

STRATEGIES FOR MANAGING PHYSICIAN HEALTH AND DISRUPTIVE CONDUCT

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HORTY  SPRINGER

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Center for Continuing Education in the Health Sciences and HortySpringer Seminars.

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Topics

INTRODUCTION

Strategies for Managing Physician Health and Disruptive Conduct provides an engaging opportunity for hospital and medical staff leaders to cultivate a sophisticated understanding of the legal and practical complexities that come into play when the most difficult credentialing and peer review issues arise – specifically, those involving practitioner health, disruptive conduct, and conflicts of interest. By working through case studies and complex scenarios, this course will help participants navigate the landmines that can arise when health, conduct, and conflicts are at issue. Experienced faculty will guide participants to develop problem-management strategies that reduce legal risk, help colleagues, and, most importantly, protect patients.

The course is divided into three distinct topics that will be dissected at length, using case studies and real-life examples as the inspiration for discussion:

- Professional Conduct
- Physician Health
- Difficult Leadership Conflicts of Interests

PROFESSIONAL CONDUCT

Characteristics of the Disruptive Doctor Strategies for Dealing with Persistent Conduct Issues

- An ounce of prevention is worth a pound of cure: How to follow up on red flags during credentialing – and avoid establishing a relationship with a known troublemaker
- The Professionalism Policy: The first step in setting expectations and developing culture
- The risk of treating all conduct issues like psychiatric issues
- The disruptive doctor as the modern day whistleblower
- Doctors who communicate with leadership only through their attorneys
- Inappropriate airing of quality complaints (newspaper, Joint Commission, government, etc.) Can you stop them? Can you respond to them?
- How to plan and implement a collegial intervention/conversation
- How to document a collegial intervention
- Personal codes of conduct and “In the Box” agreements
- Short-term suspensions and progressive steps

Sexual Harassment and Assault

- Quid pro quo and hostile work environment sexual harassment
- Borderline behavior: When conduct makes employees uncomfortable or raises eyebrows (and concerns of legal risk), but does not clearly fall within “harassment” – what to do?
- Allegations of improper touching
- What to do if a physician is charged by the medical board with having an inappropriate relationship with a patient or is arrested for a crime that causes concern (child molestation, sexual assault, rape, etc.)

PHYSICIAN HEALTH

Credentialing Physicians with Health Issues

- The applicability of the Americans with Disabilities Act
- Application language that reduces the risk of discrimination claims
- Obtaining health-related information from applicants
 - o “Bona fide offers of employment” – what are they and do they matter in the medical staff context?
 - o Can you request medical records or require a medical examination by a provider of your own choosing?
 - o What if the applicant or his lawyer will only authorize partial information to be released?

Managing Physician Health Issues

- Who should address matters involving physician health?
- Comprehensive medical exams and drug testing
- Can you require physicians to continually notify the hospital of all drugs taken? Can the hospital maintain a list of prohibited drugs (legal or not) during periods of patient care activities?
- Leaves of Absence and Reinstatement
- Family and Medical Leave Act (FMLA) implications when a physician requests leave (or reinstatement)
- Performance Improvement Plans (PIPs) for health issues

Keeping and Disclosing Health Information About Physicians

- How should health information be recorded and stored?
- Should health information be disclosed along with other peer review information, when providing a reference?

DIFFICULT LEADERSHIP & MEDICAL STAFF CULTURE DILEMMAS

Identifying and Managing Conflicts of Interest

- Identifying conflicts
- When to recuse
- Who is authorized to require recusal
- How to implement a recusal
- How to repair the peer review process if a conflict is identified after the fact

Misuse of Leadership Positions – and What to Do About It

- Executive sessions and the exclusion of hospital representatives from meetings of physicians. Is this legal? What are the risks?
- The risks of “frolic and detour.” Leaders should understand the scope of their duties and the personal risks of acting outside that scope

Giving References When You Don’t Have Anything Nice to Say

Faculty/Accreditation



RACHEL REMALEY

B.S., *cum laude*, Carlow College
J.D., *cum laude*, Case Western Reserve University
Ms. Remaley is a partner with the law firm of Horty, Springer & Mattern, P.C. in Pittsburgh, Pennsylvania. She has extensive experience working with hospitals and physician leaders to manage issues involving the clinical performance, professional conduct, and health of practitioners. She frequently presents at hospital and medical staff retreats, as well as meetings of compliance, risk management, and medical staff service professionals. Ms. Remaley has served on the faculties for the HortySpringer seminars *The Physician Employment Institute*, *The Credentialing Clinic* and *The Peer Review Clinic*.



LEEANNE MITCHELL

LeeAnne Mitchell is a partner with Horty, Springer & Mattern. She has worked extensively in medical staff matters, including advising hospitals and their medical staffs on medical staff bylaws, credentialing and peer review matters. She is a presenter on HortySpringer audio conferences. She earned her J.D. from the University of Pittsburgh School of Law with an emphasis on health law and bioethics. She serves as a Community Member of the University of Pittsburgh Institutional Review Board.

PRESENTER DISCLOSURE STATEMENT

All individuals in a position to control the content of this education activity are required to disclose all relevant financial relationships with any proprietary entity producing, marketing, re-selling, or distributing health care goods or services, used on, or consumed by, patients.

Continuing Education Credit

This activity has been planned and implemented in accordance with the accreditation requirements and policies of the Accreditation Council for Continuing Medical Education (ACCME) through the joint providership of the University of Pittsburgh School of Medicine and HortySpringer Seminars. The University of Pittsburgh School of Medicine is accredited by the ACCME to provide continuing medical education for physicians.

The University of Pittsburgh School of Medicine designates this live activity for a maximum of 11.25 *AMA PRA Category 1 Credits™*. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

Other healthcare professionals are awarded 1.125 continuing education units (CEUs), which are equal to 11.25 contact hours.

NAMSS Accreditation

This course has been approved for National Association of Medical Staff Services (NAMSS) continuing education credit. Accreditation of this educational content in no way implies endorsement or sponsorship by NAMSS. This program is hereby awarded 11 NAMSS continuing education credits.

Registration

\$1,595 Individual
\$4,950 for team of four
\$950 for each additional registrant after a team of four registration

How to Register

(Registration form can be found online at www.hortyspringer.com)

Fax 412-687-7692

Phone 800-245-1205

Mail HortySpringer Seminars
4614 Fifth Avenue
Pittsburgh, PA 15213

Online www.hortyspringer.com

WHO SHOULD ATTEND?

- Board Members (particularly those serving on a quality or credentialing subcommittee)
- Hospital CEOs
- Directors and Medical Directors of Hospital-Affiliated Physician Groups
- CMOs
- Chiefs of Staff
- Department Chiefs
- Committee Chairs (e.g., MEC, Credentials Committee, Peer Review Committee)
- Medical Staff Services Professionals
- Quality Professionals
- Risk Management Professionals
- In-House Counsel

Strategies for Managing Physician Health and Disruptive Conduct builds upon concepts taught in Horty Springer's other medical staff leadership courses, by presenting complex leadership dilemmas and then asking registrants to work with the faculty to develop solutions.

Ideally, registrants of *Strategies for Managing Physician Health and Disruptive Conduct* will have already attended the Complete Course, Credentialing for Excellence, and/or Peer Review Clinic, though completion of those courses is not a prerequisite to registration.

To get the most benefit from the course, we recommend that registrants have at least a year of experience in a leadership position (for example, serving on the Board, as a committee member, as a department chair, or as a medical staff officer) and be ready to advance to the next level of leader training: complex problem solving (mimicking what leaders are asked to do on a day-to-day basis).

Participation by all individuals is encouraged. Advance notification of any special needs will help us provide better service. Please notify us at least **two weeks** in advance of the program.

Seminar Schedule

Day One

6:30 TO 8:00 AM –
Registration & Continental Breakfast
8:00 AM TO NOON – Seminar Session
9:45 TO 10:00 AM – Break
NOON – Day 1 Adjourns
5:30 TO 6:30 PM – Informal Reception

Day Two

7:00 TO 8:00 AM –
Continental Breakfast
8:00 AM TO NOON – Seminar Session
9:45 TO 10:00 AM – Break
NOON – Day 2 Adjourns

Day Three

7:00 TO 8:00 AM –
Continental Breakfast
8:00 AM TO NOON – Seminar Session
9:45 TO 10:00 AM – Break
NOON – Seminar Adjourns

Educational Intent

This program is designed for hospital and medical staff leaders whose responsibilities include (1) identifying and managing issues of physician conduct, health, and aging and (2) resolving other dilemmas of medical staff leadership. Upon completion of this program, participants should be able to:

- implement best practices for identifying, confronting, and managing disruptive conduct;
- develop practical, lawful, non-discriminatory processes for recruiting, hiring, credentialing, peer reviewing, and collegially assisting physicians with health issues; and
- identify and resolve conflicts and disputes that compromise the smooth operation of the hospital and medical staff – including conflicts of interest, leaders who exceed the scope of their duties, and naysayers who undermine the leadership's good work.

2019

SEMINARS

This schedule is subject to change.

January 24-26, 2019

The Ritz-Carlton | Naples

- The Complete Course for Medical Staff Leaders
- The Peer Review Clinic
- Credentialing for Excellence
- Strategies for Managing Physician Health and Disruptive Conduct

For reservations at the Beach Resort, please call 1-877-590-8187. Room Rate: \$499

For reservations at the Golf Resort, please call 1-877-557-3092. Room Rate: \$499

March 7-9, 2019

Disney's Yacht and Beach Club Resort | Orlando

- The Complete Course for Medical Staff Leaders
- The Peer Review Clinic
- Credentialing for Excellence
- Strategies for Managing Physician Health and Disruptive Conduct

For reservations, please call 407-939-4686. Room Rate: \$325

April 11-13, 2019

The Ritz-Carlton | New Orleans

- The Complete Course for Medical Staff Leaders
- The Peer Review Clinic
- Credentialing for Excellence
- Physician-Hospital Contracts Clinic

For reservations, please call 800-826-8987. Room Rate: \$359

November 21-23, 2019

Bellagio | Las Vegas

- The Complete Course for Medical Staff Leaders
- The Peer Review Clinic
- Credentialing for Excellence
- Strategies for Managing Physician Health and Disruptive Conduct

Attendees have the option of booking reservations via the Contact Center or a Custom-Built

Passkey Website. Contact Center: 1-888-987-6667 or Passkey: <https://book.passkey.com/e/49813765>

Room Rates: Tuesday/Wednesday, November 19-20: \$219

Thursday/Friday/Saturday, November 21-23: \$199

Hotel Reservations

All registrants are responsible for making their own hotel reservations. Special group room rates have been established for HortySpringer registrants. The special group rate rooms are available until 30 days from the seminar date, or until the room block sells out, whichever comes first. Within 30 days of the program, you may not be able to get rooms or receive the special rate.

Registration

STRATEGIES FOR MANAGING PHYSICIAN HEALTH AND DISRUPTIVE CONDUCT

Hospital Name _____
Street Address _____
City/State/Zip _____
Phone # _____ Fax # _____
Contact Person _____
Title _____
E-Mail _____

NAMES OF REGISTRANTS

(Please give full names and titles as you would like them to appear on name tags.)

1. Name/Degree/Title _____
E-Mail _____
Date Attending _____
2. Name/Degree/Title _____
E-Mail _____
Date Attending _____
3. Name/Degree/Title _____
E-Mail _____
Date Attending _____
4. Name/Degree/Title _____
E-Mail _____
Date Attending _____

PAYMENT

(\$1,595 Individual; \$4,950 for a team of four, \$950 for each additional registrant after a team of four registration)

Visa Mastercard American Express
Card Number _____ Security Code _____ Exp. _____
Name on Card _____

Check enclosed. *(Please make payable to HSM Enterprises.)*

Please bill.

How did you hear about this HortySpringer seminar?

E-Mail Marketing Brochure Colleague Other _____

HOW TO REGISTER

Fax 412-687-7692

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