

ANESTHESIA ASSOCIATES OF ANN ARBOR
PHYSICIAN CODE OF CONDUCT

Whenever the activities or professional conduct of any physician employed by or associated with Anesthesia Associates of Ann Arbor ("A4") are believed to be detrimental to patient safety or inconsistent with the efficient delivery of patient care, disruptive to the operation of a hospital, patient care facility, or A4's business operations, or the physician exhibits signs of physical or mental impairment or the inability to perform his/her clinical privileges, corrective action may be initiated against such physician. Nothing in this Code of Conduct shall be construed to limit the responsibility and rights of department chairs, or medical directors, or division leaders to take actions in the performance of their responsibilities. Additionally, nothing in this Code of Conduct shall be construed to limit A4's leadership from making decisions regarding the contract or employment status of a physician

I. APPLICABLE DEFINITIONS:

"Disruptive behavior" means any abusive conduct including sexual or other forms of harassment, or other forms of verbal or non-verbal conduct that harms or intimidates others to the extent that quality of care or patient safety could be compromised.

"Harassment" means conduct toward others based on their race, religion, gender, gender identity, sexual orientation, nationality or ethnicity, which has the purpose or direct effect of unreasonably interfering with a person's work performance or which creates an offensive, intimidating or otherwise hostile work environment.

"Inappropriate behavior" means conduct that is unwarranted and is reasonably interpreted to be demeaning or offensive. Persistent, repeated inappropriate behavior can become a form of harassment and thereby become disruptive, and subject to treatment as "disruptive behavior."

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or verbal or physical activity through which submission to sexual advances is made an explicit or implicit condition of employment or future employment-related decisions; unwelcome conduct of a sexual nature which has the purpose or effect of unreasonably interfering with a person's work performance or which creates an offensive intimidating or otherwise hostile work environment.

II. TYPES OF UNPROFESSIONAL CONDUCT

A. INAPPROPRIATE BEHAVIOR

Inappropriate behavior by a physician is unacceptable. Persistent inappropriate behavior can become a form of harassment and thereby become disruptive, and subject to treatment as "disruptive behavior." Examples of inappropriate behavior include, but are not limited to, the following:

- Belittling or berating statements;
- Name calling;
- Use of profanity or disrespectful language;
- Inappropriate comments written in the medical record;

- Blatant failure to respond to patient care needs or staff requests;
- Personal sarcasm or cynicism;
- Deliberate lack of cooperation without good cause;
- Deliberate refusal to return phone calls, pages, or other messages concerning patient care or safety;
- Intentionally condescending language;
- Intentionally degrading or demeaning comments regarding patients and their families; nurses, physicians, hospital personnel and/or a hospital; and
- Excessive tardiness or absenteeism.

B. DISRUPTIVE BEHAVIOR

Disruptive behavior by physicians is strictly prohibited. Examples of disruptive behavior include, but are not limited to, the following:

- Physically threatening language directed at patients or their family members, other A4 employees, hospital personnel or other physicians ;
- Physical contact with another individual that is offensive, threatening or intimidating;
- Throwing instruments, charts or other things;
- Threats of violence or retribution;
- Sexual harassment;
- Other forms of harassment including, but not limited to, persistent inappropriate behavior;
- Inattention to patient care duties and responsibilities;
- Insubordination; and
- Repeated incidents of inappropriate behavior.

III. REQUEST FOR CORRECTIVE ACTION

Any A4 physician, any employee of A4, or any other individual may request that corrective action *be* initiated against a physician for a violation of this Code of Conduct. A request for corrective action may be based upon a concern or complaint regarding inappropriate or disruptive behavior received from patients, their family members, hospital personnel, other physicians or A4 employees. Any such complaints or concerns should be reduced in writing if possible, and directed to Human Resources.

The A4 physician who is the subject of a request for corrective action complaint shall be provided notice of the request in a timely fashion, but in no case more than 30 days from the request for corrective action was received by Human Resources.

The A4 physician subject to the request will be notified that any attempt to confront, intimidate, or otherwise retaliate against the complainant or any witness is prohibited, constitutes a violation of this Code of Conduct and will result in corrective action.

Human Resources shall conduct an investigation as appropriate in the circumstances which may include interviewing the complainant, any witnesses and the A4 physician who is the subject of the complaint. The A4 physician shall be provided an opportunity to respond in writing to the complaint.

The Executive Committee and Human Resources will make a determination of the validity and seriousness of the request. The Executive Committee shall dismiss any unfounded request if it is not possible to confirm its authenticity or severity of the underlying complaint or concern and will

notify both the person requesting corrective action and the physician who was the subject of the request, of the decision reached.

If the Executive Committee determines the request for corrective action is substantiated, the A4 physician who is the subject of the request will be informed of the Executive Committee's determination.

IV. AVAILABLE CORRECTIVE ACTION

Corrective Action for a violation of this Code of Conduct may include, without limitation, any or all of the following:

- (a) Institution of a probationary period or individual requirements of consultation, training or remediation;
- (b) Reassignment or transfer to a different worksite(s);
- (c) Suspension with or without the requirement that specific conditions be satisfied;
- (d) Written warning or reprimand;
- (e) Imposition of a requirement that the physician undergo fitness for duty evaluation and/or treatment;
- (f) Termination of employment; or
- (g) Other actions appropriate to the facts which prompted the investigation.

V. SUMMARY SUSPENSION

A summary suspension may be considered where the physician's disruptive behavior could interfere with the delivery of safe patient care, or poses a threat to others.

VI. GUIDELINES FOR PROGRESSIVE CORRECTIVE ACTION

Generally corrective action taken against an A4 physician for engaging unprofessional conduct will generally be progressive in nature according to the steps set forth below. However, based upon the seriousness of the conduct and/or the perceived effectiveness of any corrective action, any or all of the steps in these guidelines may be skipped:

1. In the event of an initial incident of inappropriate behavior, the Medical Director/Chair of the Department of Anesthesia shall discuss the matter with the physician, and emphasize that the behavior is inappropriate and must cease. The physician may be required to take remedial measures to reflect an understanding that the behavior at issue was inappropriate and may include an apology and a written acknowledgment that the behavior will cease.
2. Further isolated incidents of inappropriate behavior that do not constitute persistent, repeated inappropriate behavior may be handled by probation, and

- additionally providing the physician with notification of each incident, and a warning that the physician must comply with this Code of Conduct.
3. If the Executive Committee determines the physician has demonstrated persistent, repeated inappropriate behavior, or has engaged in disruptive behavior on the first offense, a final written warning will be presented to the physicians, and, as appropriate, a remediation action plan developed by the Executive Committee and Human Resources. However a single incident of disruptive behavior depending upon the seriousness can result in suspension or termination.
 4. If after the issuance of a "final warning" the disruptive behavior recurs, the physician shall be subject to suspension or termination.

VII. NON-RETALIATION FOR MAKING A COMPLAINT, REQUESTING CORRECTIVE ACTION OR PARTICIPATING IN AN INVESTIGATION

Threats or actions directed against the complainant, the individual requesting corrective action or any persons who participate in an investigation pursuant to this Code of Conduct by a physician who is the subject of a complaint or request for corrective action, will not be tolerated under any circumstance and may be grounds for termination.

I hereby acknowledge that I have received, read and understand the Anesthesia Associates of Ann Arbor Physician Code of Conduct.

Employee's Signature

Date