Introduced by: Heather Brislen, MD

Subject: Medical History of Applicants for New Mexico Medical Licensure

WHEREAS New Mexico Physicians have been recently affected by the tragedy of physician suicide; and

WHEREAS state medical boards often ask about mental health history of applicants for licensure using terms that further the stigma of mental illness and discourage physicians from seeking treatment for mental health issues (i, ii, iii); and

WHEREAS in recognition of this, at the interim meeting of the American Medical Association (AMA) in November of 2016, the following policy was passed (iii, iv): “Our AMA will urge state medical boards to refrain from asking applicants about past history of mental health or substance use disorder diagnosis or treatment, and only focus on current impairment by mental illness or addiction, and to accept "safe haven" non-reporting for physicians seeking licensure or re-licensure who are undergoing treatment for mental health or addiction issues, to help ensure confidentiality of such treatment for the individual physician while providing assurance of patient safety… Our AMA: (a) encourages state medical boards to consider physical and mental conditions similarly; (b) encourages state medical boards to recognize that the presence of a mental health condition does not necessarily equate with an impaired ability to practice medicine; and (c) encourages state medical societies to advocate that state medical boards not sanction physicians based solely on the presence of a psychiatric disease, irrespective of treatment or behavior”; and

WHEREAS the American Psychiatric Association (APA) has lobbied for these changes to medical board language for some time, stating, “prior diagnosis and treatment of a mental disorder are, per se, not relevant to the question of current impairment and that oversight entities should not include questions about past diagnosis and treatment of a mental disorder as a component of a general screening inquiry” (v); and

WHEREAS the APA further recommends that, “General screening inquiries about past diagnosis and treatment of mental disorders are overbroad and discriminatory and should be avoided altogether” (v); and

WHEREAS the New Mexico Medical Board’s application for licensure question 18 asks, “In the five (5) years prior to this application, have you had any physical injury or disease, or mental illness or impairment, which you are currently under treatment for or could reasonably be expected to affect your on-going ability to practice medicine safely and competently? If yes, please have your treating physician send the NM Medical Board a letter regarding your diagnosis and treatment”; therefore be it

RESOLVED that our New Mexico Medical Society adopt policy in line with current AMA policy, specifically the following:

The NMMS urges the New Mexico state medical board to refrain from asking applicants about past history of mental health or substance use disorder diagnosis or treatment, and only focus on current impairment by mental illness or addiction, and
to accept "safe haven" non-reporting for physicians seeking licensure or relicensure who are undergoing treatment for mental health or addiction issues, to help ensure confidentiality of such treatment for the individual physician while providing assurance of patient safety.

The NMMS (a) encourages state medical boards to consider physical and mental conditions similarly; (b) encourages state medical boards to recognize that the presence of a mental health condition does not necessarily equate with an impaired ability to practice medicine; and (c) encourages state medical societies to advocate that state medical boards not sanction physicians based solely on the presence of a psychiatric disease, irrespective of treatment or behavior.

And be it further

RESOLVED that the NMMS work with our colleague organizations and other stakeholders to advocate that the New Mexico Medical Board amend the wording of the current licensure application, question 18, to read: “Do you have any physical injury or disease, or mental illness or impairment, which you are currently under treatment for that could reasonably be expected to affect your on-going ability to practice medicine safely and competently? If yes, please have your treating physician send the NM Medical Board a letter regarding your diagnosis and treatment.”