



Disciplinary Issues of Physicians with Behavioral and Mental Health Problems

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Behavioral Problems in Physicians

- The "disruptive physician"
 - The verbally abusive physician
 - The condescending physician
 - The unreachable physician
 - The rounding at odd hours physician
- Impact on patient care
- Facility or practice options
- Counseling and monitoring
- Assessment for mental illness or substance abuse
- Reporting obligations



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Mental Health Problems in Physicians

- Depression
- Anxiety
- Bipolar disorder
- Schizophrenia
- Personality disorder
- Cognitive decline and dementia



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Mental Health Problems in Physicians

- Physician reluctance to accept problem
- Physician reluctance to seek help
- Perceived lack of time, fear of stigma, impact on career
- Physician tendency to self-medicate
- Failure to diagnose and treat
- Risk of patient harm
- Risk of physician suicide



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Substance abuse in physicians

- Statistics
- Statistics by specialty
- Drugs of choice
 - Alcohol
 - Prescription drugs
 - Illicit drugs
- Risk of relapse
- Patient harm
- Death due to accidents
- Death due to overdose



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Reporting obligations

- On the part of health care facilities
- On the part of group practices
- On the part of other licensed professionals
 - No requirement the physician/patient privilege be violated if information was learned solely as a result of rendering treatment to another physician
- Reasonable suspicion
- Reporting vs referral to Physician Health Program
- On the part of law enforcement



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Due process

- Investigation of complaints
- Interview opportunity
- Legal representation
- Impairment evaluation
- Consent agreements
- Formal Board hearings
- Board disciplinary and non-disciplinary actions
- Public and non-public Board actions



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Legal definitions

- Misconduct
 - Practicing the profession while impaired by alcohol, drugs, physical or mental disability
 - Being a habitual abuser of alcohol, or being dependent on or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects . . . or having a psychiatric condition which impairs the licensee's ability to practice



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Legal issues - investigation

- Consent, Board order, or Court order required for access to medical records of investigated licensee
- Federal confidentiality of Alcohol and Drug Abuse patient records
- Physician Health Program records
- Waiver by licensee



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Legal Process

- Medical Board has authority to order a medical or psychiatric evaluation
- Medical Board has authority to issue an order authorizing the release of medical records or other protected health information pertaining to licensee's psychiatric or mental condition
- Where the Board has reason to believe the licensee may be impaired
- Upon notice to licensee and opportunity to be heard



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Protection of the public

- Summary suspension of license
- Temporary surrender
- Indefinite suspension
- Confidential orders with monitoring
- Formal disciplinary hearing
- Probation with monitoring
- Conditional restoration
- Permanent surrender
- License revocation



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Restoration/Modification of Board Orders

- Temporary surrenders and indefinite suspensions
- Multiple documents are submitted
- Witness testimony
- Burden of proof is on Licensee
- Board must be satisfied the Licensee is no longer incapacitated for the practice of medicine and is competent in his/her field of practice
- Conditions are always applied



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Recovery Monitoring

- Goals
 - Remain drug and alcohol free
 - Return to practice
 - Patient protection
- Physician Health Programs
- Sobriety monitor
- Practice supervisor
- Therapist(s)
- Random, unannounced specimen collections
- Forensic drug testing
- Scheduled reporting to Board



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Likelihood of Recovery and Re-entry into Practice

- Physician diagnosis
- Duration of illness
- Physician specialty
- Modification in practice
- Support system

