

“Risky Business” The Impaired or Disruptive Physician

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Presented by:

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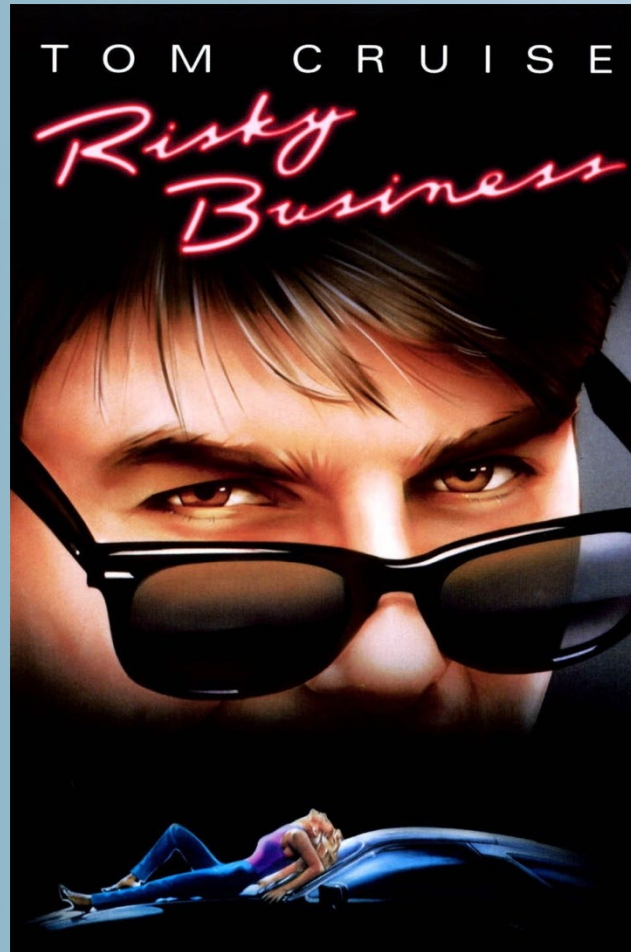
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No disclosures or conflicts



Not That “Risky Business!”



What is the Risk?

- The senescent, disruptive or impaired physician presents risk to a practice from:
 - Patient injury/malpractice claims
 - Labor law/harassment claims
 - Loss of patients via negative social media reviews.



Risks to the organization

- Communicating risks include:
 - Financial
 - Litigation
 - Loss of reputation
 - Adverse publicity



Difficult or Disruptive

- Difficult personalities or disruptive physician behavior which impacts staff, manager and physicians



Difficult or Disruptive

- Physicians trained in humiliation in grand rounds in front of peers, patients and attendings
- “Child Abuse” Syndrome continues
- “Praise in Public, Reprimand in Private”



Medscape Residents Salary Report 2017

Comments About Attendings

"Bullying"

"Condescending, unprofessional, and rude"

"Write inappropriate anonymous feedback"

"Give too much scut work"

"They are hands-off"

"Lack of teaching/unwillingness to teach"

"Lose their temper in the OR"

"Speak harshly to you in front of others"



Medscape Medical News

Senior Physicians Report Bullying From Above and Below

British Medical Journal

Marcia Frellick June 29, 2016

- The most common behaviors reported by survey respondents were:
 - persistent attempts to belittle and undermine a physician's work
 - undermining integrity
 - persistent and unjustified criticism and monitoring of work
 - ignoring or excluding a physician
 - and continual undervaluing of effort

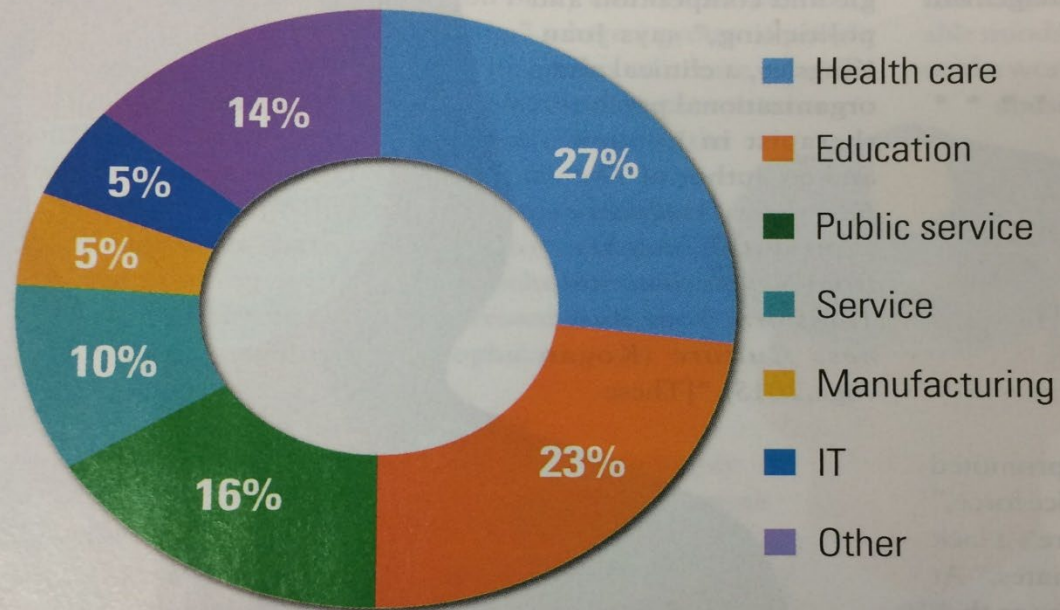
- Of those participants, 290 (44%) said they had been persistently bullied or undermined. In addition, 19% to 45% of all respondents said that bullying and undermining was a problem in their unit, with the frequency varying depending on their practice setting.



Healthcare bullying

Bullying by Industry

Those who report having been bullied or having witnessed others being bullied work in the following fields or industries:



Source: Workplace Bullying Institute, 2013.



Risk

- Verbal harassment can result in large dollar awards against the organization, particularly if this is well known and nothing was done to stop it.
- Large verdicts for emotional or stress harassment with a highly compensated professional MD/PA/NP.



Examples - Staff and MD

- “If you want me to do half your job I will take half your pay” in front of other staff
- Threw magnets, paper and paper clips at staff
- Physically blocked Dr. X in the hall and would not let her pass
- Called the billing manager “Fat Ass.”
- “Who is having hot flashes you (staff member) or Dr. X?”





- Called Dr. X “ an entitled bitch” to staff
- Called the practice administrator (heart condition and diabetic) “incompetent” in front of other staff
- Picked on one department manager each meeting and humiliated them in front of the others



Coaching and counseling the physician

Ken Heckman MGMA

- Start with informal discussions
- Seek an apology directly addressing the problem
- Consider a letter of admonition
- Offer coaching and/or counseling
- If necessary, a final letter of warning
- Suspension or Termination



Summary

- **C**onfront,
- **C**orrect, and
- **C**ounsel disruptive physicians



Prevention

- Implement a “Code of Conduct” and share during interviews
- Have policies and procedures to document behavior – Zero Tolerance – GS example
- Have a good employment attorney to advise
- Implement PIP - Performance Improvement Plans
- Give resources to change behavior
- Follow through with suspension and termination



Resources

- Professional Renewal Center in Lawrence, Kansas.
<http://www.prckansas.org>
- <http://www.paceprogram.ucsd.edu/anger.aspx>
- www.thehappy.md.com
- <http://www.ajnovickgroup.com/anger-management/disruptive-physicians.aspx>
- **Vanderbilt Comprehensive Assessment Program for Professionals**
A.J. Reid Finlayson, MD or Ron Neufeld
3rd Floor PHV
1601 23rd Ave., South
Nashville, TN 37212
615 322-4567



One on One Counseling

- **Alan Rosenstein, MD MBA**
- Author of Joint Commission on Accreditation of HealthCare Organization article disruptive physician is available for counseling.
- arosenst@vha.com
- (415)-370-7754



Update Partner and Shareholder Agreements

- Add to shareholder agreements that partners/shareholders can gently or insist the MD obtain counseling or help.



Substance Abuser

- Alcohol
- Drugs
- Painkillers



Risk

- The organization must take action
- Peds group example
- Radiology group example



Depressed, Anxious or Emotional

- Divorce
- Loss of spouse, child or relative
- Loss of MD partner – Case example
- Bi-polar
- Anxiety
- Emotional issues



Skill Impairment

- Medical – ORS Colon Cancer
- Stroke – Anesthesiology CA case
- Age – example



Late Career Physician



EXPERT
FINANCIAL ADVICE

INVESTMENTS TO
AVOID

\$1.00



Update Partner Shareholder Agreements

- Fit for Duty Exams
- Partners/shareholders can insist MD goes to outside physician all agree upon or one chosen by local medical society president.
- This must be in agreements *“Partners and employees will be subject to review for impairment due to matters including but not limited to age related, physical or mental conditions”*
- Have voting mechanism to terminate MD



- Urge the MD to remember his Hippocratic Oath - “First do no Harm”



Late Career Physician

- “Various functions that are important for safe practice of medicine deteriorate with age, including sequential processing, attention, logical analysis, hand-eye coordination, verbal and non-verbal learning, visual spatial ability, inductive reasoning and verbal memory”
- **Published articles**
 - Approaching the issue of the aging physician population
 - Issues regarding the Aging Physician
 - Cognitive Impairment in Older Physicians





The Senior Physician

Why slow down when you are having fun???????



DO YOU KNOW WHEN IT'S TIME TO GO?

Baby boomer business owners are now reaching retirement age. But will they go? Wealth management execs like Susan Dickson say for their clients, it's a decision that involves a lot more than money.

MARK CALVEY, PAGES 4-5



BAY AREA GRAY AREA:

When it's time to leave it all behind

Baby boomer founders and owners of professional firms are moving to — or beyond — retirement age. Some are not prepared to go quietly.

Susan Dickson, chief operating officer at Private Ocean: "The business is like their child."



San Francisco
Business Times
March 16, 2018

Medical Economics Comp Health Study Sept 2017

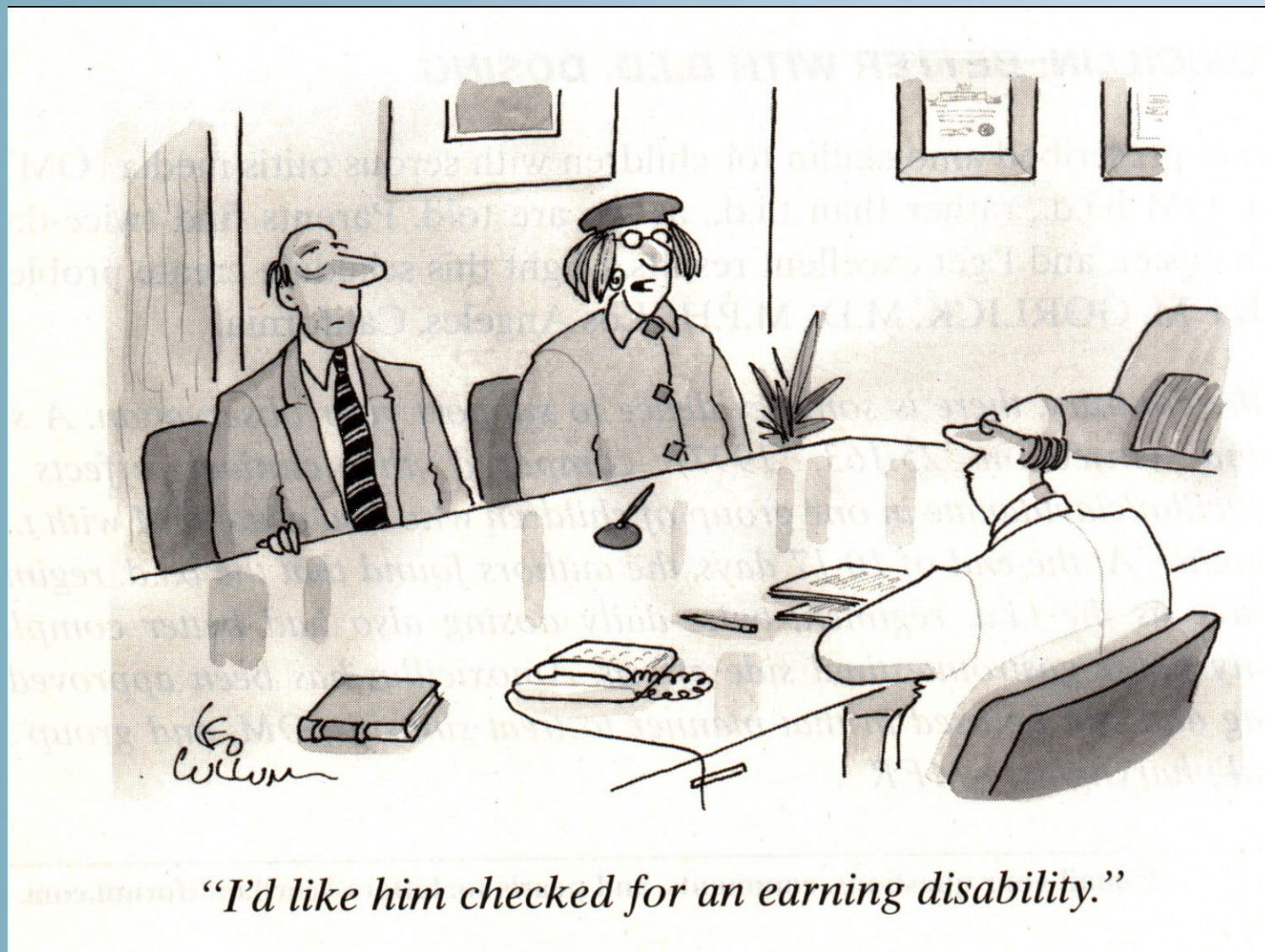
- “Physicians spend all day talking to patients,” Good says. “My friends who have retired do report loneliness and isolation and those considering [retirement] note it is a concern.”
- In the study, 51% of respondents said that still working occasionally or part-time is part of their ideal retirement plans.



Late Career Physician

- Rate of decline differs significantly
- Different specialties have different demands
- MD may not notice decline
- MD may not want to retire/stay home
- Family may need money or are embarrassed
- Other partner(s) may compensate
- Hospitals may be complicit regarding revenue
- Lawsuits may arise if MD is threatened – age discrimination or disability





"I'd like him checked for an earning disability."



The Maven Project

Laurie Green keeps retired doctors working with health clinics for needy

SF Chronicle By [Erin Allday](#) February 17, 2018 Updated: February 17, 2018 1:32pm

Connects volunteer physicians, most of them retired or nearly so, with health clinics that serve patients who may not have access to expert specialty care. Green describes it as [“Match.com meets the Peace Corps.”](#)



Alzheimer's Foundation

Signs include:

- Increase in Rx errors
- Irrational business decisions - \$25K check
- Loss of skills
- Slower speed of task performance
- Increase in patient dissatisfaction
- Unsatisfactory peer review
- Increase in frequency of poor outcomes or near misses
- Irritability
- Depression
- Repeating stories
- Forgetting events
- Difficulty retrieving words and names
- Losing track of time
- Not recognizing memory problems



Allow staff to report incidents

- Have policies that allow staff to anonymously report incidents



Neuropsychological Exam

- Obtain a MD certified in this specialty to perform an assessment
- This is critical



What to do??

- Confrontation/intervention and careful documentation to protect the practice and avoid litigation
- Tread carefully



Experts

- Call in experienced professionals, consultants, counselors, physicians who conduct neuropsychological examinations and attorneys
- An employment attorney is crucial
- Realize this will be costly



Stress

- Recognize the physical and emotional stress and energy drain dealing with these issues presents to managers and physician partners and strategies to compensate



There is a time for “Risky Business” but not in the Medical Practice!!!

- <https://www.youtube.com/watch?v=3JXcqzJjHf0>



Thank you!

If you have questions

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