



Governor Brian Schweitzer

Montana

Department of Labor and Industry

Business Standards Division

STATEMENT OF PROTOCOL FOR ADDRESSING DISRUPTIVE PHYSICIAN BEHAVIOR

The Montana Board of Medical Examiners has been asked to establish protocols for addressing disruptive physician behavior. Disruptive behavior is defined as a **chronic pattern** of contentious, threatening, intractable, litigious behavior that deviates significantly from the peer group norm. This is behavior, which directly or indirectly interferes with the efficient functioning of the health care staff and institution.

The Montana Board recognizes disruptive behavior as a form of impairment, which manifests as inappropriate behavior on the part of the physician. Such behavior includes, but is not limited to: intimidation, abusive language, demeaning of staff; threats of violence, retribution or litigation; the placement of blame on others for adverse outcomes; sexual harassment, aggressive or assailing behavior; racial, ethnic or socioeconomic slurs; or lack of regard for the personal comfort and dignity of others.

This behavior also encompasses unprofessional demeanor or conduct, including inappropriate communications or responses to patient needs or staff requests (i.e., responses which are uncooperative, defiant, rigid or inflexible, unreliable, arrogant, disrespectful, irrational, adversarial, or inadequate in terms of quantity, quality and promptness).

In accordance with the recommendation of the Special Committee on Professional Conduct and Ethics, Federation of State Medical Boards, the Montana Board proposes to amend the Administrative Rules of Montana to include disruptive behavior as unprofessional conduct prohibited by the Medical Practice Act, constituting grounds for disciplinary action.

In the interim, the Board will investigate complaints of disruptive behavior pursuant to 24.156.625(v), Administrative Rules of Montana, prohibiting "any other act, whether specifically enumerated or not, that in fact constitutes unprofessional conduct," or other appropriate provision(s) of the Medical Practice Act. The Board will determine if the complaint involves an isolated incident or indicates a behavioral **pattern** consistent with the definition of disruptive physician behavior.

Physicians who are identified as displaying a **pattern** of disruptive behavior may be referred for professional evaluation, counseling or treatment acceptable to the Board. Thereafter, the Board will monitor and evaluate treatment for such physicians to ensure their fitness to practice, including utilization of after-care contracts with the Montana Professional Assistance Program to ensure compliance with recommended corrective actions.

Finally, the Board encourages all health care entities and organizations in the State of Montana to establish and observe policies and procedures for addressing disruptive physician behavior.

The Montana Board of Medical Examiners
September 21, 2001