



SENT VIA EMAIL TO (medbd@dhp.virginia.gov, michael.sobowale@dhp.virginia.gov)

October 8, 2021

William L. Harp, M.D.
Executive Director
Board of Medicine
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233

RE: Request to Change the Mental Health Question for the Board of Medicine Licensure Application

Dear Dr. Harp,

The Medical Society of Virginia has shared with us the enclosed letter dated September 22, 2021, requesting a change to the mental health question for the Board of Medicine licensure examination (the “MSV Letter”). We are also informed that possible modification to the mental health question is now on the agenda for October 14, 2021, meeting of the Board of Medicine (the “Board”). The Virginia Hospital & Healthcare Association (VHHA) submits this letter to express its support for modifying the mental competency question on the licensure application as set forth in the MSV Letter.

Multiple studies have demonstrated that physicians and other health professionals are reluctant to seek treatment for burnout or any of its many underlying causes, depression, substance use disorders, suicidal ideation, and other mental health conditions because they assume that seeking such care may have a detrimental effect on their ability to renew or retain their state medical license. This recent research has shed light on the potential impact of licensure and license renewal processes of state medical boards that may discourage treatment-seeking among physicians. The very presence of application questions for medical licensure or licensure renewal may stigmatize those suffering from mental and behavioral illnesses for which physicians might otherwise seek care.

VHHA has established the Caring for Virginia’s Caregivers Task Force. Its primary purpose is to assist Virginia hospital and health system leaders with their efforts to provide resilient workplaces that promote joy in practice and work and reduce health care professional burnout. Among its findings and recommendations is a general recognition that state medical and health professional licensing boards should emphasize the importance of physician health, self-care, and treatment-seeking for all health conditions. The modification proposed in the MSV Letter is consistent with this principle and has VHHA’s full support.

VHHA also encourages the Board to consider additional measures to encourage physicians to seek treatment for burnout and other mental health conditions. Examples could be to include a statement to this effect on medical licensing applications, state board websites, and other official board

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communications. Where appropriate, options for treatment and other resources could be made available. These means of communicating the importance of physician health and self-care are aimed at helping physicians with relevant information and resources, but also help raise awareness among patients of the importance of physician wellness and the threat of burnout to their doctors and their own care.

Thank you again for this opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean T. Connaughton', with a long horizontal stroke extending to the right.

Sean T. Connaughton
President and CEO

Enclosure

cc: Michael Sobowale, Deputy Executive Director- Licensure

September 22, 2021

William L. Harp, M.D., Executive Director

CC: Michael Sobowale, Deputy Executive Director- Licensure

Via Electronic Mail: medbd@dhp.virginia.gov, michael.sobowale@dhp.virginia.gov

Re: The Medical Society of Virginia's Request to Change the Mental Health Question for the Board of Medicine Licensure Application

Dear Dr. Harp:

As you know, the Medical Society of Virginia (MSV) represents Virginia's physicians, PAs, residents, and medical students of all specialties and localities across the Commonwealth. Many of these clinicians have raised concerns over the language in the medical licensure application regarding mental health and the unintended consequence on Virginia's healthcare providers.

Thousands of medical students and practitioners who live with mental illness remain silent, untreated, or undiagnosed due to fear of stigma or threat to their medical license. The COVID-19 pandemic has only further increased burnout to historic levels. When applying for a medical license in Virginia, physicians are asked to attest to their mental and medical fitness to practice by answering yes or no to the following question: *Do you currently have any mental health condition or impairment that affects or limits your ability to perform any of the obligations and responsibilities of professional practice in a safe and competent manner? "Currently" means recently enough so that the condition could reasonably have an impact on your ability to function as a practicing physician.* This line of questioning may cause physicians to forego seeking psychological or psychiatric care when they are suffering from depression, anxiety, or professional burnout for fear of losing or never receiving their license.

Virginia's current question obfuscates the issues of illness and impairment¹. Virginia's language affirms the belief that mental health illness undermines a provider's ability to do their job, implying that illness and impairment are comparable to one another. The Federation of State Medical Boards and the National Academy of Sciences, Engineering, and Medicine have acknowledged the language used by many state licensing boards inadvertently discriminates against physicians with mental illness and may not be in compliance with the Americans with Disabilities Act (ADA).²

Neighboring states such as Maryland, Washington D.C., North Carolina, and Kentucky, and Maine have already implemented language changes on their applications that are more physician-friendly.

The Medical Society of Virginia respectfully asks the Board to consider the following change to the mental competency question on the licensure application:

¹ Physician-Friendly States for Mental Health: A Review of Medical Boards; Research Project by Pamela Wible, M.D., and Arianna Palmerini, OMS2. Copyright 2019.

² Physician Wellness and Burnout, available at: <https://www.fsmb.org/siteassets/advocacy/policies/policy-on-wellness-and-burnout.pdf>

“Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients? Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation?”

This is the same language as used by Maryland and New Jersey. This small language change will have a positive impact on our healthcare system. Supporting physician interventions enhances the patient experience of care and reduces costs from decreased physician productivity, high turnover rates, and the adverse consequences of medical errors.³ Organizations such as the Lorna Breen Heroes Foundation, the American Psychiatric Association, the Psychiatric Society of Virginia, the American College of Physicians, the AMA, and dozens of state medical societies across the country have been strong advocates for removing barriers to mental health services and removing the stigma for providers—and this requested change would align with these principled efforts.

We are happy to support the efforts of the Board and appreciate your attention to this important issue. To discuss this matter further, please contact Clark Barrineau, Assistant Vice President of Government Affairs and Health Policy at the Medical Society of Virginia, at cbarrineau@msv.org or 704-609-4948.

Sincerely,

Arthur J. Vayer, MD
President, The Medical Society of Virginia

CC:

Clark Barrineau, Assistant Vice President of Government Affairs and Health Policy/ MSV
W. Scott Johnson, Esquire/ Hancock, Daniel & Johnson, General Counsel/ MSV
Benjamin H. Traynham, Esquire/ Hancock, Daniel & Johnson
Tyler S. Cox, Government Affairs Manager/ Hancock, Daniel & Johnson
Kelsey Wilkinson, Government Affairs Manager/ MSV
Mark Hickman, Director of Government and Political Affairs/ Commonwealth Strategies Group/ PSV

³ Brower K.J. (2017) Organization-Level Interventions to Promote Physician Health and Well-Being: From Taking Care of Physicians to Giving Care to Patients. In: Brower K., Riba M. (eds) Physician Mental Health and Well-Being. Integrating Psychiatry and Primary Care. Springer, Cham.