

APPENDIX F

MONITORING AGREEMENT FOR BEHAVIOR THAT UNDERMINES A CULTURE OF SAFETY

The Medical Staff Health Committee (MSHC) has developed a supportive program designed to protect the safety and welfare of our patients while aiding Medical Staff Members who engage in a behavior that undermines the culture of safety, acceptable professional functioning, teamwork or workplace morale. The success of the Program is dependent upon a commitment by the Member to participate in all aspects of the recommended program, as well as the ability of the MSHC to monitor the Member's progress.

The following serves to memorialize the terms and conditions of the monitoring agreement between _____, M.D. ("Member") and The Regents of the University of California, on behalf of UCLA Health.

Evaluation

If the Medical Staff Health Committee cannot determine whether there are underlying causes, such as substance use or mental health concerns that may be affecting behavior; then further evaluation will be conducted as follows:

1. If the Committee cannot determine if no additional action is warranted or if treatment is indicated; then further evaluation will be recommended.
2. The Medical Staff Health Committee will provide the Member with a list of several approved evaluators or evaluation programs.
3. The Member will inform the Medical Staff Health Committee of the evaluator that will be used, and will sign a release of information for the Medical Staff Health Committee to speak with the evaluator.
4. Refusal to sign the release of information may mean the Medical Staff Health Committee will be unable to form a recommendation and will report this to the Member's Department.
5. If the Member is sent for an evaluation, and the evaluator determines that additional information is needed from third parties, such as the Member's Department Chair, treatment providers, family members or significant others, in order to make a recommendation, written permission shall first be obtained from the Member to speak with such third parties regarding the Member's condition. If a Member refuses to provide written permission, the Member will be asked to acknowledge that this refusal might hinder the evaluator and the Medical Staff Health Committee's ability to obtain a thorough evaluation and make a recommendation.
6. For an evaluation to be considered complete, the Member must agree to the evaluator carrying out all elements of an approved evaluation, including but not limited to, psychological testing, cognitive testing, drug/alcohol testing, collection of collateral information and medical, neuropsychiatric and psychiatric examination, and.

7. The evaluator will send the Medical Staff Health Committee a report following the evaluation.
8. If the Member decides that he/she does not want the evaluation sent to the Medical Staff Health Committee, this will be the same as choosing to not have an evaluation. The Member may not request to do a second evaluation to supplant the original. The Member may have a second evaluation done by a different vetted program, which the Medical Staff Health Committee will consider in conjunction with the original evaluation.
9. The Medical Staff Health Committee will use the evaluation report to form a recommendation regarding the Member's need for treatment, and recommendations regarding return to patient care.

Coaching or Licensed Counseling

The Member will be recommended coaching or counseling programs with demonstrated expertise in working with health professionals who are engaging in behaviors that undermine the culture of safety, and impede acceptable professional functioning, teamwork or workplace morale. The MSHC needs to approve the selected coach or counselor. Regular visits with the vetted coach or counselor are required. In the event the Member changes coach or counselor, the Committee needs to approve the selected coach or counselor in advance. As recommended by the coach or counselor or requested by the Committee, the coach shall be responsible for the following types of activities:

1. Providing regular written progress reports to the Committee; and
2. Notifying the Committee if he/she believes patient safety may be adversely affected by Member's continuing active medical practice or if the Member poses a physical threat to him/herself or others.

Educational Courses

The Committee may recommend that the member attend continuing medical education or training courses that specifically address the behaviors that are under remediation. The Committee will recommend the number and frequency of these courses. The Committee needs to approve of the courses and the member must provide verification of attendance or a certificate of completion for him/her to satisfy the terms of this contract.

Workplace Assignment

If at any time the Committee determines that Member is unable to safely practice medicine, some or all of Member's responsibilities may be immediately reassigned until the Committee feel that patient safety is no longer at risk. The Member shall agree to perform whatever work assignments are determined by his/her Department Chair to be appropriate.

Workplace Monitor

When appropriate, a SM-UCLA Workplace Monitor may be appointed by the Department Chair and/or the Committee to observe Member on a regular basis to assess whether the Member may be compromised, engaging in significant unprofessional behaviors, or is unable to provide safe patient care. The Member will meet regularly with the Workplace Monitor in order to assess any ongoing or developing problems that might increase the likelihood for behavioral relapse. The Workplace Monitor shall immediately inform the Committee if he/she observes any unusual or concerning behavior. The Member may propose the name of an appropriate Workplace Monitor, subject to the approval of the Committee. In the event the Member fails to identify an approved workplace monitor, the Committee shall make the selection.

Medical Staff Health Committee Coordinator

The Medical Staff Health Committee Coordinator will act as a case manager. The member is required to check-in with the Coordinator at regular intervals (weekly, monthly, quarterly), as determined by the Committee. The Coordinator will speak regularly with the member's coach and/or licensed counselor, and worksite monitor. The member is required to provide the Coordinator with certificates from any educational courses attended. If the member was referred to the Committee by his/her Department Chair, the Coordinator will provide broad feedback to the Referrer. In the event that the Member cannot be contacted if there was a concern about the Member's safety and wellbeing, the Coordinator will notify the emergency contact.

Authorization to Release Medical Information

Member shall complete the "Authorization to Release Medical Information" form authorizing the coach, evaluator, and/or licensed counselor to communicate regularly with the Committee and share information relating to Member's participation and progress in treatment or intervention. This information shall include, but is not limited to, Member's personal health information ("PHI") and the treating physician's impressions about Member and Member's progress. The Member will also complete an "Authorization to Release Medical Information" form authorizing the Committee to communicate with his/her Department Chair. This information shall relate to the Member's compliance and progress in treatment.

Primary Care Provider

The Member is encouraged to have a personal primary care provider and should not self-prescribe any medications.

Description of Consequences of Behavioral Relapse

The response to a behavioral relapse may vary depending upon the circumstances surrounding the relapse. The relapse shall be reviewed by the Committee to determine what action should be taken, including possible referral to the appropriate administrative bodies within SM-UCLA.

Effect of Non-Compliance

In the event of non-compliance with the requirements of this agreement or termination of participation in the monitoring program against the advice of the Committee, the Committee Chair

will report this to the Chief of Staff, the Department Chair, and Hospital Administration.. The Chief of Staff and Department Chair will determine what action to take, including possible corrective action by the Medical Staff.

Cost of Education, Intervention or Treatment

All costs of Member's participation in the Program, including but not limited to: costs for the coach, licensed counselor or educational course shall be the responsibility of Member.

Duration of Monitoring Agreement

Member's participation in the Program begins ____/____/____ and shall end ____/____/____, assuming satisfactory progress and absence of relapse. The Committee shall review this Monitoring Agreement every six (6) months. The Committee also has the right to make modifications as needed.

Confidentiality

The confidentiality of the Member's Personal Health Information (PHI) and his/her participation in the program shall be protected at all times. Committee records shall be maintained separately from the Member's credentials file. The Committee shall inform the Chief of Staff and the Member's Department Chair of general information about the Member's condition as necessary, including his/her status related to participation in the Program as well as ability to work safely, but will not otherwise share the Member's PHI.

MSHC Chair Rights

At all times, the Chair of the Committee shall have the right to act on behalf of the Committee on any matter until the Committee has had an opportunity to vote on that matter.

By signing below, you have read and understand the above information and agree to comply with its terms.

MEMBER:

Signature: _____ Date: _____

Print Name: _____

COACH/COACHING PROGRAM:

Print Name: _____

WORKPLACE MONITOR:

Print Name: _____

COMMITTEE CHAIR:

Signature: _____ Date: _____

Print Name: _____

CHIEF OF THE MEDICAL STAFF or designee:

Signature: _____ Date: _____

Print Name: _____