Physician Medical Conditions and Questions on Applications for Medical Licensure, Specialty Boards, and Institutional Privileges

(Approved by the ASA House of Delegates on December 13, 2020)

Whereas, there is an increasing number of physicians experiencing burnout, a potential factor in the increased rates of physicians having depression and committing suicide,

Whereas, physicians who have mental health concerns may be reluctant to seek mental health care as it may cause difficulty in obtaining and/or renewing a medical license as well as obtaining institutional privileges,

Whereas, physicians not receiving treatment for mental health issues may pose harm to patients and can contribute to untreated burnout, depression as well as increased rates of suicide,

Whereas, physicians have the right to obtain the same care as patients without retribution and with respect of the privacy of physicians’ protected health information,

Whereas, the American Psychiatric Association has found no evidence that a physician who has been treated for a mental illness is any more likely to harm a patient than a physician with no mental health issues,

Whereas, the Americans with Disabilities Act in 1990 states that employers can’t discriminate against employees based on mental or physical health,

Whereas, the 2018 American Psychiatric Association Position Statement on Inquiries About Diagnosis and Treatment of Mental Disorders in Connection with Professional Credentialing and Licensing recommends that medical license bodies not inquire of applicants about prior diagnosis and treatment of mental health disorders,

Whereas, in 2014, the American Medical Association reaffirmed policy H-275.945, Self-Incriminating Questions on Applications for Licensure and Specialty Boards,

Whereas, in 2019, the American Medical Association reaffirmed policy H-295.858, Access to Confidential Health Services for Medical Students and Physicians, which states “Our AMA will urge state medical boards to refrain from asking applicants about past history of mental health or substance use disorder diagnosis or treatment, and only focus on current impairment by mental illness or addiction, and to accept “safe haven” non-reporting for physicians seeking licensure or re-licensure who are undergoing treatment for mental health or addiction issues, to help ensure confidentiality of such treatment for the individual physician while providing assurance of patient safety…. Our AMA …encourages state medical boards to recognize that the presence of a mental health condition does not necessarily equate with an impaired ability to practice medicine” and yet medical license bodies continue to inquire of applicants about prior diagnosis and treatment of mental health disorders.

Whereas, there is a precedent of some states but not all states that ask questions on medical licensing applications in a manner consistent with Americans with Disabilities Act standards,
THEREFORE, BE IT:

RESOLVED, that the American Society of Anesthesiologists work with the American Medical Association and state component societies as part of their legislative agenda in 2021 with an update in 2022 to a committee of the ASA President’s choice to introduce legislation to have medical licensure bodies, accrediting organizations, and medical specialty boards change all new and renewal state medical licensure applications and mandate institutional privilege applications and medical specialty boards to change all inquiries of a physician’s mental or physical health impairment to the following:

“Do you have a medical condition that currently impairs your ability to practice medicine?”

References:

7. Americans With Disabilities Act (ADA), 42 U.S.C. Sections 12101-12213, which was enacted on July 26, 1990.