

MEDICAL BOARD STAFF REPORT

DATE REPORT ISSUED: April 23, 2019
 ATTENTION: Members, Medical Board of California
 SUBJECT: Proposed Changes to the Questions Regarding
 Impairment on Applications for Licensure and
 Registration
 STAFF CONTACT: Kimberly Kirchmeyer, Executive Director

REQUESTED ACTION:

After review and discussion, approve the revisions to the Medical Board of California's (Board) application questions for licensure and registration related to an applicant's impairment that may impact an applicant's ability to practice medicine safely.

BACKGROUND:

The Board's mission is to protect consumers through the proper licensing and regulation of physician's and surgeon's, and allied health care professionals. Through the application review process, the Board is made aware of an applicant's ability to practice medicine safely, specifically regarding any potential impairment issues. The Board's applications for licensure and registration currently require an applicant to disclose whether he or she has ever been diagnosed with an emotional, mental, behavioral, addictive, neurological, or other physical disorder or condition that impairs his or her ability to practice medicine safely, regardless of the date of diagnosis.

At the January 31, 2019 Quarterly Board Meeting, Board staff proposed changes to the current questions asked on the applications for licensure and registration, based upon a policy adopted in April 2018 by the Federation of State Medical Boards (FSMB) regarding physician burnout and wellness, and inquiries from multiple interested parties regarding these questions. The bases for the request to modify the application questions were due to the fact that the Board's current verbiage may discourage physicians and allied health care professionals from seeking needed treatment and also to have the questions focus on current impairment and not on illness, diagnosis, or previous treatment to ensure compliance with the Americans with Disabilities Act (ADA).

Discussion ensued at the January meeting and ultimately the Board Members tabled the discussion and asked the Board President to establish a task force to work with staff to obtain additional information on the issue and determine if the questions needed further amendments. Board staff obtained information from other state medical boards, as well as other allied health boards within California and other states. President Pines determined that the Board President and Vice President would make up the task force membership and review this issue to assist staff in the review and determination of the appropriate questions.

After review of the information obtained from other states and other boards, and upon further review of the FSMB policy, the task force and staff re-evaluated the questions that should be asked and the amendments needed. The changes take into consideration the Board's responsibility of consumer protection, and the concerns as outlined in the FSMB policy, including that applicants may not be seeking appropriate treatment due to fear that they will have to report it to the Board and to be in compliance with ADA.

The recommended changes are in ~~strikeout~~ and underline format to assist with identifying the proposed amendments.

Note: Underlined indicates proposed addition

~~Strikeout~~ indicates proposed deletions

- 1) ~~Have you ever been~~ Are you currently enrolled in, ~~required to enter into,~~ or participating in any drug, alcohol, or substance abuse recovery program or impaired practitioner program?
- 2) ~~Have you ever been treated for or had a recurrence of a diagnosed addictive disorder?~~
- 3) ~~Have you ever been diagnosed with an~~ Do you currently have any condition (including, but not limited to emotional, mental, neurological or other physical, addictive, or behavioral disorder) that ~~may~~ impairs your ability to practice medicine safely?
- 4) ~~Have you ever been diagnosed with a neurological or other physical condition that may impair your ability to practice medicine safely?~~
- 5) Do you currently have any other condition that ~~may in any way~~ impairs or limits your ability to practice medicine safely?
- 6) ~~Do you suffer from a progressive disorder or a health condition that will likely result in a general decline in health or function that may impair or limit your ability to practice medicine safely?~~

STAFF RECOMMENDATION:

Staff recommends the Board approve the questions as amended above and direct staff to make the necessary changes to all Board applications for licensure and registration.