

# Mental Illness and Medical Licensure Questions

ELEANOR DUNHAM, MD MBA FACEP; RON HALL, MD FACEP; CHADD  
KRAUS, DO DRPH FACEP

# What are we talking about?

- ▶ Professional licensing bodies are obligated to protect the public from impaired physicians
- ▶ Addressing mental illness here, NOT substance abuse
- ▶ Unfortunately, these professional licensing bodies can conflict with Americans Disabilities Act (ADA) which seeks to prevent discrimination against those with disabilities, psychiatric included
- ▶ Medical licensure questions for physicians with Doctor of Medicine (MD) have to answer various questions regarding mental illness depending on what state they are applying for licensure

# Stigma with Mental Illness

- ▶ There is a difference between illness and impairment
- ▶ Illness is the existence of a disease
- ▶ Impairment- defined by the American Medical Association (AMA) refers to “the inability to practice medicine with reasonable skill and safety due to 1) mental illness, 2) physical illness and 3) excessive use or abuse of drugs, including alcohol
- ▶ Some licensing boards are equating illness with impairment - they are not the same

# Mental Illness in the Medical Profession



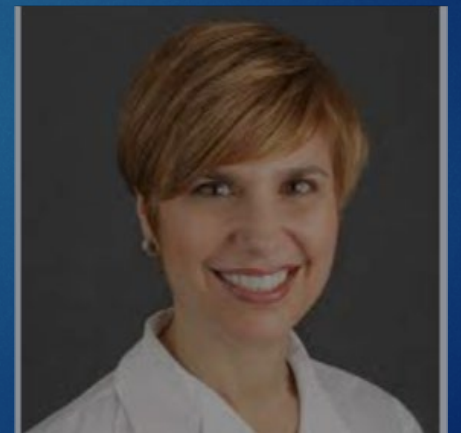
- ▶ Medical school- mental health issues higher in the first 2 years than in the regular population
  - ▶ End of 1<sup>st</sup> year- 57% have moderate to severe anxiety
  - ▶ End of 1<sup>st</sup> year- 27% have moderate severe symptoms of depression
- ▶ Medical students are more likely than their peers to seriously consider suicide
- ▶ Medical students are less likely to seek mental health care than the general population
- ▶ Only 22% of medical students seek help for depression
- ▶ Only 42% of medical students seek help for suicidal ideation

# Mental Distress continues...

- ▶ Medical residents report distress and burnout
- ▶ Physicians feel isolated
- ▶ Physicians don't take care of themselves
- ▶ Physicians may start self-prescribing medications i.e. anti-depressants, anxiolytics
- ▶ Physicians may start using other destructive avenues of coping i.e. substance abuse, gambling, retail therapy, etc...

# Untreated Mental Illness could lead to Death

- ▶ Suicide rate among male physicians- 40% higher than men in the general population
- ▶ Suicide rate in female physicians is 130% higher than women in the general population
- ▶ Every year 300-400 physicians and medical students die by suicide
- ▶ COVID recently brought this to light
- ▶ Lorna Breen, MD (Grew up in PA)
- ▶ Resulted in the Lorna Breen Health Care Provider Protection Act



# Stigma- Huge Barrier for Medical Professionals

- ▶ Still a HUGE barrier to get Mental illness help for medical professionals
- ▶ 30% of 1<sup>st</sup> and 2<sup>nd</sup> year medical students do NOT use mental health services for fear of stigma
- ▶ Many medical professionals go out of town to get the mental health they need
- ▶ Many medical professionals pay cash for mental health treatment rather than having a record on their insurance database
- ▶ Many will hide their face in the waiting room for fear of recognizing or knowing someone

# Medical Professionals Avoid Seeking Mental Health Help

- ▶ Fear of disclosure is not unwarranted
- ▶ Students who have used psychiatric services have reduced prospects for residency placements
- ▶ Practicing physicians who disclose h/o psychiatric disorders or even counseling have had discrimination in hospital privileges, health insurance and malpractice insurance
- ▶ There are medical licensure questions about psychiatric illness that are still on applications and renewal forms today in 2021
- ▶ Application questions vary depending on the state



# What's PA's grade for Mental Health Questions on Medical Licensure

- ▶ Great job Pennsylvania- We are Grade A!
- ▶ Grade A- States with no mental health questions or one or two straightforward current impairment question(s) that do not mention mental health
- ▶ We are one of 13 states that is Grade A out of the 50 States including the District of Columbia

# Other Medical Organizations who Stand with Pennsylvania

- ▶ Other medical organizations who have taken a stance concerning invasive mental health questions on medical licensure applications
- ▶ American Psychiatric Association (APA)- 2015 position statement recommending that medical licensing bodies not ask applicants about past diagnosis and treatment of mental disorder
- ▶ American Medical Association (AMA)- 2009 also proposed a resolution against medical licensing bodies' questions about past mental illness, and it was approved with wide support
- ▶ Federation of State Medical Boards (FSMB)- stated the state medical boards should focus on current function impairment rather than a h/o diagnoses or treatment of such illness. However, did not mandate, but made suggestions- up to each state to decide

# What PA State Medical Board can do for the future of MDs

- ▶ Emphasize the importance of physician health, self-care and treatment seeking for ALL health conditions on the medical licensing applications, state board websites and other official board communication
- ▶ State medical boards should clarify in print and online that an investigation is NOT the same as a disciplinary undertaking (remove the stigma)
- ▶ Continue to examine policies and procedures for when a physician is impaired to both protect the public and also to help and not hurt the physician in need of treatment as well
- ▶ State medical boards should be aware of potential burdens places on licensees by new or redundant regulatory requirement

# References

1. Jones J, North C, Vogel-Scibilia S, et al: Medical Licensure Questions About Mental Illness and Compliance with the Americans with Disabilities Act. J of Am Acad of Psychiatry Law 46:458-71, 2018.
2. <https://www.idealmedicalcare.org/physician-friendly-states-for-mental-health-a-review-of-medical-boards/>
3. <https://www.fsmb.org/siteassets/advocacy/policies/policy-on-wellness-and-burnout.pdf>