



TMF
TENNESSEE MEDICAL
FOUNDATION

PHYSICIAN'S HEALTH

SPRING 2021

A Publication of the Physician's Health Program
of the Tennessee Medical Foundation



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TNPSQ MENTAL HEALTH SCREENING USE THREE TIMES HIGHER THAN EXPECTED

Year 1 Data Shows Donor-Funded Resource Making an Impact

The TMF's anonymous online mental health screening tool for Tennessee health professionals, launched just before the pandemic last year, saw triple the activity expected during its first full year. TMF officials said they believe the higher usage was likely driven by stress related to the COVID crisis.

"We initially expected about 75 health professionals to engage with the screening tool in its first year; we actually had 238 Tennessee health professionals access the site from February 2020 to February 2021," said TMF Medical Director Dr. Michael Baron.

The Tennessee Professional Screening

Questionnaire (TNPSQ) is part of an effort to address rising mental and behavioral health referrals to the TMF. It screens for mental health conditions from anxiety and burnout to suicidal thoughts or intent.



First-Year Data

Data from February 3, 2020-February 2, 2021 shows that of 238 screeners, 74 percent logged back in to review the counselor's response; of those, 35 percent opted to dialogue anonymously with the counselor and 68 percent of those requested an appointment or referral. Most of the screeners mentioned COVID as a stressor at work, at home, or both.

(Continued on page 3)

"MINDFULNESS TECHNIQUES" FOCUS FOR 2021 CADUCEUS RETREAT

Registration is now open for the 2021 Caduceus Retreat, titled, "Mindfulness Techniques for Anxiety and Relapse Prevention." Our featured expert is Katie Hirst, MD, a sought-after speaker on addiction and psychologically-informed mindfulness.

TMF's 34th retreat is scheduled for Friday, June 11-Sunday, June 13, at the Franklin Marriott Cool Springs in Franklin, TN. Details and sign-up information are on the TMF Caduceus Retreat web page at e-tmf.org/2021-caduceus-retreat.

Our Speaker

Dr. Katie Hirst works with BOLD Health, a physician-owned and-operated mental health treatment center in Southern California. Trained in family medicine



Dr. Katie Hirst

and psychiatry at University of California-San Diego's Combined Residency Program, she founded the UCSD Maternal Mental Health Clinic during her third year of training. While on faculty in three departments at UCSD School of Medicine, Dr. Hirst gave local and international talks, wrote a teaching curriculum, published articles and chapters, supervised numerous trainees, and developed the first

(Continued on page 3)



MEDICAL DIRECTOR'S MESSAGE

PHYSICIAN SEXUAL MISCONDUCT: A FAST, SURE WAY TO LOSE YOUR LICENSE

BY MICHAEL BARON, MD, MPH

Physician sexual misconduct has made national news recently due to horrific events involving physicians in Michigan and California. Health Regulatory Boards will impart severe punitive actions for this type of ethical violation. The physician I'm referring to in Michigan not only lost his medical license but was also criminally convicted and will spend the remainder of his life in prison.

As outlined in the Hippocratic Oath, the fundamental relationship in health care is between the patient and the physician. This relationship fosters the therapeutic alliance; it is the keystone to quality care, the healing process, and optimal clinical outcomes. It takes experience, empathy, effort, and time to develop a therapeutic alliance with a patient; its nature and appearance will vary greatly depending on the physician's specialty and the patient's disease process. The therapeutic alliance promotes optimal outcomes; by contrast, a sexual boundary violation devastates clinical outcomes and is emotionally harmful and traumatic to the patient.

A boundary violation occurs any time the physician-patient relationship becomes about anything other than patient welfare; in many cases a physician misuses their power to exploit the patient for tangible or intangible benefit or gain. It is appropriate for a physician to be paid their usual and customary fee for their professional services; it is inappropriate for the physician to receive sexual gratification in any form for their professional services or for any other reason.

Disparity of Power

Inherent in the physician-patient relationship is a disparity of power. The physician holds most, if not all the power: they make the diagnosis, develop the treatment plan, write the prescriptions, and designate follow-up appointments -- in essence, controlling the patient. When that disparity of power is used for sexual gratification, it is called physician sexual misconduct. Physician sexual misconduct exploits the physician-patient relationship and can happen irrespective of gender. Sexual behavior between a physician and a patient is never diagnostic, therapeutic, or consensual, because of the disparity of power. This behavior may be verbal, physical, or emotional, can occur in person or virtually, and may include expressions of thoughts and feelings, or gestures that are of a sexual nature or may reasonably be construed as sexual.¹

This misconduct sometimes begins with the act of "grooming." Grooming may include such behaviors as spending extra time with the patient, moving appointments to a time when there may be less staff or moving them offsite, or sharing personal or protected health information of another patient. In and of itself, grooming may not constitute physician sexual misconduct but is a precursor to other behaviors that will qualify. Grooming is meant to gain a patient's acquiescence to subsequent behavior that is more sexual in nature, such as inappropriate or improper gestures or language that are seductive, sexually suggestive, or sexually demeaning. Physician sexual misconduct can also

"Into whatever homes I go, I will enter them for the benefit of the sick, avoiding any voluntary act of impropriety or corruption, including the seduction of women or men, whether they are free or slaves."

—The Hippocratic Oath

take place via social media, by phone, and through texting, sometime referred to as sexting.

At times the sexual behavior is completely initiated by the patient; in this scenario, the motive is usually to transform the disparity of power to get the upper hand. The patient grooms the physician for the sexual relationship and once consummated, the patient demands controlled substances under the threat of a medical board complaint. Demands for controlled medications increase and when the physician finally refuses, the patient reports them to the health regulatory board. The physician then has to account for all controlled substance prescriptions written to the patient and anyone else they demanded prescriptions for. The duped physician will have expensive legal problems to deal with as the Board of Medical Examiners and the DEA take aim. The bottom line is the physician is always held responsible for their conduct, no matter who initiated the sexual contact.

Continuum of Misconduct

The continuum of physician sexual misconduct is long – at one end is the predatory physician (or patient) we have discussed; at the other end is the "lovesick doc" who innocently falls in love with a patient. This, too, can have nasty consequences. We were referred a physician by the Board of Medical Examiners who had fallen in love with her patient. At the time, she was married but going through an adversarial divorce; the patient was recently divorced. Before their marriage but long after they consummated their relationship, she discharged and referred the patient to another physician in her practice. The physician's soon-to-be ex-husband filed a complaint and the medical board took action on her license with a Reprimand, a milder action but with consequences: a reprimand is reported to the National Practitioner Data Bank. Her Board certification was revoked for an ethics breach; as a result, she was dropped by insurance companies. To avoid impropriety and resultant punitive actions, she should have transferred the patient's care to another physician prior to engaging in a romantic relationship.

The American Medical Association (AMA) considers a sexual relationship between a treating physician and a patient to be unethical, regardless of specialty. That includes a physician treating their own spouse. If a physician wants to pursue a romantic relationship with a patient, they should first discharge the patient and document that in the chart. The American Psychiatric Association (APA) guidelines on

(Continued on page 4)

PHYSICIAN'S HEALTH

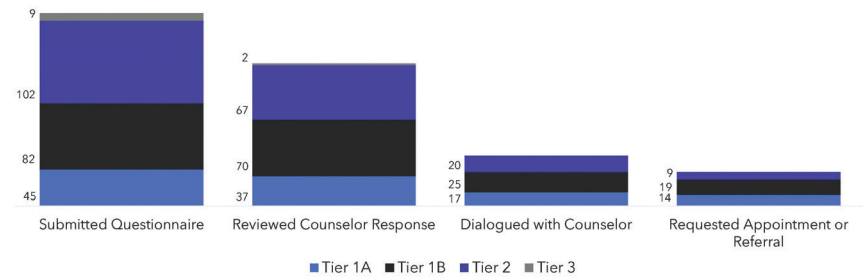
TNPSQ MENTAL HEALTH SCREENING *Continued from Page 1*

Another important result: 84 percent of screeners were not already in therapy or treatment. Dr. Baron said this confirms the tool is reaching its target population: health professionals who are not already receiving help, and who likely would not contact the TMF on their own.

Donor Support

"This new resource is available largely due to our donors and organizational funders," said Executive Director Jennifer Rainwater, adding, "We encourage our donors and PHP participants to check out this tool and share it with their colleagues in practice or in training."

Participant Distress Levels and Program Engagement



Tier 1A: High distress with suicidal thoughts, plans, behaviors; Tier 1B: High distress with no suicidal thoughts, plans, behaviors; Tier 2: Moderate distress; Tier 3: No distress.



Access the TNPSQ at tn.providerwellness.org or e-tmf.org/tnpsq. 🌱

CADUCEUS RETREAT *Continued from Page 1*

Maternal Mental Health Intensive Outpatient Program in the Southwestern U.S.

In 2013, Dr. Hirst left academic medicine to seek treatment for opioid use disorder, which she developed following the births of her daughters. Prior to returning to work in late 2015, Dr. Hirst developed a personal mindfulness meditation practice, taking classes and completing a teacher training. Dr. Hirst incorporates this mindfulness practice and her training in Intensive Short-Term Dynamic Psychotherapy (ISTDP) while caring for patients with substance use disorders, women with perinatal mental illness, and patients with significant anxiety and depressive symptoms. She practices psychiatry and teaches mindfulness meditation at BOLD health. Learn more: www.boldhealthinc.com/katie-hirst.

Register & Book Your Room By May 15

Registration for the 2021 Retreat is \$110.00 per person. May 15 is the registration deadline. Attendees can register and pay online, or download a PDF form and mail registration in with payment. To register, visit the Caduceus Retreat web page at e-tmf.org/2021-caduceus-retreat.

Rooms at the Franklin Marriott Cool Springs are available at a special TMF rate of \$149.00 per person, per night, plus tax; the deadline to access the TMF rate is May 15 and the room block is limited, so early reservations are encouraged. Reservations can be made via the TMF Retreat web page or by calling the Franklin Marriott Cool Springs directly at 615-261-6100; to receive the special rate please mention you are with the TMF Caduceus Retreat.

2021 CADUCEUS RETREAT

REGISTER NOW!

JUNE 11-13
FRANKLIN MARRIOTT COOL SPRINGS
FRANKLIN, TN

Register & Rooms by May 15
e-tmf.org/2021-caduceus-retreat

Attendance Required for PHP Participants

The Caduceus Retreat is required attendance for current participants in the Physician's Health Program; graduates are encouraged to attend to continue learning and growing in recovery, and to connect with and support colleagues who are just beginning their recovery journey. 🌱

QUESTIONS? For more information, visit e-tmf.org/2020-caduceus-retreat or contact Jennifer Rainwater at 615-467-6411 or jenniferr@e-tmf.org.



PRESIDENT'S MESSAGE

BRIGHTER DAYS AHEAD FOR 2021

BY TIMOTHY P. DAVIS, MD, FAAP

Thank God 2020 is over and brighter days are on the horizon — 2021 has got to be better.

This whole pandemic has thrown us all for a loop. Like everyone else, I've been going to a lot of Zoom meetings. There are a few here in Chattanooga that are meeting in person with social distancing and masking. There are a few, of course, who refuse to mask and distance but I just vote with my feet and leave.

Staying on top of our recovery is important right now. I've been reading that the number of overdose deaths has increased by a large percentage in all parts of the country and that doesn't surprise me. All the more reason to seek help if needed and attend as many meetings as possible, either online or in person.

We are still doing Caduceus in Chattanooga by Zoom and have had very good attendance. Our members who live a fair distance away are grateful they don't have to make

that long drive every Tuesday. I, for one, will be glad when we can be in the same room together safely.

I hope that you are all well and staying safe. You know that you can call on the TMF any time you need help or if you just want to touch base. Oh, and by the way, get your COVID vaccine as soon as possible. I've had both my doses of the Pfizer vaccine and the only side effect I had was a slightly sore arm. The main side effect is you don't get the disease!

Currently I am semi-retired and working anywhere from five to 10 days a month, with the goal of fully retiring at the end of this year. Even though I will not be working as a physician, I will continue to volunteer for the TMF and serve the recovering medical community as best I can.

I am grateful for you all and you are all on my prayer list. Thank you for the opportunity to be of service. 🙏

REMEMBERING DR. LEWIS



The TMF is mourning the loss of Thomas C. Lewis, MD, of Nashville, who died on January 23, 2021.

Dr. Lewis served on the TMF Board of Directors from June 2014 until his death, and was also a member of the TMF Physicians Health Quality Improvement Committee from 2015-2021.

Dr. Lewis joined the TMF Board at the invitation of the late Roland Gray, MD, who was

TMF medical director at the time. "I was overwhelmed," Dr. Lewis said then, adding he joined to give back to the organization he was grateful to for assisting in his recovery.

His early years were spent in Virginia and North Carolina as the son of a minister; after graduating from the University of Wisconsin he joined the U.S. Army as a medical corpsman, serving in Vietnam in 1966-68. He obtained his medical degree from the University of Virginia, and went on to an internal medicine residency and four years as a faculty member at Medical College of Virginia.

In 1984, Dr. Lewis came to Vanderbilt University for an anesthesiology residency and stayed on as an assistant professor in the Department of Anesthesiology, co-authoring many medical publications. He served in the TN Army National Guard from 1988-1992, ending his military career as a Lieutenant Colonel, U.S. Army Medical Corps, Inactive Reserve. He retired from Vanderbilt in 2007 and spent his remaining years restoring an old farmhouse and working 50 acres of land near Columbia, TN.

Tom, as he was known to friends, was very proud of overcoming his addiction to alcohol and remained sober for 28 years. Survivors include his wife of more than 29 years, Ester Ann P. Lewis, brothers John (Toni) Lewis and Charles (Jeanne) Lewis, brother-in-law Joe T. Pugh, several cousins, nieces and nephews and dearly loved fur babies Zippy, Frisky and Prissy. 🙏

MEDICAL DIRECTOR'S MESSAGE *Continued from Page 2*

medical ethics are more rigid and explicitly state, "Sexual activity with a current or former patient is unethical — once a patient always a patient." Which means, for psychiatrists, romantic and sexual relationships with any patient, past or present, are never permitted.

Physician sexual misconduct not only violates the physician-patient relationship and destroys the therapeutic alliance, it also causes traumatic and emotional harm to the patient. This kind of boundary violation is a fast and sure way to have your medical license revoked. 🙏

Share your thoughts with Dr. Baron at michaelb@e-tmf.org.

1. Physician Sexual Misconduct: Report and Recommendations of the FSMB Workgroup on Physician Sexual Misconduct. Adopted as policy by the Federation of State Medical Boards, May 2020. (Disclosure: Dr. Baron was on the FSMB committee that wrote this policy).

MEET THE BOARD

DRS. ALI, BERG & ROTHROCK, MR. RATLIFF

The TMF is pleased to announce four new members are joining its Board of Directors.

"All four of these individuals are outstanding additions to our leadership," said Executive Director Jennifer Rainwater. "These individuals bring a wealth of experience and expertise in their fields and will be tremendous assets as we continue to assist health professionals fighting addiction, mental or emotional illness, behavioral problems, burnout, and more," she added.



Dr. Ali

As a former chair of the Tennessee Board of Medical Examiners, **Subhi D. Ali, MD, FACS, FICS**, has long experience working with the TMF to assist struggling physicians. Dr. Ali is a Fellow of the Federation of State Medical Boards (FSMB); treasurer and chair of the Finance Committee of The Physicians Foundation; former president of the Tennessee Medical Association and the Tennessee Medical Education Fund; and chair of the Jerusalem Fund for Education & Community Development. A retired Tennessee Army Brigadier General, he served as the surgeon general and president of The State Guard Association of the United States. A graduate of Howard University Medical School, Dr. Ali is president and treasurer of Howard's LaSalle D. Leffall Surgery Foundation. He currently serves as chief of surgery and vice chief of staff at Three Rivers Hospital in Waverly, TN.



Dr. Berg

Eric W. Berg, III, MD, FCAP, FASCP, is a graduate of the TMF Physician's Health Program. "I'm pleased to join the leadership of the organization that changed my life. It's the next level of 12th step work for me," he said. Dr. Berg serves as chief of Anatomic Pathology Service at Blanchfield Army Community Hospital at Fort Campbell, KY, and is a retired colonel in the U.S. Army Medical Corps. As a regional medical examiner for the Armed Forces Medical Examiner System, he participated in identification and autopsy examination of those killed in the September 11, 2001 Pentagon attack, the Space Shuttle Columbia explosion, Operation Iraqi Freedom, Operation Enduring Freedom, and other national and international crisis and terrorist events. Dr. Berg is a graduate of Mercer University School of Medicine in GA. He and his wife Elaine live in Clarksville, TN.

As a former executive director and volunteer with the Tennessee Lawyer Assistance Program (TLAP), **Randall A. Ratliff, JD, Esq.**, knows the importance of specialized recovery assistance for licensed professionals. "Now



Mr. Ratliff

on elder law, estate and family succession planning, civil litigation, and small business law.



Dr. Rothrock

Perry C. Rothrock, III, MD, of Memphis, is another alumni of the TMF-PHP who said he is honored to join the TMF Board. "I have personally seen that by their extraordinary effort over many years, they have provided Tennessee some of the top recovery statistics in the country and in fact is the model many other states have chosen for the programs in their state," he said. Dr. Rothrock earned his medical degree at the University of Arkansas for Medical Sciences College of Medicine and currently has a solo family practice, and has experience as a physician for the U.S. Marshal Witness Protection Program. He has served as a delegate to the American Academy of Family Physicians, an officer of the Memphis chapter of the Tennessee Academy of Family Physicians, and is a former member of the IMPACT Committee of the Tennessee Medical Association.

We are grateful to our new board members for their service! 🙏

TMF: BY THE NUMBERS

Current Contracts.....	225
2020 Identifications.....	112
2020 New Contracts.....	34
2020 Graduations	49
Graduates Under Voluntary Monitoring.....	8

DONOR ACKNOWLEDGEMENTS

OUR MAJOR CONTRIBUTORS

The TMF annually enjoys the staunch financial support of the **State Volunteer Mutual Insurance Company (SVMIC)**, the **State of Tennessee Board of Medical Examiners (BME)**, **Board of Osteopathic Examiners (BOE)**, **Committee on Physician Assistants (COPA)**, and the **Tennessee Medical Association (TMA)**. Together they provide approximately 70% of the annual budget for the Physician's Health Program. Without their support, our crucial work of Saving Lives, Saving Careers would not be possible.

We are immensely grateful to them. Below are contributors who provide the rest of our program funding. We thank each and every one of you for the support you give to the mission of **Saving Lives, Saving Careers**.

NOTE: Our acknowledgements are changing to a single annual listing in Physician's Health each Spring, reflecting all gifts received in the prior year.

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Blount Memorial Hospital.....	\$3,000
East Tennessee Children's Hospital.....	\$1,000
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Henry County Medical Center.....	\$1,000
Holston Valley Medical Center-Ballad Health Medical Staff.....	\$1,000
Johnson City Medical Center-Ballad Health Medical Staff.....	\$15,000
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Fred & Gertrude Perlberg Foundation**.....	\$2,000
James H. Tharp Award.....	\$5,000

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Tennessee Chapter-American College of Physicians.....	\$1,000
Tennessee College of Occupational and Environmental Medicine*.....	\$100
Tennessee Radiological Society.....	\$1,000
Tennessee Society of Addiction Medicine.....	\$1,700
Tennessee Society of Anesthesiologists.....	\$2,000
Tennessee Veterinary Medical Association.....	\$2,500
West Tennessee Consolidated Medical Association.....	\$1,000
Wilson County Medical Society.....	\$500

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Memphis IDAA.....	\$256
Nashville Caduceus Group/IDAA.....	\$750

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THANK YOU FOR SUPPORTING YOUR PHYSICIAN'S HEALTH PROGRAM!



EXECUTIVE DIRECTOR'S MESSAGE

WHAT INSPIRES YOU?

BY JENNIFER RAINWATER

Lopez Lomong, in his autobiography, *Running for My Life*, recounts how his kidnapping in Sudan and escape to a refugee

camp in Kenya prepared him to become a U.S. Olympic athlete. The hundreds of boys in the camp who wanted to play soccer had to first run the circumference of the camp every day - 18 miles! Years later, Lopez was relocated to the U.S. In high school he learned about Jesse Owens' victory in the 1936 Olympics and was inspired to become a track and field Olympian himself. His hardship prepared him to follow his inspiration.

We've all heard stories like this. Some are more dramatic than others but they are inspiring because they remind us that our struggles are not in vain. They give us understanding, focus, and direction.

So, what inspires you?

At the TMF, we have the privilege of witnessing inspirational people every day. Our participants constantly inspire us with their recovery journeys, and I know we are not the only people they inspire. They inspire their families, commu-

nities, and fellow participants more than they can imagine. We are also inspired by our many donors who contribute to our mission. You are an important part of making these recovery journeys possible.

That is why I am so excited about our upcoming Caduceus Retreat. We always come away from this event with a renewed sense of our mission and a deep admiration for our participants' perseverance and compassion for others in the recovery community. It is beautiful to see newcomers to our program welcomed by their fellow participants. It is joyous to see lives and careers restored. It is inspiring to see that our program makes a difference in the world.

So, what inspires me? You do. 🌟

Share your thoughts with Ms. Rainwater at jenniferr@e-tmf.org.

OUR NEW PARTNER: THE COMMUNITY FOUNDATION OF MIDDLE TENNESSEE



In 2020, the TMF received a much-needed grant from The Community Foundation of Middle Tennessee. The \$5,000 award is being used to support the Tennessee Professional Screening Questionnaire (TNPSQ) and its goal to

proactively connect struggling health professionals with the help they need, especially during the COVID crisis.

The Community Foundation awarded more than \$2.43 million in grants to 350 nonprofit organizations as part of its 2020 annual grantmaking process, including discretionary grants focused on alleviating the results of the pandemic. Learn more: www.CFMT.org. 🌟

TMF EARNS DONOR TRANSPARENCY AWARD



The TMF has earned a 2021 Platinum Seal of Transparency! GuideStar Seals of Transparency indicate that a nonprofit has provided key information to its GuideStar profile. This recognition shows a commitment to transparency.

Now, everyone can view our financial details and metrics, learn about our organization, and make informed decisions about their support for the Physician's Health Program. Check out our updated nonprofit profile on Candid: www.guidestar.org/profile/62-0541813. 🌟



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PHYSICIAN'S HEALTH

TMF MEDALLION SOCIETY RECOGNIZES SPECIAL COMMITMENT

Every donation to the TMF is deeply appreciated. Yet, special acknowledgement is given to those of you whose contributions exemplify your commitment to TMF mission of *Saving Lives, Saving Careers*. Your leadership is recognized by membership in the **TMF Medallion Society**, honoring individuals who have given \$10,000 or more over a 10-year period. We honor you for your generosity and commitment.

THE MEDALLION SOCIETY: January 2010 – December 2020

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**New in 2020*

Learn more: 615-467-6411 or brendaw@e-tmf.org