay pending investigation and receipt of test results. House staff will follow program guidelines for addressing possible disciplinary action. A house officer who is placed on administrative leave due to reasonable suspicion of alcohol or drug use should be assisted in making arrangements for transportation to leave the workplace.
7. When EHS is closed and a reasonable suspicion incident occurs, the procedure described in III.B. will be modified as follows:
  - a. The program/site director will contact the Emergency Department Administrator On-Call (SpectraLink #66836) to make arrangements for testing according to IHS *Drug-Free Workforce Policy*.
  - b. The program/site director will furnish the ED Administrator with information necessary to facilitate the testing process. The house officer will be informed by the program/site director that testing has been arranged in the ED and will be accompanied to the appropriate location by his/her program/site director or designee. Human Resources will be responsible for obtaining consent for testing as noted in the *IHS Drug-Free Workplace Policy*.
8. If the house officer's physical condition requires immediate medical attention, medical treatment will be the priority. However, consent for alcohol or drug testing and release of test results separate from the medical assessment will be requested when the house officer's condition permits.

**C. Payment and Compensation**

1. The cost of required testing will be paid by IHS except when a house officer requests a re-analysis of the sample by an approved laboratory following a positive test. In this case, the cost of the test is the responsibility of the house officer making the request.
2. During the testing process, a house officer is considered to be at work and will be compensated for the time involved according to compensation policies for his/her position.

**D. Drug Test Results**

1. Test results will be reported directly to the program/site director. A test result that reports the presence of drugs or alcohol does not automatically identify a house officer as having used drugs or alcohol in violation of this policy.
2. When test results are positive, an investigation is conducted by the program/site director and the director of GME with the assistance of HR and will include but is not limited to a discussion between the program/site director and the house officer to determine the reason for the positive test. If the program/site director and the director of GME validates there is a legitimate explanation for the positive test result, (s)he reports that there has not been a violation of this policy.
3. Eligibility to return to work will be based on the house officer's fit for duty and approval of the house officer's Return-to-Work agreement by the program/site director and GME Director.
4. Should a house officer request a work accommodation in the course of a reasonable suspicion investigation, Management will assess the request based on the "Americans With Disabilities Act" provisions.
5. When test results are negative, the program/site director may require a medical evaluation and fit for duty assessment prior to permitting the house officer to return to work.

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**E. Policy Violation**

1. If the house officer is in violation of this policy, the house officer will be removed from the program and provided with treatment options.
2. Inova maintains a zero tolerance against drugs and alcohol. As such, we reserve the right to terminate any employee in violation of this policy. Eligibility for rehire may be considered if the house officer completes all of the requirements for reinstatement identified by the Virginia Board of Medicine and obtains a fitness for duty evaluation. The decision to reinstate will also require a review and an approval by the program director, director of GME and HR.
3. Any violation of this policy will be reported to the appropriate regulatory board according to Code of Virginia, §54.1- Treatment 2906. Risk Management should also be notified.

**F. Treatment Resources**

1. Any house officer who believes that s/he has developed an addiction to, dependence upon, or problem with alcohol or any drug, is encouraged to seek assistance. Resources include Employee Health Services, Human Resources, the IHS Employee Assistance Program, Health Practitioners Intervention Program, professional organizations, and/or community organizations.
2. House staff professionally licensed, certified, or registered by a health regulatory board within the Virginia Department of Health Profession who are in violation of this policy will be referred to the Health Practitioners Intervention Program approved by the Virginia Board of Health Professions. Risk Management should also be notified.
3. House staff in violation of this policy may be referred to the IHS Employee Assistance Provider on a case by case basis.

**G. Return to Work**

1. Upon successful completion of a substance abuse evaluation and/or rehabilitation program, the house officer may be considered to return to work subject to the house officer's professional record and any restrictions on activities designated as part of rehabilitation. Satisfactory participation in a substance abuse program/evaluation shall be determined by the program/site director in conjunction with the director of GME and human resources after consultation with the individual or organization providing the evaluation/rehabilitation program.
2. Prior to returning to work after completing a substance abuse rehabilitation program, a house officer must contact his/her program/site director to discuss whether he/she will be eligible to work as noted in III.G.1. This will be required both in the case of house staff who were found to be in violation of this policy prior to treatment and those who self-identified their problems and self-admitted to a rehabilitation program.
3. Should the house officer be eligible to return to work, the house officer must sign a written Return-to-Work (RTW) agreement made between the house officer and IHS. The RTW agreement will specify the terms and conditions of returning to work to include job performance expectations and alcohol/drug testing requirements. Non-compliance with this agreement or refusal to sign the RTW agreement will be grounds for termination or ineligibility for rehire.

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**H. Confidentiality**

1. Any house officer being reported or tested for reasonable suspicion of alcohol and/or drug use or other potential violation of this policy shall be treated with respect and dignity. All house officer information of this nature shall be maintained in a confidential manner and shall be shared only with those persons having a work related need to know and/or as required by law.

**I. Drug-Free Workplace Act**

Pursuant to the Federal Drug-Free Workplace Act,

1. House staff may be terminated from employment for engaging in any action which results in criminal conviction for:
  - a. violation of any criminal drug law, based upon conduct occurring either in or out of the workplace, or
  - b. violation of any alcoholic beverage control law, or law which governs driving while intoxicated, based upon conduct occurring in the workplace.
2. House staff are required to report to their program/site directors in writing that they have been convicted of any offense as defined in III.I.1, within five (5) calendar days of the conviction. Program/Site directors are required to report such occurrences to Human Resources and the GME office immediately.

**IV. REFERENCES:**

Federal Laws:

- Drug Free Workplace Act
- Controlled Substances Act
- Americans with Disabilities Act

State Laws:

- Code of Virginia, §54.1-3401, 3446-3456
- Code of Virginia, §4.1-100
- Code of Virginia, §54.1-2906
- Department of Health Professionals Rules and Regulations

Hospital Policy:

- Inova Code of Conduct
- Inova Drug-Free Workplace Policy