

VCU Health System Medical Staff Standards of Conduct Policy

- I. **Purpose:** to define standards of conduct for the VCU Health System Medical Staff and procedures for addressing allegations of unprofessional conduct.
- II. **Policy:** As outlined in the Medical Staff Bylaws, The Code of Medical Ethics of the American Medical Association shall govern the professional conduct of the Medical Staff of the VCU Health System. The code of ethics of other professional organizations will be considered as appropriate. Further, the Medical Staff will strive to uphold the Standards of Professional Behavior adopted by the VCU School of Medicine. Medical staff members will conduct themselves at all times in a professional manner demonstrating courtesy and respect to peers, coworkers, patients and guests with whom they interact, and will perform their duties in compliance with all VCU Health System policies and procedures as well as state and federal laws and regulations.
- III. **Definitions:**
 1. **Corrective Action:** any action taken to address unprofessional conduct. Corrective action includes informal action such as counseling as well as more formal action up to and including loss of privileges and/or termination of Medical Staff membership, employment or affiliation agreement.
 2. **Counseling:** an informal discussion between a Medical Staff member and his or her chair. The counseling discussion may or may not be documented in a written memorandum.
 3. **Medical staff member:** an individual credentialed and privileged by the VCU Health System including physicians, dentists, podiatrists, nurse practitioners, physician assistants, clinical psychologists, clinical social workers, CRNAs, midwives, and all other credentialed staff.
 4. **Standards of conduct:** positive expectations for work performance and workplace behavior.
 5. **Suspension:** a medical staff member's absence from work imposed as a part of a corrective action and/or to remove the medical staff member from the workplace pending (1) an investigation related to his or her conduct, or (2) a court action.
 6. **Unprofessional conduct:** behavior that is in violation of the Standards of Conduct and for which corrective action is warranted
 7. **VCU Health System:** MCV Hospitals and MCV Physicians

IV. Standards of Conduct and Performance

- A. As outlined in the Code of Ethics of the AMA, VCU Health System Medical Staff shall:
 1. be dedicated to providing competent medical care, with compassion and respect for human dignity and rights
 2. uphold the standards of professionalism, be honest in all professional interactions, and strive to report members of the medical staff deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
 3. respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.
 4. respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law

5. continue to study, apply, and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.
6. in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical care.
7. recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health.
8. while caring for a patient, regard responsibility to the patient as paramount.
9. support access to medical care for all people.

B. As described in the Standards of Professional Behavior adopted by the VCU School of Medicine, the VCU Health System Medical Staff shall

1. Recognize their positions as role models for other members of the health care team.
2. Carry out academic, clinical and research responsibilities in a conscientious manner, make every effort to exceed expectations and make a commitment to life-long learning.
3. Treat patients, faculty, housestaff and students with humanism and sensitivity to the value of cultural, social, age, gender, disability and economic diversity without discrimination, bias, or harassment.
4. Maintain patient confidentiality.
5. Be respectful of the privacy of all members of the medical campus community and avoid promoting gossip and rumor.
6. Interact with all other members of the health care team in a helpful and supportive fashion without arrogance and with respect and recognition of the roles played by each individual.
7. Provide help or seek assistance for any member of the health care team who is recognized as impaired in his/her ability to perform his/her professional obligations.
8. Be mindful the limits of one's knowledge and abilities and seek help from others whenever appropriate.
9. Abide by accepted ethical standards in the scholarship, research and standards of patient care.
10. Abide by the guidelines of the VCU Honor System.

V. **Unprofessional Conduct**

A. The behaviors set forth below are not all-inclusive, but are intended as examples of unprofessional conduct for which corrective actions may be warranted.

1. Disruptive behavior including use of offensive or abusive language, threatening or coercing others, and acts of aggression
2. Violation of VCU Health System Customer Service Expectations (see Appendix II)
3. Violating a safety rule
4. Unsatisfactory attendance or excessive tardiness
5. Abandoning a clinical service without arranging appropriate back-up coverage
6. Unauthorized use or misuse of VCU Health System property or medical records
7. Violation of federal, state, or local laws and/or regulations governing the practice of medicine and surgery
8. Falsifying medical records or other documents

9. Willfully or negligently damaging or defacing VCU Health System property
10. Theft or unauthorized removal of VCU Health System property
11. Criminal convictions for illegal conduct occurring on or off the job that are of such a nature that to continue medical staff in their positions could constitute negligence with regard to the VCU Health System's duties to the public and its employees, patients, students, and visitors
12. Reporting to work or being on call when impaired by or under the influence of alcohol or other substances
13. Violation of VCU Health System policies including but not limited to Sexual Harassment, Workplace Harassment, Discrimination, Corporate Compliance, and Confidentiality
14. Sexual contact with a patient as prohibited by the Virginia Board of Medicine
15. Retaliation for filing a report or participating in an investigation pertaining to allegations of unprofessional conduct

VI. Procedure for Evaluating Allegations of Unprofessional Conduct

- A. Any person may submit a complaint regarding unprofessional conduct in writing or verbally to one of the following:
 1. Chair of relevant medical staff department/division
 2. Risk Management
 3. Chief Medical Officer
 4. Human Resources
 5. Corporate Compliance
 6. The VCU School of Medicine Professionalism Committee
- B. If the report is made to an entity other than the department/division chair, the receiving department/unit may attempt to resolve the issue by informal means, or may direct the complainant to the department/division chair of the involved medical staff member. If the complainant requests an alternative to the department chair, he/she should be directed to the CMO who will investigate the complaint and determine an appropriate course of action in consultation with the Dean. Unless otherwise requested by the complainant, the department chair should be notified of all such complaints including those resolved through informal channels.
- C. The department/division chair will investigate the report and, if indicated, take corrective actions. Department chairs may contact the CMO regarding VCU Health System resources to assist with this process. Alternatively, the chair may forward the matter to the CMO for review and follow-up. The VCU Health System and School of Medicine will provide training for chairs in the appropriate management of issues covered in this policy. A panel of senior mentors will be available to assist chairs in management decisions.
- D. The medical staff member shall be notified promptly when an investigation is being conducted and will be given an opportunity to provide information in response to alleged unprofessional conduct.
- E. The Department Chair or CMO, in consultation with the Dean, may impose an administrative suspension or restriction of any or all of the accused medical staff member's privileges in order to allow time to determine whether more formal action or investigation should be undertaken. An administrative suspension does not imply any final finding on

the merits of the issues. The medical staff member shall be notified promptly of such an action.

- F. The Department Chair shall keep records of investigations and will forward copies to the CMO and Dean School of Medicine for quality control purposes.
- G. Discussions/minutes/actions are considered confidential peer review activities pursuant to state and federal law.
- H. Follow-up Actions
 - 1. If the Department Chair finds that, based on the results of the investigation, the behavior does not violate the Standards of Conduct, the matter will be considered closed and the complainant will be informed of this decision.
 - 2. If the Department Chair finds that the behavior violated the Standards of Conduct appropriate corrective action will be taken as outlined below.
 - 3. If the CMO and Dean find that the behavior violated the Standards of Conduct and corrective action has not been taken, they will intervene with the chair to create an appropriate resolution. They may choose to establish a committee to review the case and make a recommendation regarding appropriate follow-up action.

VII. Corrective Actions

- A. Corrective actions include but are not limited to referral to assistance programs or other professional assistance, counseling, suspension, restriction, reduction, or loss of privileges, and/or termination of medical staff membership, employment or affiliation agreement, and financial penalty. When appropriate, a progressive disciplinary approach may be applied that involves a series of increasingly severe penalties for repeated offenses. However, suspension or termination may be appropriate for a first offense depending on the severity of the issue.
- B. Corrective actions should be applied consistently while considering the specifics of each case. Factors that may be considered in determining the most appropriate course of action include the nature and severity of an issue, previous counseling or training relevant to the issue, an individual's previous attempts to correct deficiencies, and the frequency of an individual's unprofessional conduct.

VIII. Review Procedure

- A. If the medical staff member disagrees with the decision and action taken regarding a complaint, he or she must submit a request to the CMO to have the decision reviewed. The written request must be made within seven days of the date of the written notification from the chair. If a chair initially addressed the issue, the Dean and the CMO will review the decision. The Dean and CMO may choose to establish a committee to review the case and make a recommendation regarding an appropriate action. If the Dean and CMO initially addressed the issue, the CEO of the VCU Health System will review the decision and may choose to establish a committee to perform a review and make a recommendation regarding an appropriate action. The Dean and CMO will notify the chair and medical staff member of the review decision.

- B. If the action taken results in reduction, diminution, restriction, or termination of the individual's medical staff membership or privileges, he/she should request a review as outlined in Article III, Section E of the Medical Staff Bylaws.

IX. Reporting

Corrective actions will be reported to the National Practitioner Data Bank, the Virginia Department of Health Professions, and other regulatory or licensing agencies as required.

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