



## **Confidential Care to Support Physician Health and Wellness**

### ***Toolkit Part 1: Licensing and Credentialing Applications***

The American Academy of Family Physicians is dedicated to protecting the mental health needs of family physicians. In particular, the AAFP is helping to combat the stigma medical professionals often face when seeking support and necessary treatment. New studies highlight the struggles physicians face with burnout, depression and suicidal thoughts. Data shows that more than 40% of physicians do not seek help for burnout or depression for fear of disclosing it to a state licensing board.<sup>1</sup> Nine percent of physicians said they had thoughts of suicide.<sup>2</sup>

### **COVID-19 Impact on Physicians**

While burnout among health providers was a pervasive public health concern prior to the pandemic, data shows that COVID-19 dramatically exacerbated the problem, particularly among primary care physicians, who experienced the highest rate of death (27%) among health provider specialties during COVID-19.<sup>3</sup> Physician burnout during the pandemic sharply increased, taking a toll on happiness, relationships, career satisfaction and patient care. A January 2022 report showed that 51% of *family physicians* were burned out, and 24% of *all* physicians were clinically depressed (i.e., severe depression lasting some time and not caused by a normal grief event).<sup>4</sup>

### **Disclosures on Licensing or Credentialing Applications**

Many physicians and medical students are reluctant to seek help or counseling for wellness, burnout or related issues because they fear disclosing that fact on licensure or credentialing applications. The fear is warranted, as many states' medical board applications include problematic and potentially illegal disclosure requirements. Specifically, they require physicians to report whether a potential licensee or applicant has ever been diagnosed with a mental illness or substance use disorder or ever sought counseling for a mental illness. The American Medical Association, the Dr. Lorna Breen Heroes' Foundation, the Federation of State Medical Boards, Federation of State Physician Health Programs and The Joint Commission strongly oppose these questions about past diagnosis or treatment.<sup>5</sup>

### **State Advocacy**

Chapters are ideal candidates to help ensure their state's licensing and credentialing applications focus on 'current impairment' rather than stigmatizing language that inappropriately asks about past diagnoses (as recommended by the FSMB). The AMA has identified problematic questions, including the following:

- *"Have you received treatment within the last five years for use of alcohol or a controlled substance, prescription-only drug, or dangerous drug or narcotic or a physical, mental, emotional, or nervous disorder or condition that currently affects your ability to exercise the judgment and skills of a medical professional."*<sup>6</sup> A 'yes' answer requires applicants to submit additional information, including a description of the use, disorder or condition, contact information for treatment providers, medical records and any public or confidential documents. Applicants are warned that *"Failure to properly answer these questions can result in Board disciplinary action, including revocation or denial of license."* (Arizona Medical Board)



- “Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a physical, mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice your profession in a safe, competent, ethical, and professional manner?”<sup>7</sup> (Maryland Board of Physicians)
- “Do you have any physical or mental health condition (including alcohol or substance use) that currently impairs your ability to practice your profession in a competent, ethical, and professional manner?”<sup>8</sup> (Kansas Board of Healing Arts)
- “Are you currently suffering from any condition for which you are not being appropriately treated that impairs your judgment or that would otherwise adversely affect your ability to practice medicine in a competent, ethical and professional manner?”<sup>9</sup> (Texas Medical Board)

WHEN MEDICAL BOARDS DO INCLUDE QUESTIONS PERTAINING TO A PHYSICIAN APPLICANT’S HEALTH, THE FSMB RECOMMENDS “APPLICATION QUESTIONS MUST FOCUS ONLY ON CURRENT IMPAIRMENT AND NOT ON ILLNESS DIAGNOSIS, OR PREVIOUS TREATMENT IN ORDER TO BE COMPLIANT WITH THE AMERICANS WITH DISABILITIES ACT (ADA)”.<sup>10</sup>



A couple of state medical boards recognized problematic questions and recently changed their phrasing to focus on current impairment with the following ‘before’ and ‘after’ examples:

- **Before:** Minnesota required the release of medical records for “*applicants who have a medical condition during the last five years which, if untreated, would be likely to impair their ability to practice with reasonable skill and safety must have their treating physician complete this form.*”<sup>11</sup>
- **After (as of January 1, 2022):** “Do you currently have any condition that is not being appropriately treated which is likely to impair or adversely affect your ability to practice medicine with reasonable skill and safety in a competent, ethical and professional manner?” (Minnesota Board of Medical Practice)
- **Before:** “*During the last 7 years, have you suffered from any physical, psychiatric, or substance use disorder that could impair or require limitations on your functioning as a professional or has resulted in the inability to practice medicine for more than 30 days, or required court-ordered treatment or hospitalization? (If yes, provide treatment history documentation to include diagnosis, treatment regimen, hospitalization, and ongoing treatment/medication to the Board. NOTE: If you are currently enrolled in GAPHP, you may check NO.*”<sup>12</sup>
- **After (as of February 2, 2023):** “Are you currently suffering from any condition for which you are not being appropriately treated that impairs your judgment or that would otherwise adversely affect your ability to practice medicine in a competent, ethical, and professional manner? NOTE: If you are currently enrolled in Georgia PHP, you may answer NO.”<sup>13</sup> (Georgia Composite Medical Board)

## Legislation for Statewide Standards

In 2023, the Virginia General Assembly unanimously approved HB 1573, first-of-its-kind legislation that<sup>14</sup>:

“Directs each health regulatory board within the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment and to include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients? and (ii) Are you able to perform the



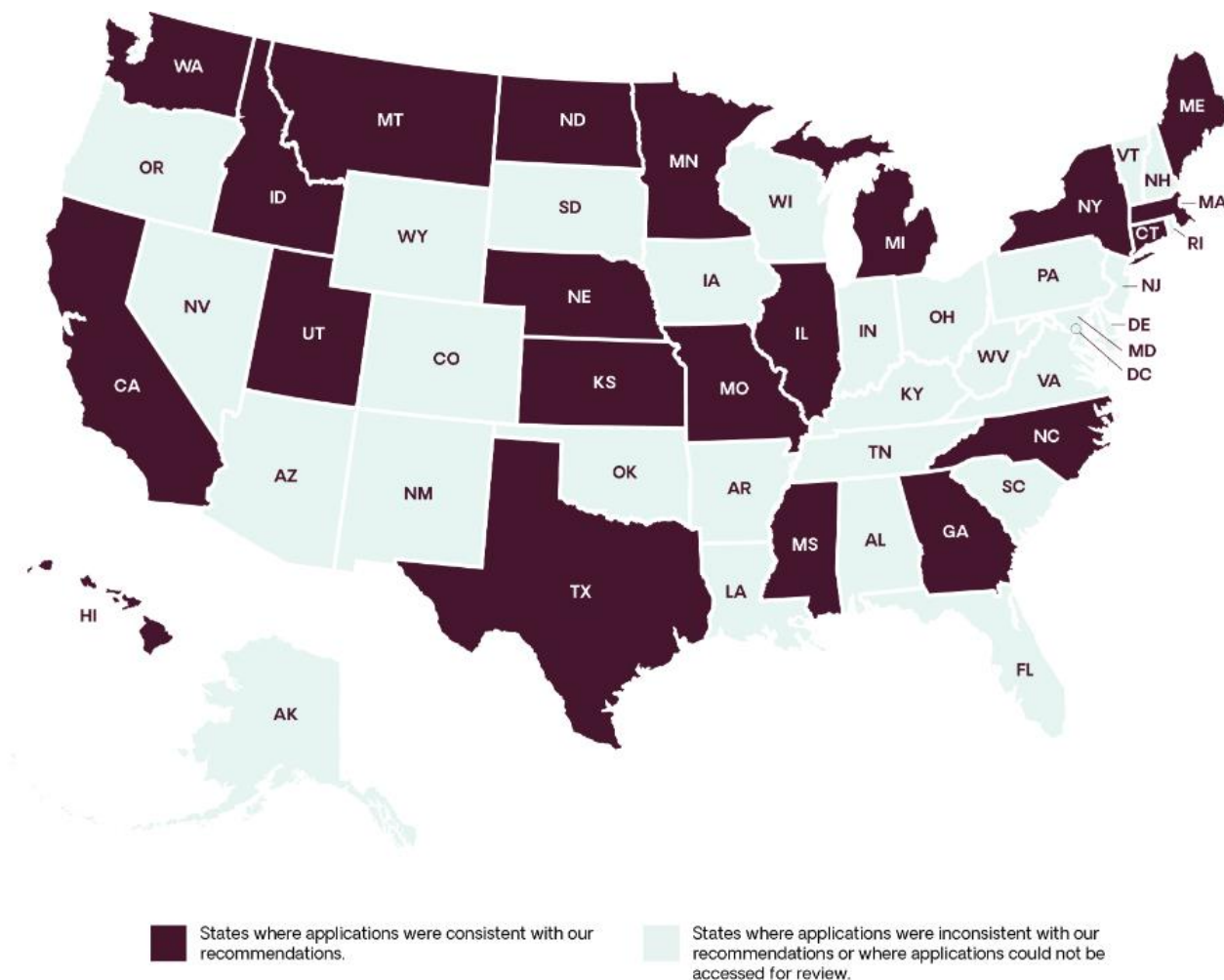
*essential functions of a practitioner in your area of practice with or without reasonable accommodation?”*

### Creating a ‘Safe Haven’ Within the Licensing Application

Other states may also have ‘safe haven’ approaches that provide an alternative to reporting health information on licensure applications. For example, the state of Washington created a safe haven by allowing applicants to answer ‘no’ to questions related to impairment when the applicant is known to the [Washington Physicians Health Program](#).<sup>5</sup>

### State Tracking

The [ALL IN: WellBeing First for Healthcare](#) coalition tracks state medical boards that have reviewed and changed any invasive language on their licensure applications. The map below distinguishes between states where licensing applications are consistent with the coalition’s recommendations (dark color) and those with applications inconsistent with the recommendations or could not be accessed for review (light color).<sup>15</sup>





As of May 1, 2023, 21 states have aligned their applications to:<sup>15</sup>

- Ask one question that is consistent with the FSMB's recommended language to address all mental and physical health conditions as one, with no added explanations, asterisks or fine print; or
- Refrain from probing questions about an applicant's health altogether; or
- Implement an attestation model with supportive language of mental health and offer 'safe haven' non-reporting options to physicians receiving care.

### AAFP Position Paper and Policies

- [Family Physician Burnout, Well-Being, and Professional Satisfaction](#) (AAFP position paper)
- [Learner Access to Mental Health Services](#) (AAFP policy)
- [Medical Learner Safety and Wellness During Pandemic Crisis](#) (AAFP policy)

### Resources

- Letter to Medical Board of California requesting guidance on mental health treatment (California Academy of Family Physician – available upon request)
- [2022 Survey of America's Physicians. Part Two of Three: Understanding the State of Physicians' Wellbeing and Assessing Solutions to Address It](#) (The Physicians Foundation)
- [Remove Intrusive Mental Health Questions from Licensure and Credentialing Applications. A Toolkit to Audit, Change, and Communicate](#) (Dr. Lorna Breen Heroes' Foundation)
- [Addressing Health Worker Burnout. The U.S. Surgeon General's Advisory on Building a Thriving Health Workforce](#) (U.S. Department of Health and Human Services)
- [Joint Commission Statement on Removing Barriers to Mental Health Care for Clinicians and Health Care Staff](#) (The Joint Commission)

### References

1. Dyrbye LN, West CP, Sinsky CA, et al. Medical licensure questions and physician reluctance to seek care for mental health conditions. *Mayo Clin Proc.* 2017;92(10):1486-1493.
2. Yasgur BS. A tragedy of the profession: Medscape Physician Suicide Report 2022. Medscape. Accessed July 14, 2023. <https://www.medscape.com/slideshow/2022-physician-suicide-report-6014970>
3. Gouda D, Singh PM, Gouda P, Goudra B. An overview of health care worker reported deaths during the COVID-19 pandemic. *J Am Board Fam Med.* 2021;34(Suppl):S244-S246.
4. Kane L. Physician Burnout & Depression Report 2022: stress, anxiety, and anger. Accessed July 14, 2023. <https://www.medscape.com/slideshow/2022-lifestyle-burnout-6014664>
5. American Medical Association. ARC Issue Brief: confidential care to support physician health and wellness. Advocacy Resource Center. Accessed July 14, 2023. <https://www.ama-assn.org/system/files/issue-brief-physician-health-wellness.pdf>
6. Arizona Medical Board. MD initial application. Accessed July 14, 2023. [https://azmbfileblob.blob.core.windows.net/azmd/MD\\_202001301440\\_b1c963bbbbb534262af49a2c02a3aee3e.pdf](https://azmbfileblob.blob.core.windows.net/azmd/MD_202001301440_b1c963bbbbb534262af49a2c02a3aee3e.pdf)
7. Maryland Board of Physicians. Application for initial medical licensure. Accessed July 14, 2023. <https://www.mbp.state.md.us/mbpiml/default.aspx>
8. Kansas Board of Healing Arts. Kansas licensure application instructions. Medicine & surgery (MD) and Osteopathic Medicine & Surgery (DO). Accessed July 14, 2023. [http://www.ksbha.org/forms/md\\_do\\_app\\_fillable.pdf](http://www.ksbha.org/forms/md_do_app_fillable.pdf)
9. Texas Medical Board. Physician licensure application. Accessed July 14, 2023. <https://www.tmb.state.tx.us/idl/C265E983-7678-5228-4434-29DF7A1F37EF>
10. Federation of State Medical Boards. Supplemental resource: report and recommendations of the FSMB Workgroup on Physician Wellness and Burnout. *J Med Reg.* 2018;104(2):37.



11. Robeznieks A. Why Minnesota changed key query to promote physician well-being. American Medical Association. Accessed July 14, 2023. <https://www.ama-assn.org/practice-management/physician-health/why-minnesota-changed-key-query-promote-physician-well-being>
12. Georgia Composite Medical Board. Initial physician licensure (graduate of medical school in U.S. or Canada). Accessed July 14, 2023. [https://medicalboard.georgia.gov/sites/medicalboard.georgia.gov/files/Mailed%20application%20packet%2C%201104-1020\\_0.pdf](https://medicalboard.georgia.gov/sites/medicalboard.georgia.gov/files/Mailed%20application%20packet%2C%201104-1020_0.pdf)
13. Georgia Composite Medical Board. GCMB updates mental health question on licensure applications. Accessed July 14, 2023. <https://medicalboard.georgia.gov/press-releases/2023-02-02/gcmb-updates-mental-health-question-licensure-applications>
14. Federation of State Medical Boards. Supplemental resource: report and recommendations of the FSMB Workgroup on Physician Wellness and Burnout. *J Med Reg.* 2018;104(2):37.
15. Dr. Lorna Breen Heroes' Foundation. Remove intrusive mental health questions from licensure and credentialing applications. Accessed July 14, 2023. <https://drlornabreen.org/removebarriers/>