

Title:	Medical Staff Members and Alcohol Based Driving Violations	Page 1 of 3
Policy No:	1 MS 070	Effective Date: 03/29/2019

I. SCOPE

All Detroit Medical Center, Children’s Hospital of Michigan, Detroit Receiving Hospital and University Health Center, Harper University Hospital, Hutzel Women’s Hospital, Huron Valley-Sinai Hospital, Rehabilitation Institute of Michigan, and Sinai-Grace Hospital medical staff, employees, students, volunteers, contractors, and vendors.

II. OBJECTIVE

To establish the process for addressing physician behavior which results in a conviction of operating a motor vehicle while under the influence of or while intoxicated (drugs or alcohol) (DWI).

III. DEFINITIONS

DWI (Driving While Intoxicated) shall mean operating a vehicle upon a highway or other place open to the general public, or generally accessible to motor vehicles while under the influence of alcoholic liquor, a controlled substance or other intoxicating substance or a combination of these substances; or who has a blood alcohol content in exceeds of the limits established by the state in which the offense occurred.

IV. POLICY

All DMC hospitals will appropriately investigate and act upon a report that a physician has been convicted of a DWI.

V. PROVISIONS

1. Report as Part of Medical Staff Application. A physician who reports a DWI conviction on his/her medical staff application or who exhibits questionable behavior during the application process may be required to provide additional information regarding the conviction and submit to a blood alcohol test to determine whether any intoxicating substance is present in his/her body. If the physician has a positive blood alcohol test, his/her application will be deferred and he/she will be required to obtain a substance abuse evaluation from a recognized counselor. If the physician refuses to submit to blood testing as provided herein, his/her application shall be denied.
2. Conviction of DWI Offense and Disciplinary Action. A physician who is convicted of a DWI **at any time** during which he/she is a member of the DMC medical staff shall have an affirmative duty to report such conviction to the DMC within 30 days of such conviction. Failure to do so may result in suspension of medical staff membership..
3. First Offense. Upon the first conviction for a DWI, the DMC will issue a Warning Letter to the physician advising that this type of behavior is not consistent with the professional and ethical code expected of members of the DMC medical staff and that further instances could result in the physician being removed from the medical staff. Conviction for DWI equal to or greater than 20 years previous to the current conviction may not be considered as a first offense.
4. Second Offense. Upon the second conviction of a physician for DWI, **at any time** during which he/she is a member of the DMC medical staff, the physician will provide, to DMC, information regarding the penalties imposed by the court in connection with the conviction. In addition, the physician will be required to enroll in a program for treatment of the substance abuse problem, and shall provide the DMC with the information described in Section 8 below.
5. Second Offense Within One Year of the First Offense. In addition to the actions described in Section 4 above, in the event of a second conviction of a physician for DWI that occurs **within one year** of the first offense, the DMC will summarily suspend the privileges of the physician and require that he/she enroll in a rehabilitation program as provided in Section 6 below.
6. Identification of Suitable Rehabilitation Program. Hospital and medical staff leadership shall refer the physician to the Health Professionals Recovery Program (HPRP) created by Michigan law for

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enrollment into assessment and treatment programs. In the event of a suspension of the physician's privileges as provided in Section 6 above, the physician's privileges shall not be reinstated until it is established, to the DMC's satisfaction, that the physician (a) continues to maintain a valid Michigan license to practice clinical medicine; (b) has completed a return to duty evaluation in DMC Occupational Health Services (OHS) with a negative drug and alcohol test; (c) has had the discharge report of the treatment program, and all applicable follow-up and/or aftercare treatment and monitoring recommendations, and sobriety contracts of both the treatment program and HPRP reviewed; (d) has signed a sobriety contract with the DMC (in the case of substance abuse); and (e) has been appointed a DMC worksite monitor who understands his or her role and responsibilities in monitoring and reporting early signs of relapse. The worksite monitor shall inform the DMC of any evidence of impairment in the physician's ability to deliver medical care.

The DMC sobriety contract shall by reference incorporate the requirements of the treatment program and HPRP sobriety contracts, and shall specify any applicable work restrictions and accommodations, ongoing monitoring requirements (i.e. random drug/alcohol testing), and any other requirements or expectations of the DMC which may exceed those of the treatment program and HPRP requirements. Further, this contract shall establish the consequences of non-compliance. DMC OHS, as an HPRP designated drop site shall provide facilities for urine collection for random drug screens and shall prepare specimens for shipment to the HPRP authorized laboratory.

7. Access to Information. The physician must inform the DMC of the name and address of his/her primary care physician, and rehabilitation physician and must authorize that physician(s) to provide the DMC with information regarding his/her condition and treatment plan, including, but not limited to, the length of the program and monitoring requirements. The DMC has the right to require an opinion from other physician consultants of its choice. The physician shall execute whatever documents are necessary for the DMC to receive information regarding the physician's treatment plan and the physician's adherence with the recommendations and requirements of the treating physician(s). The physician shall also provide such other information as DMC requests.
8. Third or Subsequent Offenses. Upon the third conviction of a physician for DWI, **at any time** during which the physician is a medical staff member, the DMC will summarily suspend the privileges of the physician for a minimum of one year and/or take such other action as the Medical Executive Committee shall deem to be appropriate upon its review of the matter.
9. Reinstatement of Privileges. Upon sufficient proof that the physician has successfully completed a rehabilitation program, the DMC in its discretion, may consider that physician for membership or reinstatement to the medical staff, as applicable
10. Termination of Privileges. If the physician fails to report a DWI conviction and/or fails to abide by the terms and conditions of the rehabilitation program, his/her privileges may be suspended or terminated.
11. Report to the Michigan Department of Community Health. If the physician's privileges are reduced, suspended, or terminated as a result of the action taken by the DMC, required reports shall be made to the Michigan Department of Community Health and the National Practitioner Data Bank.
12. Treatment Program. The DMC reserves the right to require that a physician participate in a substance abuse rehabilitation program at any time, regardless of the number of DWI offenses of which the physician has been convicted.

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VI. ADMINISTRATIVE RESPONSIBILITY

The President/Chief Operating Officer and the EVP/Chief Medical Officer shall have overall administrative responsibility for this policy. The President of the Medical Staff, the Chiefs of Staff and the Hospital Presidents have day to day responsibility for this policy. The Chiefs of Staff and Department Chairs may designate another Physician to act when absent or unavailable to act in connection with this policy.

APPROVAL

This policy has been approved and is duly authorized by Detroit Medical Center, Children’s Hospital of Michigan, Detroit Receiving Hospital, Harper/Hutzel Hospital, Huron Valley-Sinai Hospital, Rehabilitation Institute of Michigan, and Sinai-Grace Hospital. The posting of the policy on the DMC intranet signifies that it is in full force and effect.

KEY Search Words

THIS POLICY: is/has been: (check one)

<input type="checkbox"/>	NEW	<input checked="" type="checkbox"/>	REVIEWED	<input type="checkbox"/>	REVISED*
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CHANGES/REVISIONS: List Changes Here

Name Change from Physician Duty to Report DWI Conviction

Supersedes	February 2017	Next Review Date	March 2021
Origination Date	June 2013	History - Review/Revision Dates	June 2013, February 2017, March 2019
Related Tenet Policy (ies) #'s	N/A		
Name of Committee / Title of person(s) responsible for this policy's review and approval process	Corporate Director, CVO/Corporate Medical Affairs		