

Physician Health Services, Inc.

Medical Students Health Matters and Licensure

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Physician Health Services

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Physician Health Services, Inc. (PHS)

Subsidiary of Mass Medical Society

- Not-For-Profit
- Voluntary

Provides confidential consultation and support to medical students and physicians for:

- Alcoholism
- Substance abuse
- Behavioral or mental health issues
(includes stress, burnout)
- Physical illness
- “Occupational Health” challenges

(Not a treatment provider)

Referrals are for ...

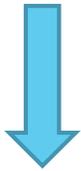
- Alcohol on breath
 - Medication abuse
 - Changes in performance
 - Confrontational demeanor
 - Angry outbursts
 - Poor communication
 - Colleague conflicts
 - Forgetful, poor documentation
 - Disruptive
 - Depressed
 - Disorganized
 - Not alert, sleepy
 - Not changing behavior despite discussions
-
- Health/Legal Disclosures on License Application
 - DUI

PHS vs. Student Health Services

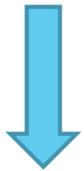
- ▶ Not necessarily mutually exclusive
- ▶ Can come on own *or* by referral from medical school
- ▶ PHS when
 - ▶ Need formal assessment
 - ▶ Need documentation of participation
 - ▶ Significant ongoing illness that would benefit from a structured program

PHS is NOT a disciplinary entity!

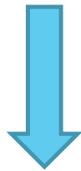
Mass Medical Society



Physician Health Services



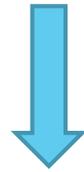
Medical Students



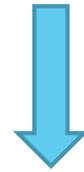
Physicians

VOLUNTARY

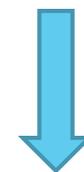
Board of Medicine



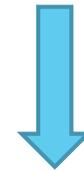
Licensing



Legal Unit



Enforcement



Physician Health & Compliance

PHS - Cost Structure

- ▶ No cost for *direct* PHS services (intake meetings, PHS assessment, PHS monitoring services/meetings, PHS clinician consultations, PHS attorney consultations, requests for resources, compliance letters/other letters)
- ▶ Participant must pay for outside service costs:
 - ▶ Laboratory testing/Soberlink breath alcohol testing
 - ▶ Independent Evaluation
 - ▶ Treatment (inpatient or outpatient), or may be covered by personal insurance
 - ▶ Separately hired counsel

Licensing

- ▶ MA licensing application changes frequently (newest = 2/2021)
- ▶ Limited license application → training program → licensing board
(Consider sharing relevant information with your program FIRST)
- ▶ Errors could = “fraud and deceit” in the obtaining of a license
- ▶ Attention to relevant time frames, and if “yes” responses, prepare your application *early* - but will ultimately need fresh docs (6 months). (Give yourself time to gather supportive documents - especially those to be sent to the licensing board from another source)
- ▶ “currently” = “does not mean on the day of, or even the weeks or months preceding the completion of this application. It means “recently enough to have an impact on one’s functioning as a licensee, or within the past two years.”

?What does this mean?

Licensing

- ▶ Application is on Board of Registration in Medicine (BRM) website: **Initial Limited License Application**
- ▶ Allows practice only within scope of the specific residency program
- ▶ One year duration (must renew for subsequent years of training)
- ▶ Download not only Application, but also **Initial Limited License Application Instructions**

(Note additional forms for supervisor evaluations, name changes, waivers, etc.)

Licensing

- ▶ Board may ask for “Additional Documentation”
 - ▶ Prepare in advance, BUT must be *fresh* documentation (within 6 months of application)
 - ▶ May require notarized copies (name change)
 - ▶ May require direct mailing and/or sealed envelope (criminal offenses from an attorney or court, disciplinary actions in a sealed envelope from medical school)
- ▶ Board may ask for an interview
 - ▶ Can bring a representative (attorney)
 - ▶ At times Board may allow a representative from the training program (to show knowledge, support)
- ▶ Board “will confirm all answers with the primary source”

Disciplinary Actions

Have you ever been the subject of a disciplinary action? (college, medical school, graduate school)

ASK YOUR SCHOOL/PROGRAM

“Disciplinary Action” to include an action which is:

- ▶ formal *or* informal
- ▶ oral *or* written
- ▶ whether voluntary *or* involuntary
- ▶ confidentiality agreement does not absolve requirement to answer

BRM will seek documentation directly from school or program -
MAKE SURE CONSISTENT

Addictional Actions

- ▶ Have you ever been terminated from a medical school?
- ▶ Have you ever withdrawn or transferred from a medical school?
- ▶ Have you ever been placed on **probation or remediation** by a graduate/medical school?

(“Remediation” is not defined)

If a “yes” response to disciplinary action/probation or remediation, you provide an explanation AND

must arrange to have the school a Medical Student Performance Evaluation Letter in a sealed envelope directly to the Board (*in instruction packet)

Time Gaps/Leaves of Absence

Have you been granted a leave of absence by medical school

- ▶ INCLUDES for research, public service, joint degree (such as MD/PhD) program, medical leave, any other “personal reasons”
- ▶ Did you take more than 4 years to complete medical school
- ▶ Must list ALL ACTIVITIES since graduation from medical school in a timeline by month and year:
 - ▶ INCLUDES postgraduate training, research activities, employment (voluntary or paid) AND
 - ▶ Periods of unemployment AND
 - ▶ Activities outside of the practice of medicine

(Example given = graduated May 2020, started postgraduate training July 2020, must account for this interim time).

Criminal History

Have you **ever** been **charged** with any criminal offense?

Includes:

- ▶ Arrested
- ▶ Arraigned
- ▶ Indicted
- ▶ Convicted

EVEN IF the charges were dropped, filed, dismissed, or otherwise discharged. (MINOR traffic offenses/tickets not required but specifically includes OUI, reckless driving, hit and run)

NEW: Sealed or Expunged records need NOT be disclosed
(Must be able to prove this with documentation if discovered/questioned)

Criminal History

- ▶ If “pleaded” to a lesser charge, Board seeks both
- ▶ BRM seeks reports directly from police dept or court or lawyer in a *sealed* envelope
- ▶ If no records available, need a written statement from court or attorney attesting to this

Medical Condition

(Separate Section - Confidential)

3 Questions:

- ▶ Do you have a medical or physical condition that **currently** impairs your ability to practice medicine?
- ▶ Have you engaged in the use of any substance(s) with the result that your ability to practice medicine is **currently** impaired?
- ▶ Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of chemical substances?

“Currently does not mean on the day of, or even the weeks or months preceding the completion of this application. It means recently enough to have had an impact on one’s functioning as licensee, or within the past two years.”

Medical Condition

- ▶ Be aware of **consistency** in your responses, and be prepared to explain why you did/did not respond in a particular manner

(Note earlier question about leave of absence)

(If you wrote that you refused a breathalyzer, but wrote “no” to being charged with a criminal offense = must explain)

- ▶ SEE “important note” highlighted in the application that the Board seeks to ensure successful rehabilitation through participation in approved treatment programs and supervised structured aftercare (in MA = PHS).

NOTE: Any changes between filing the application and receiving the license - MUST UPDATE

Medical Condition

- ▶ BRM historically sought MUCH personal health information. Consider what is needed to answer their questions. Have to consider disclosure vs. dialogue with BRM. Trend is swinging toward that which is necessary to determine licensure.
- ▶ BRM request:
 - ▶ Specifics of your condition
 - ▶ Dates and diagnoses
 - ▶ Any related treatment
 - ▶ Any adjustments / interventions to ameliorate impact of your medical condition on your current practice - change of specialty/field of practice, supervised rehab programs, professional assistance, retraining, monitoring)
 - ▶ Discharge summaries?? (not specified on application, but has been requested as “additional documentation”)

Affirmative Responses - “Yes” Answers

- ▶ Be honest
- ▶ **DON'T MINIMIZE** the issue, but include and *focus* on remedial or mitigating information
- ▶ Emphasize relevant date gaps (“10 years ago” “when I was in high school” “before medical school”)
- ▶ Aim to allay Licensing Board concerns
 - ▶ DUI - evaluate for SUD
 - ▶ Mental health diagnosis - describe supportive treatment resources, include documentation
 - ▶ Performance concern - include remedial steps, coursework, subsequent performance achievement

Anticipate Supportive Documentation

Be ready with:

- ▶ Police Reports, or if not available, a letter clarifying this
- ▶ Evaluation Reports (Discussion - Complete Report or Summary or Recommendations only?)
- ▶ Letter from Current Treatment Providers
- ▶ Letter from PHS

PROVIDE documentation of any *adjustments or interventions* to remediate the impact of your health condition (treatment, educational programs, re-training, rehabilitation programs)

Updated BRM Policy on Approving Licenses

BRM authorizes ED/designee to determine that applications do not require review by the Licensing Committee in the following instances:

- ▶ Disciplinary Action in College/Pre-Medical Education
Minor disciplinary action (not to include suspension, dismissal, expulsion or its equivalent).
- ▶ Disciplinary Action in Medical School
Successful remediation of coursework in medical school without further disciplinary action that does not increase time in medical school for a period of more than six months.
- ▶ Leave of Absence
Research or advanced degrees or

If no longer than one year and NOT related to discipline:
 - ▶ Maternity/Paternity

BRM Policy on Approving Licenses

- ▶ Medical leave of absence where there has been no impact on the applicant's ability to practice medicine
 - ▶ To care for a sick family member;
 - ▶ Financial reasons;
 - ▶ To study for USMLE or COMLEX exams;
 - ▶ To provide humanitarian assistance or other public service; or
 - ▶ To participate in decelerated medical school curriculum.
-
- ▶ Medical or Physical Condition
Medical or physical condition which has no impact on the applicant's ability to practice medicine

BRM Policy on Approving Licenses

Criminal History

- ▶ One criminal offense. that occurs before medical school to include only the following:
 - ▶ Acts of Civil Disobedience (no property damage, no personal injury)
 - ▶ Underage drinking or possession of alcohol
 - ▶ Open Container violations
 - ▶ Disturbing the Peace (no property damage, no personal injury)
 - ▶ Noise Infractions
 - ▶ Hunting/fishing/boating violations.

When to consider seeking legal advice?

- ▶ Responding to license renewal application questions
- ▶ Responding to any formal complaints/inquiries from licensing board
- ▶ Appearing before licensing board or committees

Generally, an attorney is not seen to “elevate” the matter

(PHS offers resources for attorneys familiar with licensing board matters - always several options, no affiliation with referrals)

Questions?

Physician Health Services

A Massachusetts Medical Society Corporation

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