

WASHINGTON STATE MEDICAL ASSOCIATION
HOUSE OF DELEGATES

Resolution: B-2
(A-19)

Subject: An Ethical and Effective Physician Health
Program for Washington

Introduced by: Yakima County Medical Society

Referred to: Reference Committee B

1 WHEREAS, the most often cited study on the effectiveness of Physician Health Programs had
2 a high dropout rate and no control group. Therefore, it cannot support evidence-based treatment
3 decisions¹; and

4
5 WHEREAS, case reports of bad outcomes from Physician Health Programs are increasingly
6 frequent^{2,3,4,5,6,7,8}; and

7
8 WHEREAS, nationally, Physician Health Programs have not followed the American Psychiatric
9 Association's legal and ethical standards of psychiatric practice^{9,10}, particularly in the treatment
10 of substance abuse disorders; and

11
12 WHEREAS, "impairment" in professional practice is a specific occupational disability.
13 Individuals who have, have had, or who are "regarded as" having a disability including mental
14 illness or substance abuse are protected by the Americans with Disabilities Act. However,

¹ *Five year outcomes in a cohort study of physicians treated for substance use disorders in the United States.* Thomas McLellan, Gregory S Skipper, Michael Campbell, and Robert L DuPont. British Medical Journal. 2008; 337: a2038. Published online 2008 Nov 4. doi: [10.1136/bmj.a2038](https://doi.org/10.1136/bmj.a2038)

² *Physician Health Programs: More Harm Than Good?* Pauline Anderson. Medscape. August 19, 2015 https://www.medscape.com/viewarticle/849772#vp_5

³ *Doctor left destitute after seeking help from physician health program.* P.J.Randhawa. KSDK News, St. Louis, MO. May 21, 2019. <https://www.ksdk.com/video/news/local/cover-story/doctor-left-destitute-after-seeking-help-from-physician-health-program/63-930cda69-181e-40d6-bc50-21cb30d01e8e>

⁴ *Some NC doctors, patients still don't trust medical watchdog.* Jonah Kaplan. Friday, May 17, 2019. WTVD-TV Raleigh-Durham, NC

<https://abc11.com/health/i-team-some-nc-doctors-patients-still-dont-trust-medical-watchdog/5305944/>
⁵ *Doctors fear controversial program made to help them.* PJ Randhawa. KSDK News, St. Louis, MO. Feb 15, 2019. <https://www.ksdk.com/article/news/local/doctors-fear-controversial-program-made-to-help-them/63-ac167fca-a312-4464-a315-de5ba712698f>

⁶ *Do physician health programs increase physician suicides?* Wible PL. Medscape 2015 <http://www.medscape.com/viewarticle/850023>

⁷ *A piece of my mind. A challenge to licensing boards: the stigma of mental illness.* Miles SH. JAMA 1998;280:865.

[https://www.black-bile.com/resources/98+Miles+JAMA+280+\\$2810\\$29+865+POMM.pdf](https://www.black-bile.com/resources/98+Miles+JAMA+280+$2810$29+865+POMM.pdf)

⁸ *Mental Illness and a Mandatory Drug Test: One Doc's Trouble Getting Licensed.* Andrew LB. Medscape, Dec 27, 2017. <https://www.medscape.com/viewarticle/890276>.

⁹ *A Call for National Standards and Oversight of State Physician Health Programs.* Boyd JW. J Addict Med. 2015 Nov-Dec;9(6):431-2. doi: 10.1097/ADM.0000000000000174. <http://woundedhealersnc.net/Documents/R/Compilation/pswd/JAM2015.pdf>

¹⁰ *Systematic Abuse and Misuse of Psychiatry in the Medical Regulatory-Therapeutic Complex.* Robert S. Emmons, M.D., Kernan Manion, M.D., and Louise B. Andrew, M.D., J.D. Journal of American Physicians and Surgeons. Winter 2018. <https://www.jpands.org/jpands2304.htm>

1 Physician Health Programs and Medical Licensure Boards have routinely disregarded the legal
2 protections afforded by the ADA¹¹; and

3
4 WHEREAS, Washington Physicians Health Program disciplinary actions can be even more
5 damaging to physician careers than malpractice litigation. Malpractice insurance policies may
6 provide little or no defense coverage for WPHP actions. Policies vary, but it is critically
7 important for physicians to understand their legal defense resources for all threats to maintenance
8 of licensure; THEREFORE BE IT

9
10 RESOLVED, that the WSMA will advocate for independent tracking of Washington Physician
11 Health Program enrollee physicians for 10 years, to provide numeric data on how many are alive
12 and actively practicing, to document feedback from physician clients, and to specifically
13 enumerate physician suicides (Directive to Take Action); and BE IT FURTHER

14
15 RESOLVED, that the WSMA will advocate for the establishment of national standards for PHP
16 treatment including ADA compliance in evaluation, diagnosis, and management. Treatment
17 recommendations must be timely, and not cost-prohibitive. There must be a mechanism for
18 meaningful appeal of PHP decisions (New HOD Policy); and BE IT FURTHER

19
20 RESOLVED, that the WSMA will request Physicians Insurance to write defense policies which
21 will provide legal defense resources to physicians referred for involuntary PHP treatment, for
22 the protection of their civil rights, ADA rights, and due process rights. (Directive to Take Action)

Fiscal Note: None

¹¹ *Professional Practice Guidelines for Occupationally Mandated Psychological Evaluations*. American Psychological Association. Aug. 19, 2018. <https://www.apa.org/practice/guidelines/psychological-evaluations>

HOUSE ACTION: ADOPTED _____ ADOPTED AS AMENDED _____
 FILED _____ REFERRED _____ NOT ADOPTED _____

WSMA Policy

IMPAIRED PHYSICIANS

Washington Physicians Health Program

The WSMA supports the Washington Physicians Health Program and continues to provide input and assistance to the program as appropriate. (PA Rpt D, '88) (Reaffirmed A-17)

LEGISLATION

Washington Physicians Health Program

The WSMA supports full funding for the Washington Physicians Health Program that is unencumbered by the legislative budget and appropriation process. (EC Rpt H, A-96; Res D-4, A-01) (Reaffirmed A-17)