

I. References

In accordance with Section I.A.4. of the ACGME Institutional Requirements, the Sponsoring Institution must only assign Residents/Fellows (“trainees”) to learning and working environments that facilitate patient safety and health care quality. In addition, physicians, including trainees, have a professional obligation to be appropriately rested and fit to provide the care required of their patients.

II. Arrests and/or Convictions

There is an affirmative and ongoing duty for trainees to notify the Designated Institutional Official (DIO) of arrests, convictions, and the disposition of any outstanding charges. A trainee arrested or convicted of a crime – whether the crime is related or unrelated to the individual’s employment activities with the University or School of Medicine – must also report the arrest or conviction within 48 hours (2 days) of the arrest or conviction to their Program Director. Failure of trainees to disclose an arrest or a criminal conviction to the DIO and Program Director within 48 hours (2 days) may result in corrective action, up to and including immediate dismissal from their training program. The facts and circumstances of each case will determine what, if any, action is taken, up to and including immediate dismissal, as appropriate.

Additionally, employment of trainees will be contingent upon them not being excluded from participation in programs funded by state and federal governments, including without limitation programs funded by Medicare and Medicaid, and/or research funding sponsored by the National Institutes of Health (NIH) or other agencies.

III. Substance Abuse

Residents/Fellows may not report to work under the influence of alcohol or other drugs.

The abuse of alcohol and other drugs can seriously damage physical and mental health and may jeopardize the safety of patients and others. Consistent with Tulane policy and federal and state law, trainees may not manufacture, distribute, sell, possess, or use controlled substances in the workplace.

- A. If a trainee reports to work under the influence of alcohol or other drugs, or if the use by a trainee of alcohol, drugs or other mood altering or other controlled substance interferes with a safe workplace or the trainee’s obligations, including professionalism obligations, the School of Medicine will take appropriate action. Program Directors, GME Program Administrators (program coordinators), department chairs, faculty and other institutional leaders shall make an immediate referral of an impaired trainee (as defined in the *Resident Wellness and Residents’ Assistance Program* policy) by notification to the DIO, for example, if a trainee appears unable to perform his or her duties with reasonable skill and safety because of a medically recognized physical, mental or other condition, including but not limited to, excessive use or the abuse of drugs or alcohol.
- B. If a Program Director or the DIO has reasonable suspicion that a trainee may be impaired/working under the influence, of alcohol or other drugs, a drug screen may be

requested through the Office of Human Resources. The Program Director or DIO should complete the “Reasonable Suspicion Checklist” to evaluate if a drug screen is needed and consult with the School of Medicine’s Human Resources Business Partner to determine next steps. Additionally, clinical partners (e.g., the Veteran’s Administration, LCMC, etc.) may implement random drug-testing to trainees working in their facilities.

- C. Trainees requiring counseling or support for substance abuse concerns are encouraged to take advantage of the diagnosis, confidential counseling and treatment services that are available through the Residents’ Assistance Program. *See Resident Wellness and Residents’ Assistance Program*. In addition, resources are available to trainees experiencing a disability through Tulane’s Office of Human Resources and Tulane’s Americans with Disabilities Act (ADA)/504 Coordinator. See resources on workplace accommodations at <https://hr.tulane.edu/disability-accommodations>.

IV. Additional Resources

The Tulane Legal Assistance Program (TULAP) is a legal services program funded by the Tulane University Associated Student Body. TULAP provides free legal information and low-cost representation to current Tulane University students, faculty, and staff, including Residents/Fellows. Since it is funded by the University, TULAP cannot represent one member of the Tulane community against another as that would present a conflict of interest.

Medical Residents/Fellows are eligible for TULAP services year-round. In addition to free information and advice on civil, criminal, and immigration issues, provided services also include assistance with coordinating a TULAP-eligible person’s release from jail, assistance with setting a bond, or release on own recognizance (ROR). For assistance with urgent criminal matter questions/bail out assistance, contact Attorney Carolyn Cooper on her cellphone at (504) 534-5406.

Additional information is available on the TULAP website at <https://law.tulane.edu/tulap>. To schedule an appointment, send an email to: tulap@tulane.edu or call (504) 865-5515.

V. Other Legal Actions

Trainees are obligated to notify the Designated Institutional Official and their Program Director of any pending malpractice suits in which they are named resulting from approved Extended Clinical Activities as defined in the *Policy on Moonlighting*

VI. References/Associated Policies

- Tulane University School of Medicine, Graduate Medical Education XVI. *Policy on Resident Wellness and Residents’ Assistance Program*
- Tulane University School of Medicine, Graduate Medical Education VI. *Policy on Moonlighting*
- Tulane University School of Medicine, Graduate Medical Education *Reasonable Suspicion Checklist* Appendix J