

Ask the Ethicist: The Impaired Colleague

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Q: *I am the medical director of an ophthalmic ambulatory surgery center (ASC). Recently, the operating room staff at the surgery center informed me that a colleague seemed inebriated. When I asked him to speak with me, it was clear that they were correct. Upon questioning, he confessed that he had been drinking. He has been suspended from our ASC. What are my obligations to report this to the hospital where he has privileges and to the wider community?*

A: Your obligations are threefold: to assist your colleague, to protect patients and the community, and to notify the appropriate authorities.

Assist your colleague. Principle 6 of the Academy's Code of Ethics states, "*If a member has a reasonable basis for believing that another person has deviated from professionally accepted standards in a manner that adversely affects patient care or from the Rules of Ethics, the member should attempt to prevent the continuation of this conduct. This is best done by communicating directly with the other person. When that action is ineffective or is not feasible, the member has a responsibility to refer the matter to the appropriate authorities and to cooperate with those authorities in their professional and legal efforts to prevent the continuation of the conduct.*"

Depending on the situation, a one-on-one conversation or an intervention conducted by several colleagues may be appropriate. An effective discussion would encourage the ophthalmologist to take advantage of numerous self-help programs and/or voluntary state medical board programs. If successful in one of these programs, the physician may be able to return to practice without public awareness of his issue. The credentials committee at your local hospital should be able to assist your colleague with finding an appropriate recovery program or a mentor certified by the state licensing board. Physician health programs may also provide an intervention facilitator who has been trained to work with impaired physicians.

Protect patients and the community. Rule 5 of the Academy's Code of Ethics defines an ethical obligation to colleagues and the profession: "*A physically, mentally or emotionally impaired ophthalmologist should withdraw from those aspects of practice affected by the impairment. If an impaired ophthalmologist does not cease inappropriate behavior, it is the duty of other ophthalmologists who know of the impairment to take action to attempt to assure correction of the situation. This may involve a wide range of remedial actions.*"

Notifying the appropriate authorities. If your colleague chooses not to seek help, or was not successful in his or her program, we recommend suspending operating privileges at the ASC. This should be done in writing with the input of the ASC's legal representative. Close monitoring of this ophthalmologist's patients on the day in question is important. Also, remember your duty to the larger patient community. Some states *require* the reporting of an impaired colleague, and failure to report can result in sanctions similar to those meted out to the impaired practitioner.

For more information, visit www.omic.com/incompetency-reporting-and-coverage.
To read the Code of Ethics, visit <http://www.aao.org/ethics-detail/code-of-ethics>.