



QUILLEN COLLEGE *of* MEDICINE

EAST TENNESSEE STATE UNIVERSITY

Policy Name/Number: Fitness for Participation Policy / ADMIN-1125-30

Policy Owner: Quillen College Department of Student Affairs

Committees, Departments, or Individuals Responsible for Implementation: Quillen College Department of Student Affairs

Original Approval Date: 2/17/2022

Effective Date: 9/23/2022

Most Recent Revision Date: 5/23/2024

Policy Advisory Committee Review Date: 12/11/2025

Date of Next Review (All policies are reviewed by the Policy Advisory Committee every 3 years unless circumstances for an earlier review is identified.): 12/11/2028

A. Policy Statement:

(A) This policy outlines the process for ensuring a medical student's (student) fitness for duty (FFD) meets the standards of practice as outlined by Quillen College of Medicine Technical Standards.
<https://www.etsu.edu/com/admissions/requirements/technical-standards.php>

The goal of this policy is to address the need to assess a student's mental/physical state during curricular or College-sponsored activities or when returning to medical school and/or clinical care environment for the safety of the students and patients under the student's care. The policy also defines the procedures to be followed to ensure the student receives effective treatment with the intention to continue or return to clinical and educational duties. This policy does not supersede or replace federal and state laws and regulations.

Quillen College of Medicine (QCOM) is required to comply with Americans with Disabilities Act (ADA) of 1990. In general, the ADA prohibits: (1) employers/schools from requiring a student to submit to a medical examination; and (2) employer/school inquiries into whether an individual has a disability. However, the protections afforded by the ADA are not without limits. Federal law permits the college to require a medical examination of a student if the requirement for the examination is performance-related, consistent with business necessity and if QCOM has a reasonable belief that:

1. The student's ability to perform essential functions may be impaired by a health condition; or
2. The student may pose a direct threat (i.e., significant risk of substantial harm to self or others) due to a medical condition; or
3. The student's conduct is materially or substantially disruptive to a class, curricular activity, or college sponsored event disrupts others from the benefit of the instructional program, disruption of a university or college event, displays disorderly conduct or breach of peace under the Law, displays disruptive public intoxication at a university activity, or interferes with the rights of others to carry out their duties on behalf of the Quillen College of Medicine.

B. Purpose of Policy:

To establish a standard for fitness for participation in and performance of the functions of a Quillen College of Medicine (QCOM) student and to clarify the University's right to require psychological/psychiatric or medical evaluations and tests.

C. Scope of Policy (applies to):

All QCOM Students

D. Policy Activities:

ETSU and QCOM are committed to the promotion of a safe and healthy environment for our students, patients and staff. For appropriate learning and care of patients to occur, each student must be able to perform one's responsibilities in a safe and effective manner. Those students who are not fit for duty may present a safety risk to themselves, patients or others and may adversely affect learning in the classroom and/or clinical setting, as well as patient care. With the safety of the student and patient in mind, it is important that individuals with a medical condition that affects their ability to perform in a safe manner receive ongoing care and support. The QCOM Associate Dean for Student Affairs encourages students to register with the Disability Resource Center to receive accommodations. The Associate Dean may also be able to provide additional information to resources and is available to meet with a student to discuss support services available within the college. Students must meet minimal technical standard for COM admission, progress during the period of studies and for graduation, with or without reasonable accommodations.

Faculty and Clinical Supervisors are responsible for the safety of students and the patients whom they treat. Whether on or off campus, it is important to communicate observations of erratic behavior that may affect the safety of others. During normal business hours, reporting supervisors, faculty, staff or students must notify the Associate Dean for Student Affairs, the Assistant Dean of Student affairs or the Vice-Dean if the Associate or Assistant Dean of Student Affairs is not available, who will assess the immediate concern, take appropriate action and refer the matter to the Promotions Committee if indicated. The Promotions Committee will follow standard protocol for determining whether additional action is required that may include an evaluation by the Tennessee Medical Foundation <https://e-tmf.org/> and may involve an extended medical leave of absence. Should an incident occur outside normal business hours, individuals are strongly encouraged to call 911, the BUCS Press 2 Helpline: **423-439-4841** then press 2, or go to the nearest emergency room if concerned about the safety and well-being of yourself or another student.

To ensure an individual is ready to return to their academic and clinical duties, QCOM may request an individual to provide evidence of receiving an evaluation that confirms their fitness for duty from a provider who is trained in FFD evaluations.

If the student is found to be impaired or otherwise unable to perform the duties and requirements of a medical student, they will be relieved of their clinical/educational responsibilities until it is determined they are fit to return to their clinical/educational responsibilities. Participation in a treatment or rehabilitation program does not guarantee continued enrollment and may not necessarily prevent disciplinary action for violation of any QCOM policies. A student must comply with all treatment recommendations resulting from a fitness for duty evaluation before he/she is permitted to return to school. The Associate Dean for Student Affairs will oversee the evaluation process of the student, as well as plan the return to one's studies. If the student requires a FFD evaluation, a list of providers who have expertise in FFD evaluations will be provided to the student. The student may select from one of these providers. Every effort will be made to find providers from within and outside of ETSU Health system to allow for reasonable choice. The student is responsible for the cost of an evaluation(s). To the extent required by law or QCOM regulations, QCOM shall protect the confidentiality of the evaluation and the results. Non-compliance with a request for a fitness for duty evaluation shall be cause for disciplinary action up to and including dismissal from medical school. If a student is dismissed, they can petition/appeal the decision per the promotions committee appeal process.

PROCEDURES

The QCOM Office of Student Affairs (OSA) will notify the student of the need for a medical/psychological evaluation to determine fitness as set forth above as well as provide the information in written form to the student. The student will

be referred to the appropriate location based on the reported concern. Campus police will provide an escort for the student, where appropriate, to the designated site provider or Emergency Services for the required evaluation if acute intoxication is suspected. The student will be temporarily removed from academic and clinical activities until such time as he/she is authorized by a healthcare provider designated to return to the program. A student's refusal to submit to the required exam(s) will result in a referral of that student for further academic or disciplinary action.

Once the student participates in the fitness exam, a designated healthcare provider will assess the student's fitness to return to QCOM based on the specific reason the student is deemed unfit to participate. The student will sign a release of information to the healthcare provider designated to communicate that assessment to the student and to OSA. If the student disagrees with the designated provider's assessment of fitness for participation in the program based on the specific reason the student is deemed unfit to participate, the student may have another in-person evaluation performed by a qualified healthcare provider of the student's choosing at the student's cost. If the healthcare provider selected by the student deems the student fit for participation based on the specific reason the student is deemed unfit to participate, the University may request an independent evaluation performed by a qualified healthcare provider not affiliated with the University.

The University shall pay the cost of the independent evaluation. The opinion of the qualified healthcare provider who performs the independent evaluation of whether the student is fit to participate based on the specific reason that gave rise to the evaluation shall be final. Students who are deemed unfit to return to the program for an extended period of time may be required to repeat some or all of the academic/clinical requirements necessary for graduation. If the assessment performed by the healthcare provider designated for the relevant concern reveals a disability for which the student seeks accommodation, the OSDA will refer the matter to the Office of Disability Services to initiate the interactive process.

All students must complete the M.D. degree requirements by the non-negotiable sixth graduation date following their initial matriculation.

REFERRAL PROCESS

Step One: Incidents and concerns should be reported to the Assistant or Associate Dean of Student Affairs. Self-referral by a student is also appropriate. *Contact Phone: (423) 439-2019 or by using the Professionalism Report Form which upon filing, immediately delivers to the Associate Dean of Student Affairs email box. Note: Contact information must be provided.*

Step Two: The Academic Leadership from either the Office for Student Affairs or the Office of Academic Affairs will meet with the student to determine the next course of action, which may include a medical leave of absence and/or referral to the Promotions Committee. The Promotions Committee may refer the student for evaluation as set out below

The Vice-Dean must approve a leave of absence greater than 2 weeks, Students in need of mental health evaluation will be referred for a FFD evaluation prior to rematriculating.

- Students in need of evaluation for substance abuse or dependence, psychiatric or physical illness may be referred to the Tennessee Medical Foundation, who will provide a FFD prior to rematriculating.
- Students in need of a medical evaluation, will be referred to the appropriate physician, and if deemed appropriate, will be referred for a FFD prior to rematriculating.
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Step Three: The Associate Dean for Student Affairs will be the referring contact for the evaluations. For the Associate Dean for Student Affairs to be allowed to review the recommendations provided by the evaluators as well as an executive summary of any completed initial evaluations, the student will need to sign and submit a waiver to the appropriate provider. *The individual student is responsible for any cost associated with evaluation.*

Step Four: Prior to rematriculating, a summary of the FFD evaluation will be reviewed by the Promotions Committee with input from the Associate Dean for Student Affairs. Any academic leaves or adjustments will be addressed as necessary. *Failure to submit proper documentation may delay return to medical education.*

After evaluation, the decision options are:

- Return to full duty

- Return to full duty with recommendations for follow up
- Return to part time duty with recommendations for follow up
- Not allowed to return to duty

The student and the Associate Dean for Student Affairs will work with the appropriate entities to apply for recommended accommodations to ensure student compliance and success with the recommendations.

Continued matriculation shall be contingent upon compliance with recommendations provided by the formal evaluation. This may include participation in medical treatment programs, periodic drug screen testing and/or professional counseling. Failure to comply with the recommendations or agreed upon accommodations may result in disciplinary action up to and including dismissal from medical school. The Academic Status Committee will determine resolution in cases where students are not compliant with recommendations.

https://www.etsu.edu/com/msec/documents/spromo-0418-001_5-1-24.pdf describes the process of adverse actions and the petition/appeal process for students.

CONFIDENTIALITY/PRIVACY OF FITNESS FOR DUTY EVALUATIONS:

Under the Health Insurance Portability and Accountability Act (HIPAA), documents containing medical information about a student may be considered a medical record and may be regarded as confidential. This information may be shared only as permitted by law.

QCOM ensures the confidentiality of education and treatment records in accordance with the provisions of various federal, state, and university regulations, including the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, also known as the Buckley Amendment. FFD evaluations shall be treated as confidential education and treatment records protected by FERPA and shall be maintained by the Office for Student Affairs. These records may be shared only as permitted by law.