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**Medical Commission**

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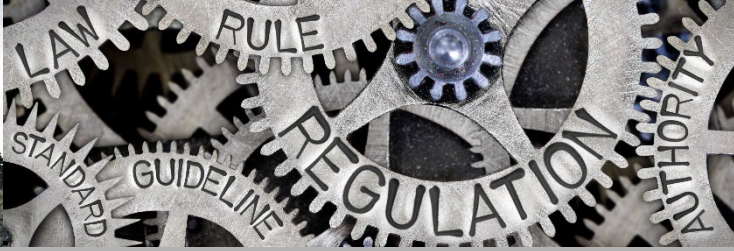
# Coffee with the Commission: Personal Data Questions

**March 21, 2023**

**Marisa Courtney - WMC Licensing Manager**

**Chris Bundy, MD, MPH - WPHP Executive Medical Director**

**Pam Kohlmeier, MD, JD, FACEP - WMC Staff Attorney**



# Changes to the Application

Marisa Courtney



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# Personal Data Questions

- All applicants must answer the same personal data questions that are listed in the Initial and Reactivation Applications for licensure in WA.
- They are focused on the providers fitness to practice the essential skills of their profession. The questions range from substance use to malpractice suits to board action in another state or health care entity.
- The applicant must provide the Commission with “Yes or No” answers to each question. If they mark “Yes”, the applicant is responsible for providing us with a written explanation and depending on the question, also submit documentation related to the incident.



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# Changes to the PDQs Over the Years

- The Medical Commission is continuously reviewing and updating our application questions to not only make sure they are easy to interpret but to make sure they are relevant to the answers we are looking for from our applicants.
- Over the last five years, the Commission has updated the personal data question section three times:
  - Originally in 2012, there were 15 questions in the applications.
  - In 2018, the Commission revised the questions by removing questions regarding paraphilic disorders and combining questions related to board action. This dropped the number of questions down to 13.
  - In 2020, the Commission reviewed the application again and combined another set of questions related to malpractice which reduced the number to 12.
  - In 2022, the Commission partnered with the Washington Physician Health Program (WPHP) and Dr. Bundy to completely revamp our questions again to make sure we had a clear message, provided questions that were easy to understand and provided a 'Save Haven' statement to encourage our applicants to utilize if they have any personal medical conditions. With this new version, the personal data questions are now standing at a number of nine questions total.



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# 'Safe Haven' Attestation

## 2. Personal Data Questions

Yes No

Please Note:

The commission does not inquire about personal medical conditions unless notified that they represent a limitation or impairment to safe medical practice.

"Medical Condition" includes social, behavioral, physical, physiological, and psychological conditions or disorders. the Medical Commission does inquire about substance use of applicants. If you have a medical condition or substance use disorder that may limit or impair your ability to practice medicine safely, it is your responsibility to contact the Washington Physician Health Program (WPHP) for an assessment: 800-552-7236. If the behavior or condition is "Known to WPHP", that means you have informed WPHP of your medical condition(s) and you are complying with all WPHP requirements for evaluation, treatment, and/or monitoring - if any. The WMC considers this a safe haven in the application process.

### Acknowledement and Agreement

By submitting this application, you acknowledge and agree to the following:

If the Commission has information that you may be suffering from a condition for which you are not being appropriately treated that impairs your judgement or would adversely affect your ability to practice medicine in a competent, ethical, and professional manner, the Commission may request that you undergo an evaluation with the WPHP or obtain other health examinations at your expense. By submitting this application, you consent to such examination(s). You also agree the full and complete examination report(s) may be provided to the Commission, which is the regulatory authority of the license. You waive all claims based on confidentiality or privileged communication. You understand that failure to submit to a required examination(s) or provide the requested report(s) to the Commission may be grounds for denying your application.



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# WPHP Involvement and 'Safe Haven'

Chris Bundy,



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# WHEATIES

THE BREAKFAST OF CHAMPIONS



**How fit are you?**

see back panel for tips and advice

TOASTED WHOLE WHEAT FLAKES ©

NET WT 12 OZ (340g)



1/3 health professionals will have an impairing health condition during career  
1-2% per year are impaired

Leape, L. and Fromson, J. Ann Int Med. 2006; 144: 107-115.



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# WPHP: History

- **1972:** JAMA publishes seminal article “The Sick Physician”
- **1974:** WSMA creates Committee on Personal Problems of Physicians
- **1987:** WSMA lobbies legislature for surcharge funding support and appointed an independent Board → Washington Monitored Treatment Program
- **1993:** WMTP becomes WPHP
  - Physician-led, independent, non-profit 501(c)(3) organization
  - Funded by license surcharges through DOH contract
  - Governed by Board of Directors approved by WSMA



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# WPHP Model

- Voluntary, **confidential**, alternative to discipline
- Accountability and chronic care management are the foundations of safety and advocacy
- Report unsafe professionals to disciplinary authority



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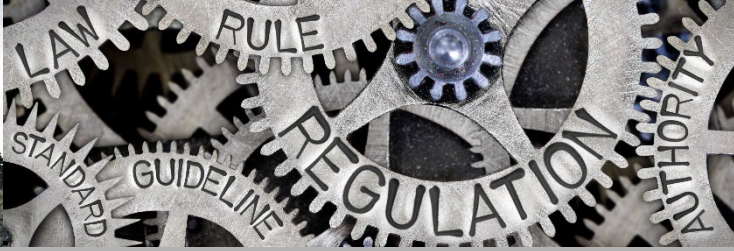


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5.5 % of cases in development

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2.9% of monitoring participants

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86.5% of WPHP participants are voluntary/unknown to disciplining authority

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# WPHP reports to licensing board 2022



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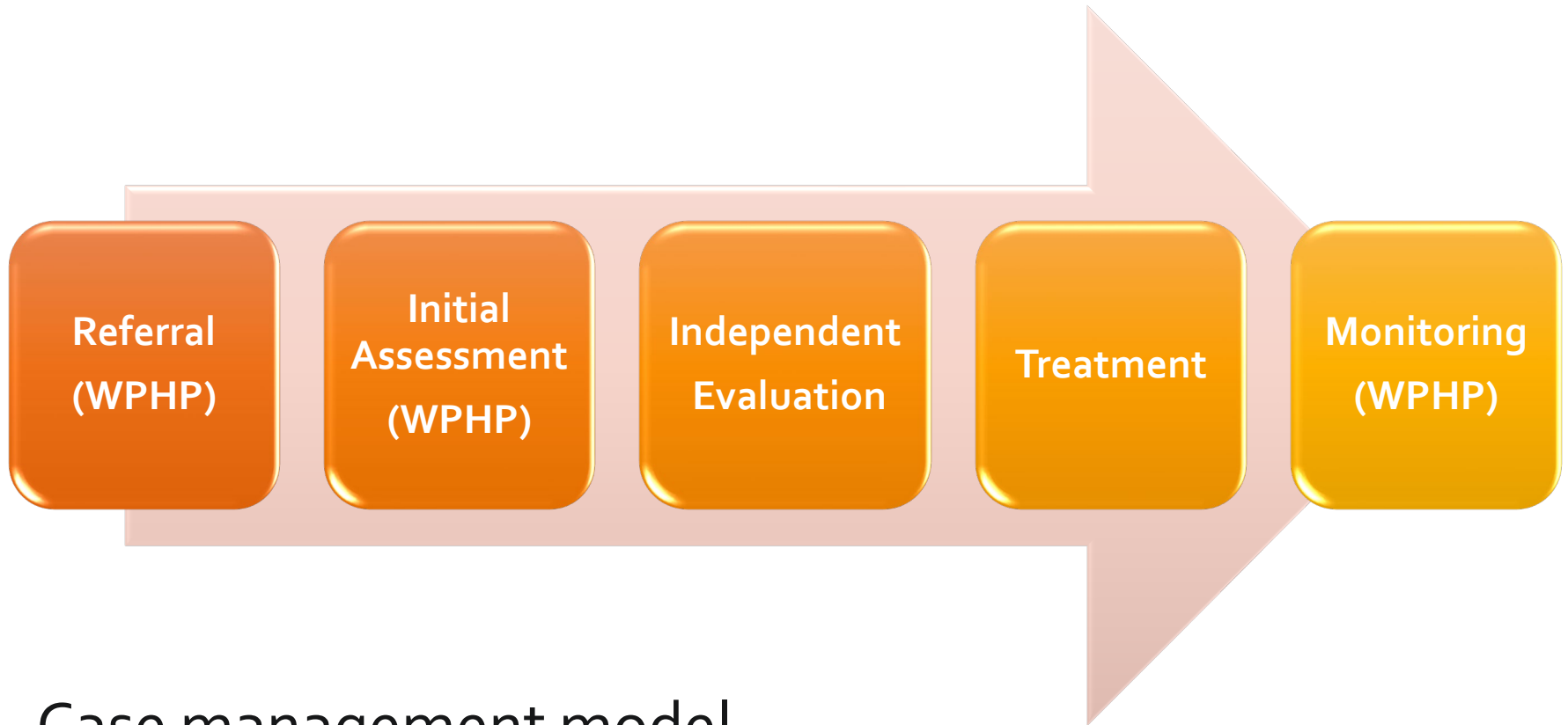
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# WPHP: Process



- Case management model



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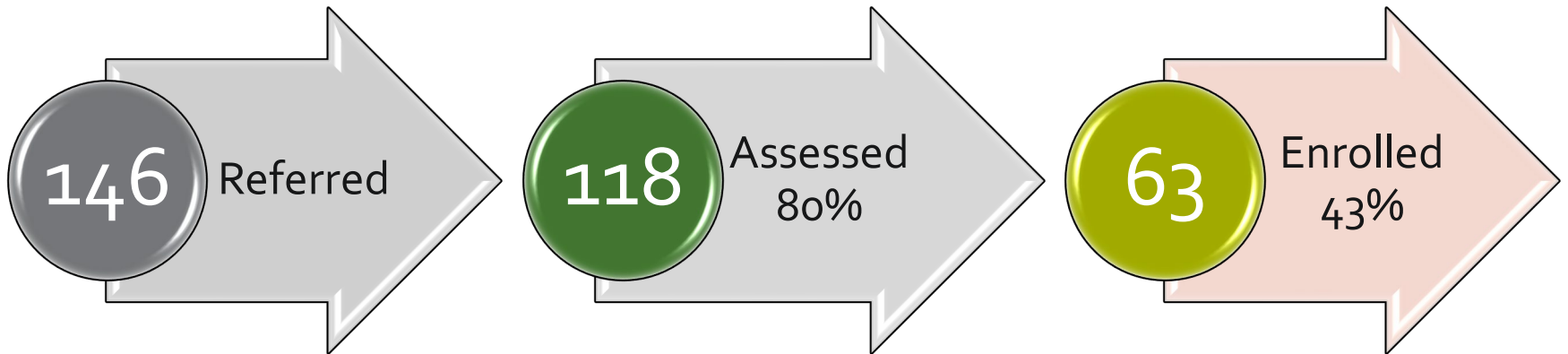


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# Most referrals are cleared....



...help is offered, concerns are put to rest 60% of referrals are for **non-SUD** concerns



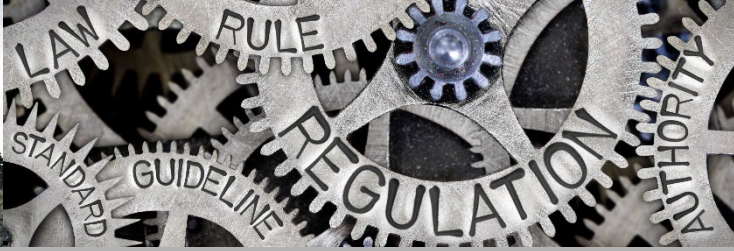
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# Safe Haven Non-Reporting

- WPHP is considered by WMC to be a safe-haven in the licensure application/renewal process
- WPHP participation alone is never the basis for adverse licensing or disciplinary action
- Involvement with WPHP reassures the WMC that you are safe to practice
- Endorsement by WPHP can resolve impairment-related licensing concerns without intrusive regulatory inquiry into protected health information



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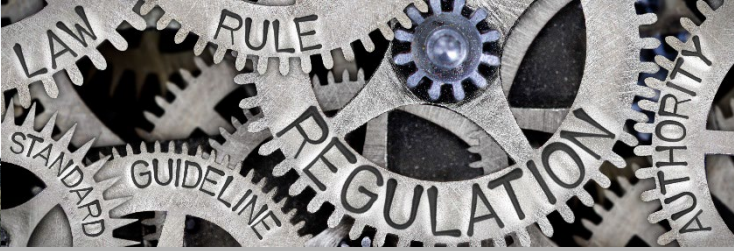


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# DO NO HARM

Dr. Pam Kohlmeier



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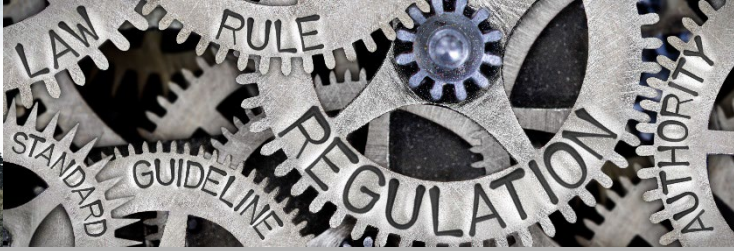
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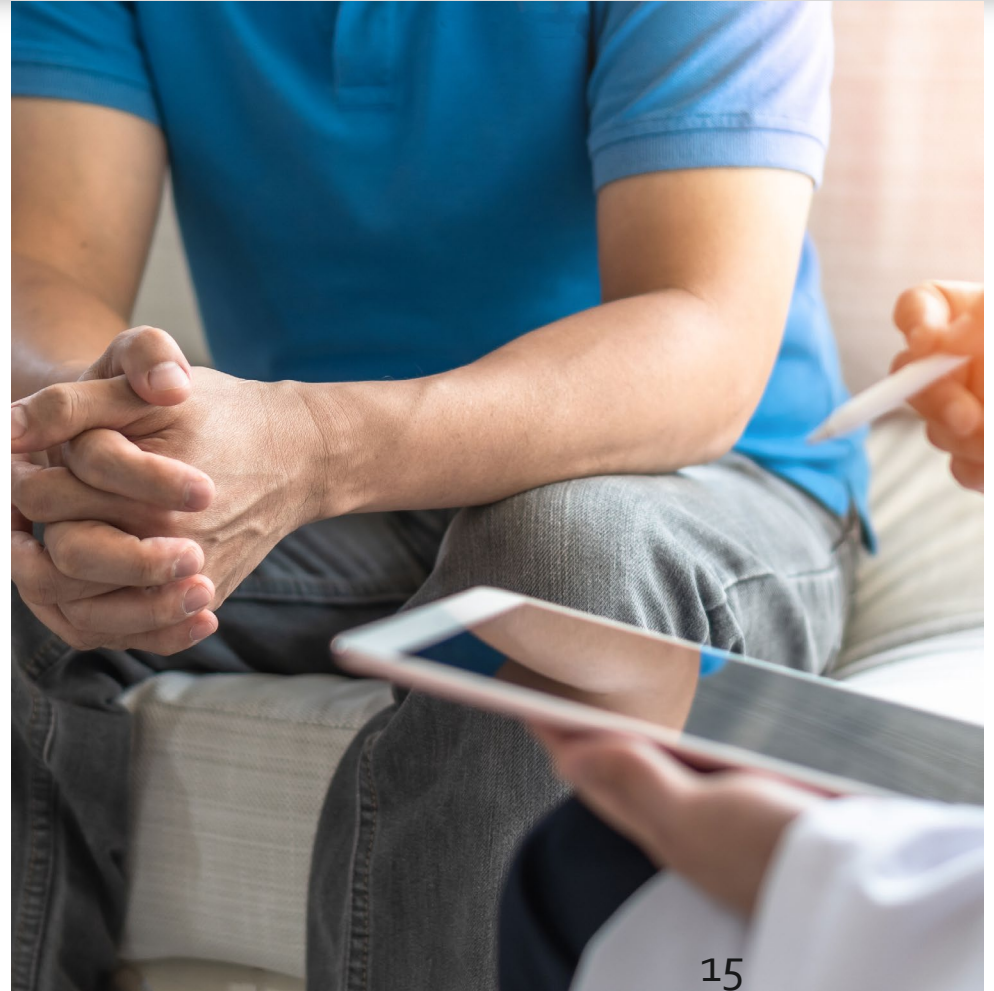
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## Reducing stigma

The Washington Medical Commission has joined 18 other state medical boards in helping to reduce stigma and to promote provider well-being by updating how our licensure application addresses provider medical conditions and substance use.



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"I write to encourage the Department of Justice to extend its investigations of offenses under the **American Disabilities Act (ADA)** to include the practices of state medical license boards.

Many of these **boards** ask physicians about their mental health and substance use or addiction history, beyond what is necessary to fulfill the purpose of screening physicians for current, debilitating cases of mental illness and substance use or abuse.

These questions both **discourage** many applicants and licensed physicians from receiving care that they need, and they violate Title II of the ADA, which forbids public entities from discriminating against qualified individuals on the basis of disabilities, including mental health conditions."



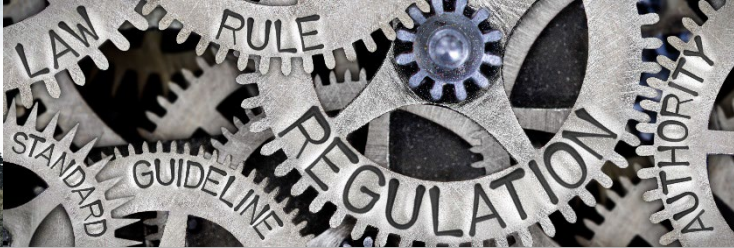
Sen. Cory Booker

Sen. Ron Wyden

Sen. Jeff Merkley







# Americans with Disability Act (ADA)

According to the ADA.gov website, a person with a **disability** is someone who:

- ✓ Has a physical or mental impairment that substantially limits one or more major life activities,
- ✓ Has a history or record of such an impairment, or
- ✓ Is perceived by others as having such an impairment.



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## Reducing Stigma

How may updating licensure questions be beneficial to providers and to the public?





# Dr. Lorna Breen Heroes' Foundation

**400**

physicians die by suicide each year.

**2X**

physicians and nurses die by suicide at 2x the rate of the general population.

**200%**

burnout has been shown to cause a 200% increase risk in medical errors.

**62%**

of nurses and 42% of doctors are feeling burned out while battling COVID-19.

**Bottom Line: Seeking help for burnout, mental health, and other health conditions, helps providers and the patients they treat.**



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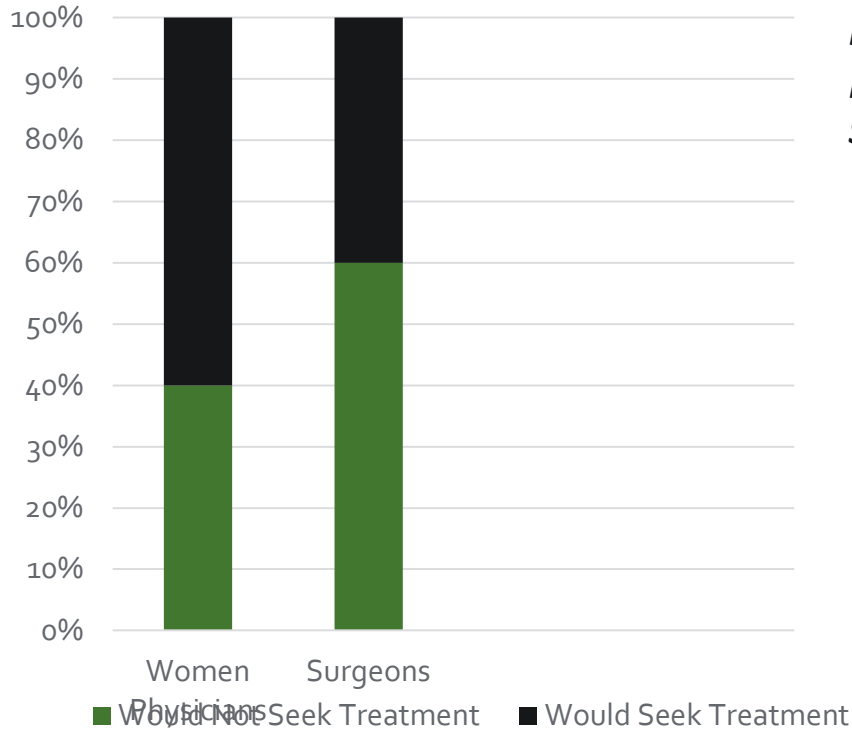


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# The numbers

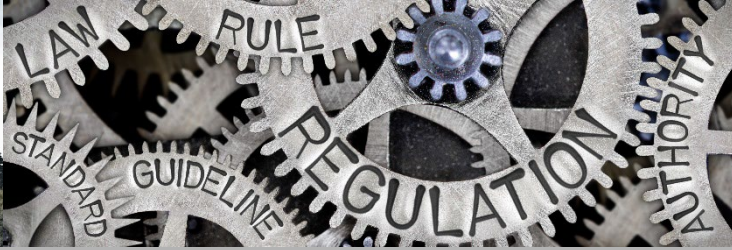


## *FSMB Policy on Physician Illness and Impairment: Towards a Model that Optimizes Patient Safety and Physician Health*

- Cited to a survey that found **44% of women physician** respondents who did NOT seek help for their mental health difficulties listed licensure questions as a reason why.
- Also cited to another study which noted that of **surgeons** who experienced suicidal thoughts over the previous year, **60%** stated that licensure questions would make them more reluctant to seek help.







# FSMB Policy on Physician Illness and Impairment:

Towards a Model that Optimizes Patient Safety and Physician Health

- ✓ "PHYSICIANS MUST BE AFFORDED THE SAME ACCESS TO CARE AS THE GENERAL PUBLIC."
- ✓ ILLNESS VERSUS IMPAIRMENT
- ✓ PHYSICIAN IMPAIRMENT

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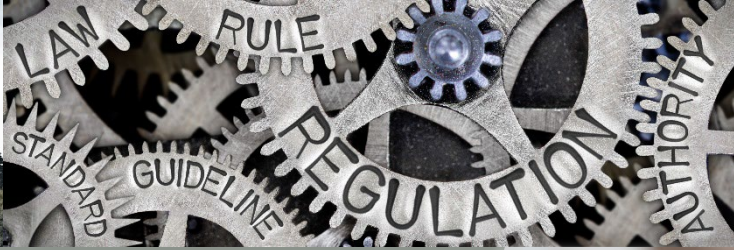
# A Provider's Personal Medical Conditions

PROMOTING PUBLIC HEALTH BY ENCOURAGING PROVIDERS TO SEEK EVALUATION AND TREATMENT



ENSURING PATIENT SAFETY





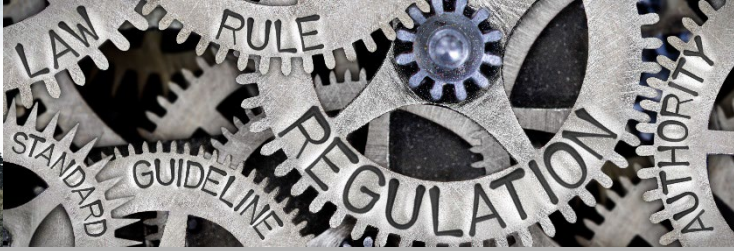
## LICENSURE

### Application acknowledgement agreement

- ✓ Encourages PROVIDERS to seek the help they need to prevent illness progression to impairment;
- ✓ Prevents impaired providers from putting PATIENTS AND THE PUBLIC AT RISK;
- ✓ Decreases the need for the Commission to get involved TO PROTECT THE PUBLIC; and
- ✓ Helps the Commission honor the AMERICANS WITH DISABILITIES ACT (ADA).







# What you are **attesting** to:

- If you “**currently**” have a “**medical condition**” that may limit or impair your ability to practice medicine safely, you understand that it is YOUR responsibility to contact the WPHP.
- Being “**Known to WPHP**” means you are complying with all WPHP requirements for evaluation, treatment, and/or monitoring.
- If you currently may be **impaired** by a medical condition that is NOT known to WPHP, the Commission may require an evaluation with WPHP and/or for you to obtain other health examinations at your expense.
- By submitting your application for licensure, you consent to **those examination(s)** and you consent that examination **report(s)** may be shared with the Commission.
- Otherwise, your application for licensure **may be denied**.

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In other words,

You **MUST** voluntarily self-refer to WPHP if you are impaired...

If you don't and the Commission learns you may be impaired and pose a threat to patient safety...

The Commission may require you to undergo an examination and to consent to the Commission accessing those examination reports...

Or your application may be **DENIED**, which would be reportable to the National Practitioner Data Bank.



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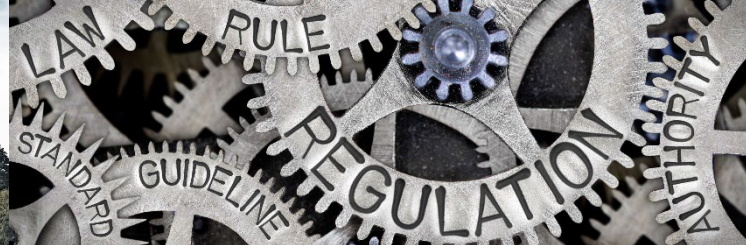
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# Definitions



## “CURRENTLY”

Within the past six months.

## “SUBSTANCES”

Include alcohol, drugs, or medications, whether taken legally or illegally.

## “MEDICAL CONDITION”

Includes social, behavioral, physical, physiological, and psychological conditions or disorders.

## “KNOWN TO PHP”

You have informed a PHP (e.g., WPHP) of your current medical condition(s) and are complying with all PHP requirements.

## “SAFE HAVEN”

General protection offered in the application process by the Commission for current medical condition(s) if known to a PHP.

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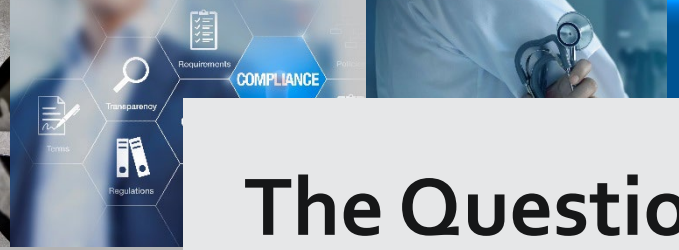
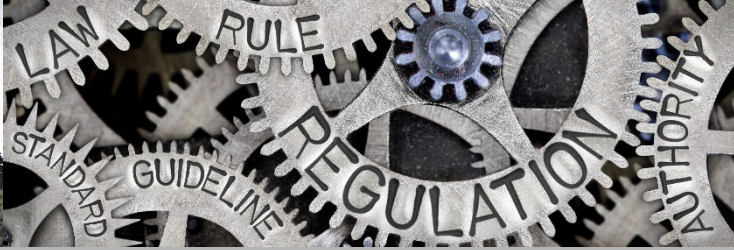
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# The Question

Do you **currently** use any **substance** that impairs in any way your ability to practice with reasonable skill and safety that is NOT known to a physician's health program? If yes, please explain...

## CURRENTLY

Within the past six months.

## SUBSTANCE

Includes alcohol, drugs, or medications, whether taken legally or illegally.

## NOT KNOWN TO A PHP

You have NOT informed a physician health program (e.g., WPHP) of your current medical condition(s), and/or you are NOT complying with all physician health program requirements.





# Questions?

## Washington Medical Commission

### Mission

Promoting patient safety and enhancing the integrity of the profession through licensing, discipline, rule making, and education.

### Vision

Advancing the optimal level of medical care for the people of Washington State.

[Medical.Licensing@wmc.wa.gov](mailto:Medical.Licensing@wmc.wa.gov)

## Washington Physician Health Program

WPHP's mission is to facilitate the rehabilitation of health-care professionals who have health conditions that could compromise patient safety and to monitor their recovery.

- Chris Bundy, MD, MPH
- Executive Medical Director - WPHP
- Clinical Associate Professor – UW School of Medicine and WSU Elson S. Floyd College of Medicine
- Immediate Past President - Federation of State Physician Health Programs



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# Supporting Information

If asked / time permits



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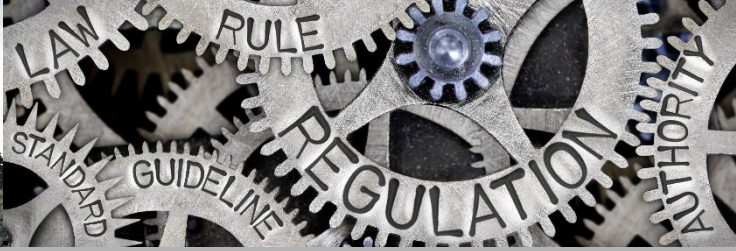
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# Program Outcomes



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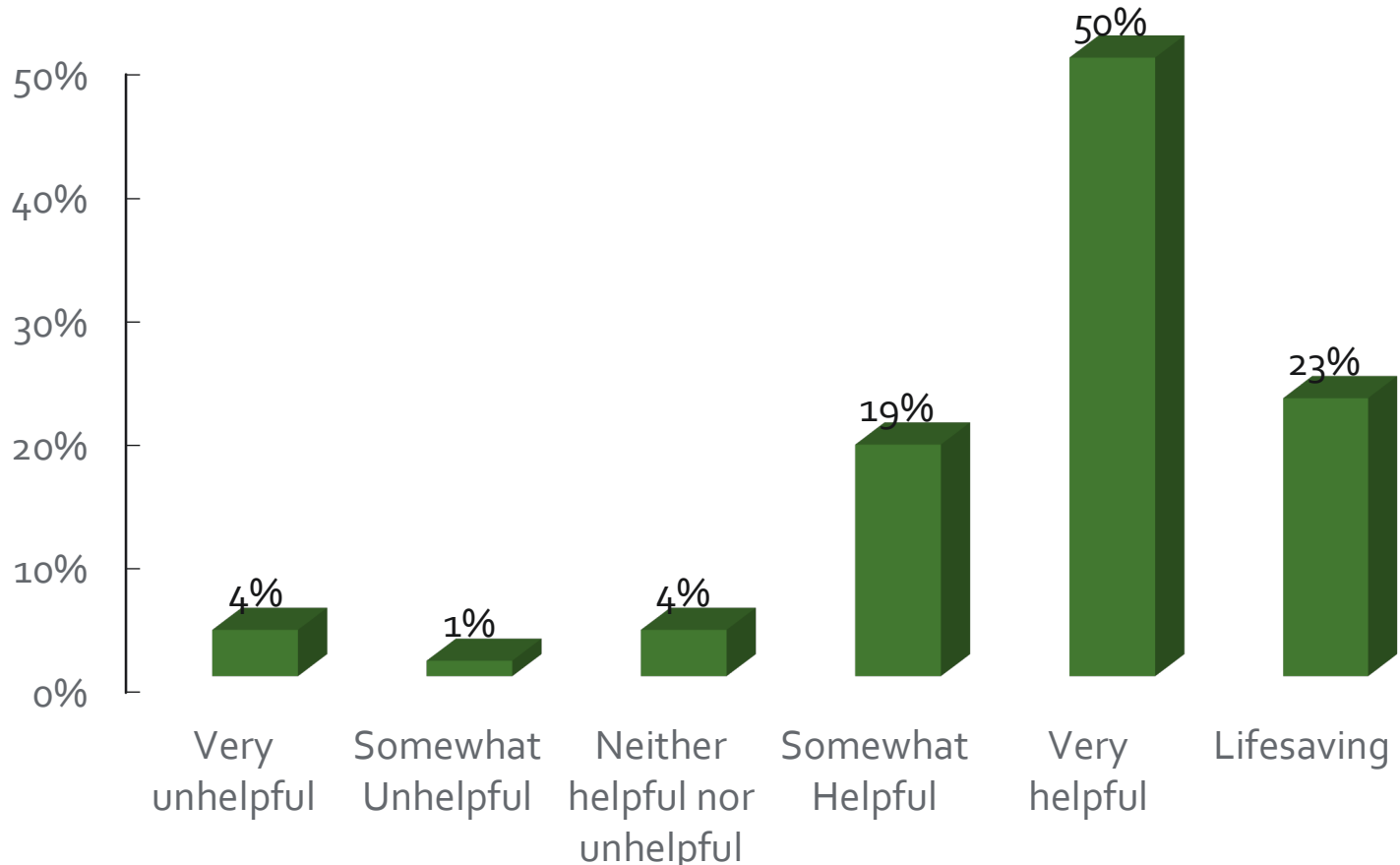


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Overall, how helpful was your WPHP experience?



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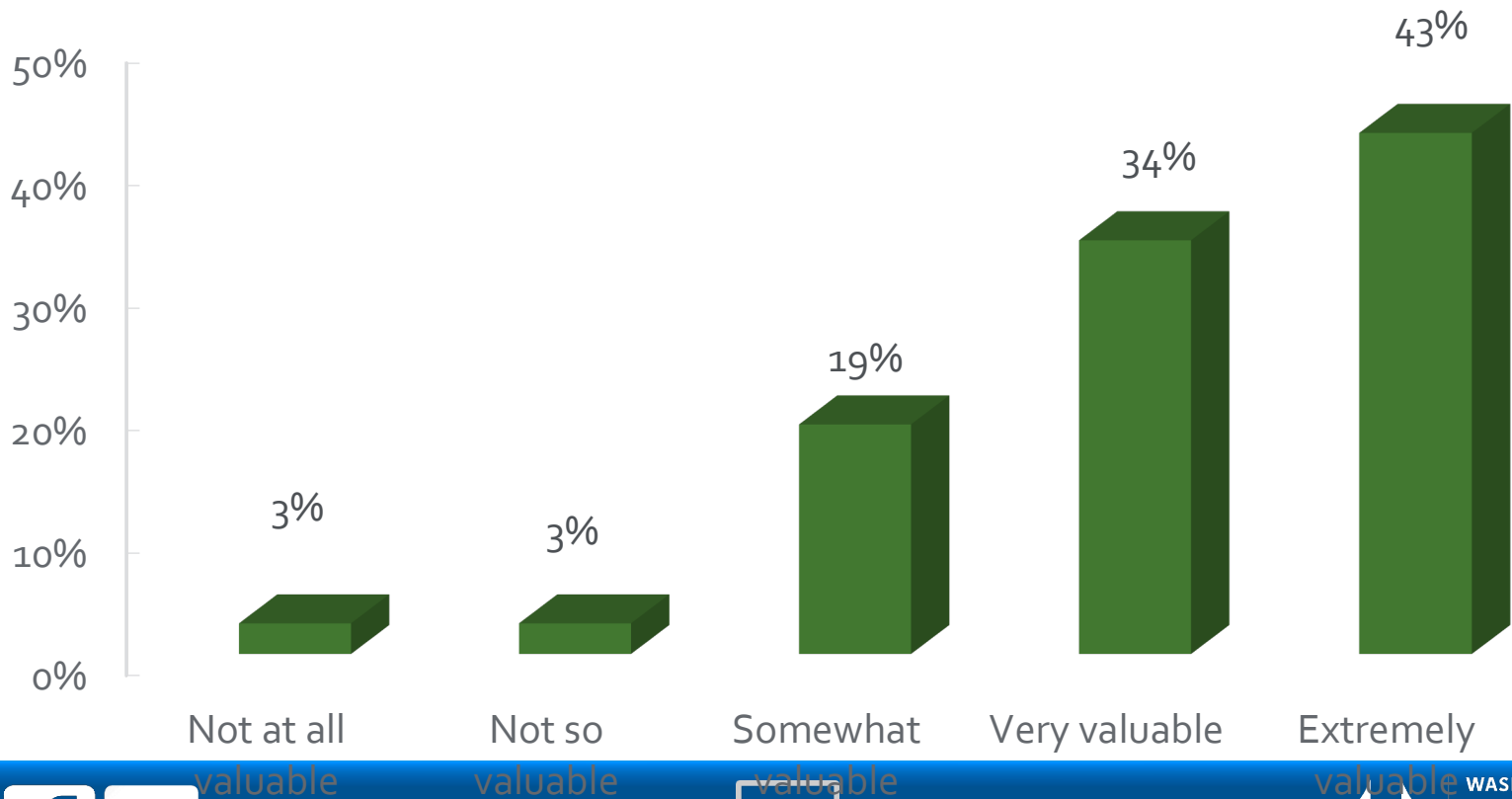


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How would you rate the value of WPHP's advocacy related to employment, insurance, legal, or licensure issues?



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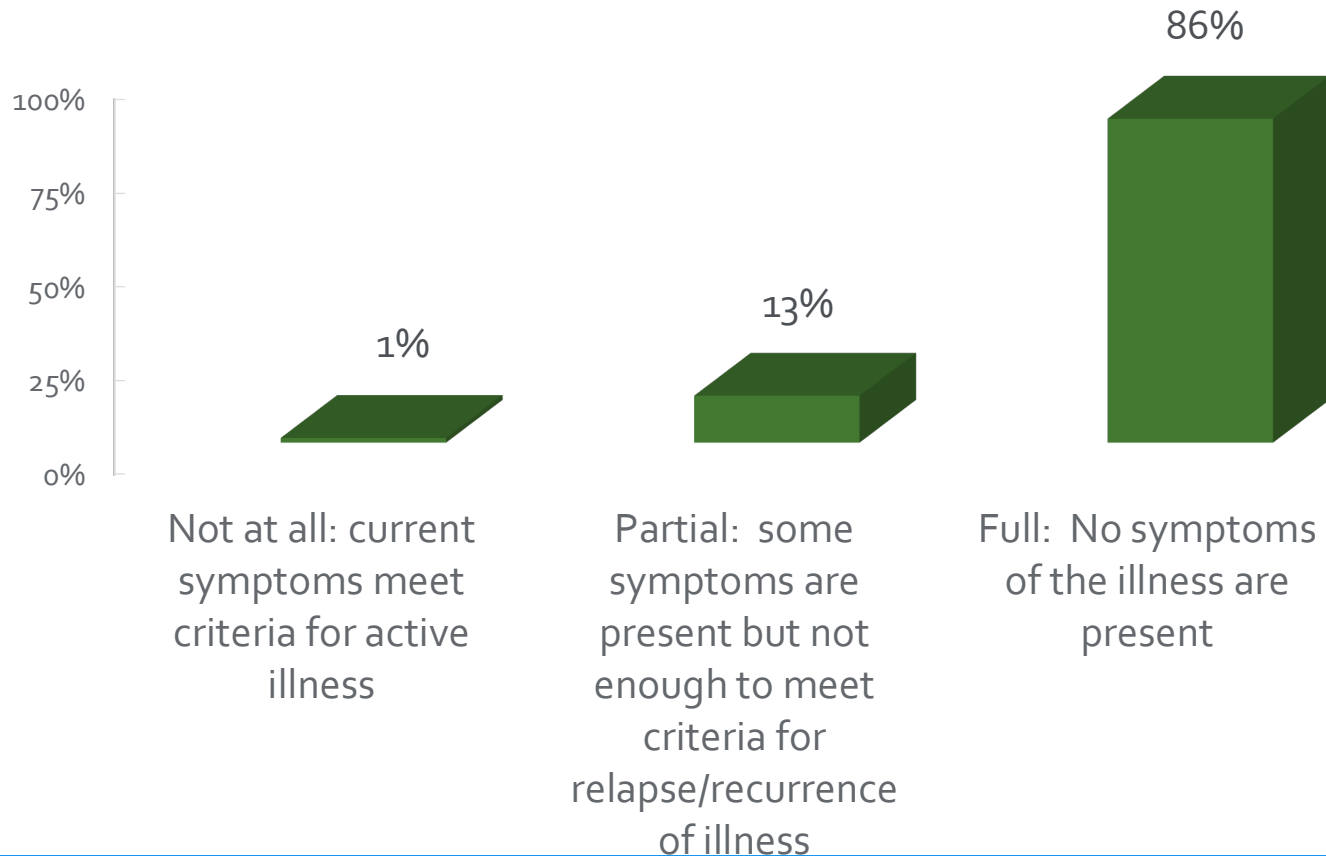
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# Participant Exit Survey

To what extent do you consider your monitored illness to be in recovery or remission?



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# Testimonials

“WPHP gave me hope when I thought all was lost.”

“Through WPHP’s support and guidance, I have developed new friendships, healthy coping skills, and a structured pathway to safely return to practice.”



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