MY AACAP RESEARCH ON LICENSING QUESTIONS:

**MEDICAL LICENSURE QUESTIONS ABOUT MENTAL HEALTH:**

**None:**

•Connecticut

•Hawaii

•Michigan

•Pennsylvania

•Rhode Island

•West Virginia

•New York

**Current Impairment Only:**

•Arizona

•Delaware

•Illinois

•Iowa

•Massachusetts

•Nevada

•New Jersey

•Ohio

•Washington

•Wisconsin

•Missouri

•Colorado

**Past Impairment:**

•Alaska

•Florida

•Georgia

•Maine

•Mississippi

•Montana

•Nebraska

•New Hampshire

•North Dakota

•Oregon

•South Dakota

•Texas

•Utah

•Wyoming

**Hypothetical Impairment:**

•Alabama

•Arkansas

•California\*

•Idaho

•Indiana

•Kansas

•Kentucky

•Louisiana

•Maryland

•Minnesota

•Montana

•New Hampshire

•New Mexico

•North Carolina\*

•Oklahoma

•South Carolina

•South Dakota

•Vermont

•Virginia

•Wyoming

•DC

**Hospitalization, Incompetence, Commitment:**

•Alaska

•Florida

•Georgia

•Kentucky

•Missouri

•North Dakota

•Oregon

•Utah

•Wyoming

**Diagnosis or Treatment:**

•Alabama

•Alaska

•Montana

•South Carolina

•South Dakota

•Texas

[https://www.albme.org/Documents/Forms/Updated%20Full%20COQ%20App%20Pkt.pdf](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.albme.org%2FDocuments%2FForms%2FUpdated%2520Full%2520COQ%2520App%2520Pkt.pdf&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197535530&sdata=1B2i1KpsblS%2FzTMErJDDgY20Jzss0b17Uk%2BRcI%2B%2Frdw%3D&reserved=0)

ALABAMA

Are you currently\* engaged in the excessive use of alcohol, controlled substances, or the use of illegal drugs, or received any therapy or treatment for alcohol or drug use, sexual boundary issues or mental health issues? (If you are an anonymous participant in the Alabama Physician Health Program and are in compliance with your contract, you may answer “no” to this question, such answer for this purpose will not be deemed upon certification as providing false information to the Alabama Board of Medical Examiners or the Medical Licensure Commission of Alabama) If you answer “Yes”, then a description is required. IMPORTANT: The Board recognizes that licensees encounter health conditions, including those involving mental health and substance use disorders, just as their patients and other health care providers do. The Board expects its licensees to address their health concerns and ensure patient safety. Options include anonymously self referring to the Alabama Physician Health Program (334-954-2596), a physician advocacy organization dedicated to improving the health and wellness of medical professionals in a confidential manner. The failure to adequately address a health condition, where the licensee is unable to practice medicine with reasonable skill and safety to patients, can result in the Board taking action against the license to practice medicine. Please initial certifying that you understand and acknowledge your duty as a licensee to address any such condition as stated above. \* The term “currently” does not mean on the day of, or even in the weeks or months preceding the completion of this application. Rather, it means recently enough so that the condition referred to may have an ongoing impact on one’s functioning as a physician within the past two years.

ALASKA

[https://www.commerce.alaska.gov/web/portals/5/pub/med4105.pdf](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.commerce.alaska.gov%2Fweb%2Fportals%2F5%2Fpub%2Fmed4105.pdf&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197535530&sdata=4GnAPDHRWNCtbUI%2BgVQeU21ZNiZSRJ8Jcw8dq7ZlQj4%3D&reserved=0)

Has your ability to practice medicine in a competent and safe manner ever been impaired or limited by any condition, behavior, impairment, or limitation of a physical, mental, or emotional nature?

Are you currently experiencing any medical condition or disorder that impairs your judgment or that otherwise affects your ability to practice medicine in a safe and competent manner?

Since completing your postgraduate training, have you ever been physically or mentally unable to practice medicine for a period of sixty (60) or longer?

Have you ever been diagnosed with, been treated for, or do you currently have voyeurism, pedophilia, exhibitionism, or any other sexual behavior disorder? (Please note that “sexual behavior disorder” does not include sexual preference)?

Are you currently engaged in the illegal use of any drug, whether by ingestion, injection, inhalation, or any other method?

Have you used or are you currently using any chemical substance(s), legal or illegal, that in any way impaired or limited, or is currently impairing or limiting, your ability to practice medicine in a safe and competent manner?

Have you ever been voluntarily or involuntarily committed or confined to any facility for mental health care?

Have you ever been diagnosed with, treated for, or do you currently have: Yes No Check each condition you have ever been diagnosed with, treated for, or currently have: Bipolar Disorder Depressive Neurosis Kleptomania Hypomania Any Dissociative Disorder Pyromania Schizophrenia Any Psychotic Disorder Delirium Depression Any Organic Mental Disorder Paranoia Seasonal Affective Any condition requiring chronic medical or behavioral treatment

Have you ever taken, or are you currently taking, any controlled substance for any of these disorders?

Have you ever been adjudicated, or declared incompetent, or been the subject of an incompetency proceeding?

If you checked “Yes” to any of the above questions, you must attach a detailed explanation. You

must also have your treating physician submit a letter directly to the Board regarding your ability to

practice safely and competently. (See complete instructions on pages 9 and 11)

COLORADO

[https://apps.colorado.gov/dora/licensing/Activities/Listing.aspx?ID=10&CredDefIdnt=0&Type=](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.colorado.gov%2Fdora%2Flicensing%2FActivities%2FListing.aspx%3FID%3D10%26CredDefIdnt%3D0%26Type%3D&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C0%7C637079914197545535&sdata=7Sie5sDxZJCjtbgbkccCgeC9kRrBzZ9iqmF7%2FcA1HAc%3D&reserved=0)

**An impairment of your ability to practice in a safe, competent, ethical and professional manner?**

***You may answer No if you have been formally evaluated by Colorado Physician Health Program (CPHP) and you are in compliance with all CPHP's requirements for treatment and/or monitoring. The Board recognizes that licensed medical professionals encounter physical and mental health conditions, including those involving substance use disorders The Board expects its licensees to address any health concerns to ensure their wellness and patient safety. As a licensee, you have the benefit of proactively and confidentially, self-referring to the***[***Colorado Physician Health Program (CPHP)***](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.colorado.gov%2Fdora%2Flicensing%2FActivities%2Fwww.cphp.org&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197545535&sdata=dJMtpaPsFtj2Jp3SqqHseim98jV9EJByvwOrqodjgx0%3D&reserved=0)***at no cost to address any health concerns, including psychosocial matters such as burnout and family problems. CPHP is the peer assistance program dedicated to improving the health and wellness of licensed medical professionals in a confidential manner.***

***Participation in the CPHP program does not eliminate any licensee's reporting responsibilities to the Board. Failure to adequately report and address a health condition that impacts the licensee's ability to practice with reasonable skill and safety may result in the Board taking action against the license to practice.***

***By answering this question you are attesting that you have read and understand the above advisory.***

**Abusing or excessively using any habit forming drug, including alcohol, or any illegal or controlled substance resulting in any discipline for misconduct, failure to meet professional responsibilities, or affecting your ability to practice safely and competently?**

***You may answer No if you have been formally evaluated by Colorado Physician Health Program (CPHP) and you are in compliance with all CPHP's requirements for treatment and/or monitoring. The Board recognizes that licensed medical professionals encounter physical and mental health conditions, including those involving substance use disorders The Board expects its licensees to address any health concerns to ensure their wellness and patient safety. As a licensee, you have the benefit of proactively and confidentially, self-referring to the***[***Colorado Physician Health Program (CPHP)***](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapps.colorado.gov%2Fdora%2Flicensing%2FActivities%2Fwww.cphp.org&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197555522&sdata=C0k3SihTGowxqiILMZx8wv17ASLoi2aaPyij%2BCAzQJA%3D&reserved=0)***at no cost to address any health concerns, including psychosocial matters such as burnout and family problems. CPHP is the peer assistance program dedicated to improving the health and wellness of licensed medical professionals in a confidential manner.***

***Participation in the CPHP program does not eliminate any licensee's reporting responsibilities to the Board. Failure to adequately report and address a health condition that impacts the licensee's ability to practice with reasonable skill and safety may result in the Board taking action against the license to practice.***

***By answering this question you are attesting that you have read and understand the above advisory.***

For each "yes" response above you will be required to provide:

* A description and explanation of the behavior(s) or practice(s)
* Dates of the event(s)
* Locations(s)/Court(s)
* Current status(es)/outcome(s)
* Any accompanying documentation

Please make sure to provide as much information as possible. Any missing information will cause a delay in processing and could result in rejection of the application.

MISSISSIPPI

[https://gateway.msbml.ms.gov/index.aspx](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fgateway.msbml.ms.gov%2Findex.aspx&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C0%7C637079914197555522&sdata=qsc0nvyDZRbwWP2j2jjhNOUTInuz4JVX8%2ByKhOj2Low%3D&reserved=0)

 Are you now, or have you ever used any controlled substances or other drugs having addiction-forming or addiction-sustaining liability to the extent that it affects your ability to practice medicine with reasonable skill and safety to patients?

|  |  |
| --- | --- |
| Yes | No |

 Have you ever prescribed to yourself any controlled substance or other drug having addiction-forming or addiction-sustaining liability, or obtained said medications for your own use and consumption through any sources, other than by prescription or order of a licensed physician?

**Are you now, or have you ever consumed alcohol or other intoxicating liquors to the extent it affects your ability to practice medicine with reasonable skill and safety to patients?**

The Board recognizes that licensees may suffer from potentially impairing health conditions, just like their patients, including psychiatric illnesses, physical illnesses which may impact cognition, and substance use disorders. The Board expects its licensees to properly address their health concerns, in order to ensure patient safety. Licensees should seek appropriate medical care and should limit their medical practice, when appropriate.

The Board encourages licensees to utilize the services of the Mississippi Physician Health Program, a confidential resource which provides advocacy for licensees who may suffer from potentially impairing illnesses. [(www.msphp.com)](https://nam05.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.msphp.com%2F&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197565514&sdata=g7dUe5kQjCCPOScjxX3bv%2Bw6kmAjpuOV7YibEWwEhKs%3D&reserved=0)

The failure of a licensee to adequately address any health condition which may impair their ability to practice medicine with reasonable skill and safety to patients, will likely result in the board taking action against the license to practice medicine.

MISSOURI

[https://pr.mo.gov/boards/healingarts/375-0457.pdf](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fpr.mo.gov%2Fboards%2Fhealingarts%2F375-0457.pdf&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197565514&sdata=OJw31mlMiH3L3LMgYDoG3fq39%2B9NEhvEsD9J4NAoyuI%3D&reserved=0)

Do you currently have any condition or impairment which in any way affects your ability to practice in a professional, competent and safe manner, including but not limited to: (1) a mental, emotional, nervous or sexual disorder, (2) an alcohol or substance abuse disorder or (3) a physical disease or condition?

MONTANA

[http://b.bsd.dli.mt.gov/license/bsd\_boards/med\_board/pdf/appi1.pdf](https://nam05.safelinks.protection.outlook.com/?url=http%3A%2F%2Fb.bsd.dli.mt.gov%2Flicense%2Fbsd_boards%2Fmed_board%2Fpdf%2Fappi1.pdf&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197575512&sdata=51WOkJ3%2FeUJ4G1U33wPvbmD9Bg5NnPfya3A1%2FFQ0Nus%3D&reserved=0)

Have you ever been diagnosed with chemical dependency or another addiction, or have you participated in a chemical dependency or other addiction treatment program? If yes, please attach a detailed explanation and provide documentation regarding evaluations, diagnosis, treatment recommendations and monitoring from the source.

Have you ever been diagnosed with a physical condition or mental health disorder involving potential health risk to the public? If yes, please provide a detailed explanation.

Have you any physical or mental condition(s) which may have or has adversely affected your ability to practice this profession, including but not limited to a contagious or infectious disease involving risk to the public? If yes, attach a detailed explanation.

Have you used alcohol or any other mood-altering substance in a manner which may have or has adversely affected your ability to practice this profession? If yes, attach a detailed explanation.

SOUTH CAROLINA

[https://eservice.llr.sc.gov/NewAppsV3/Login](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Feservice.llr.sc.gov%2FNewAppsV3%2FLogin&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C0%7C637079914197585508&sdata=j%2FGpO%2FcfMXsMCwgGtn%2F6lLFJNsn1UQHCvcZtT13VHLo%3D&reserved=0)

**Are you currently being treated for any physical, mental or emotional condition that might interfere with your ability to competently and safely perform the essential functions of practice as a physician?**

**Do you currently have any mental illness (e.g. bipolar disorder, schizophrenia, paranoia or any other psychotic disorder) or any physical illness or condition that might interfere with your ability to competently and safely perform the essential functions of practice as a physician?**

**Within the past two (2) years, has your ability to practice medicine been impaired by any physical or mental illness or by the use of alcohol and/or drugs?**

**Have you ever discontinued the practice of medicine for any reason for three consecutive months or more?**

**Was your medical education / residency training interrupted other than for vacation periods or military service?**

**TEXAS**

[https://applications.tmb.state.tx.us/PH/questionsAlt.aspx](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fapplications.tmb.state.tx.us%2FPH%2FquestionsAlt.aspx&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C0%7C637079914197585508&sdata=yZlPf4zAkGRz45rLCTDxMl4YF9uiHGXogo19e47eF0g%3D&reserved=0)

Did you take a leave of absence (or break) of four weeks or longer during medical school? (for any reason)

Did you ever take a leave of absence during training? (for any reason)

Have you self-referred to the Texas Physicians Health Program? What is [PHP](https://nam05.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.txphp.state.tx.us%2F&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C0%7C637079914197595503&sdata=4ys3Xi9RMvW0Acy2n7ALlKc1hWJDN9GSRsIpnKU7Ddw%3D&reserved=0)?

Within the past five (5) years, have you abused or have you been addicted to alcohol or drugs or have you been treated or monitored for alcohol or substance abuse dependency?

Within the past five (5) years, have you been diagnosed with or treated for any: psychotic disorder, delusional disorder, mood disorder, major depression, personality disorder, or any other mental condition which impaired or does impair your behavior, judgment, or ability to function in school or work?

Within the past five (5) years, have you had or do you currently have any physical or neurological condition, including any disease or condition generally regarded as chronic which impaired or does impair your behavior, judgment, or ability to function in school or work?

If you answered "Yes" to questions 48 or 49, are the limitations caused by your mental condition or substance abuse/dependency problem reduced or ameliorated because you receive ongoing treatment (with or without medication) or because you participate in a monitoring program?

BACKGROUND RESEARCH:

Dyrbye et al,  2017

Mayo Clin Proc. n October 2017;92(10):1486-1493 n [http://dx.doi.org/10.1016/j.mayocp.2017.06.020](https://nam05.safelinks.protection.outlook.com/?url=http%3A%2F%2Fdx.doi.org%2F10.1016%2Fj.mayocp.2017.06.020&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C0%7C637079914197595503&sdata=iG1f%2BCczrKCHKJIv%2Bj%2FwiDQu%2Bqg88N9Q9vFY0%2Brv4zI%3D&reserved=0)

Pdf online: [https://integrativecardiologyinstitute.com/wp-content/uploads/2017/10/md-psychiatry-help.pdf](https://nam05.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintegrativecardiologyinstitute.com%2Fwp-content%2Fuploads%2F2017%2F10%2Fmd-psychiatry-help.pdf&data=02%7C01%7Cjulie.chilton%40yale.edu%7Ca3f30bb359a5437825d208d75cce7757%7Cdd8cbebb21394df8b4114e3e87abeb5c%7C0%7C1%7C637079914197605523&sdata=ATa1Uty2aykL%2BXKvR90%2FGcPA8%2BLd6uHcdMN9d%2Ff1wQI%3D&reserved=0)

APA Position Statement on Medical Licensure Board Applicant Questionnaires, promulgated in 2015 by the APA Council on Psychiatry and the Law, 2018 Follow Up

APA on Nov 4, 2017 APA Assembly Action Paper 2017A2 12.D Enacting APA Positions: State Medical Board Licensure Queries

FSMB: Report and Recommendations of the Workgroup on Physician Wellness and Burnout, Adopted as Policy April 2018 (with sample resource list in Appendix)

AACAP passed Motion on State Medical Board Licensure Queries Regarding Physical and Mental Health October 23, 2018

Dr. Warren Ng presented the Motion on State Medical Board Licensure Queries Regarding Physical and Mental Health.

ACTION: THE BELOW MOTION WAS PASSED AND WILL BE BROUGHT TO COUNCIL.

BE IT RESOLVED: THAT AACAP WILL WORK WITH THE APPROPRIATE AACAP COMPONENTS AND OTHER ORGANIZATIONS TO TAKE ACTION SO THAT APPLICANTS ON MEDICAL LICENSING APPLICATIONS USE THE LANGUAGE RECOMMENDED BY THE FEDERATION OF STATE MEDICAL BOARDS.

J Am Acad Psychiatry Law 46:458–71, 2018. DOI:10.29158/JAAPL.003789-18

Medical Licensure Questions About Mental Illness and Compliance with the Americans With Disabilities Act

James T.R. Jones, JD, Carol S. North, MD, MPE, Suzanne Vogel-Scibilia, MD, Michael F. Myers, MD, and Richard R. Owen, MD

Substantial numbers of medical students and physicians live with some form of mental illness. Over the years, many medical licensure boards have asked physician medical licensure applicants with Doctor of Medicine (MD) degrees intrusive questions about whether they have any psychiatric history. This has discouraged many who need psychiatric treatment from seeking it because of fear of the questions. Gradually, court decisions and the United States Department of Justice have established that such questions violate the Americans with Disabilities Act (ADA). The 2014 Louisiana Supreme Court Settlement Agreement set definite limits on law licensure mental health questions, followed by a least one licensing body revising its physician licensure questions to be consistent with ADA standards. In this article we examine the current medical licensure questions from each state and the District of Columbia about the mental health of applicants and discuss their validity under ADA standards. Our original investigation of these questions found that the majority still ask questions that are unlikely to meet ADA standards. The judicial and Department of Justice developments, however, may compel them to abandon these questions. If not, legal action will enforce ADA compliance. This change will significantly benefit applicants who need psychiatric treatment.