

# Check the Box

## Why your physician license application asks about your health

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**W**ith spring comes the season for renewal of Wyoming physician licenses. The renewal application includes questions regarding whether, since the last renewal, the physician has had legal issues, problems with credentials or licenses in other jurisdictions, and health and wellness issues. Wyoming Board of Medicine staff reviews the affirmative answers to determine if more questions need to be asked. How do you answer the questions about your own health? The following information can help you understand what the Wyoming Board of Medicine is looking for.

### Why does the Wyoming Board of Medicine ask questions about a licensee's health and wellness on applications for licensure and renewal?

The Wyoming Medical Practice Act exists to protect the people of Wyoming. It ensures that the physicians and physician assistants practicing in Wyoming meet a basic level of training and competence. In addition to possessing the needed technical skills and knowledge, though, the licensee must also be physically and mentally able to safely practice.

For these reasons, applications for licensure or renewal of a license include questions about an applicant's or licensee's health and wellness that are, necessarily, probing. On an application, in addition to questions about prior licensure and privileging actions and criminal history, the board asks the following in one form or another:

- Do you at this time have any medical condition which, in any way, impairs or limits, or might impair or limit your ability to safely and skillfully practice as a physician?
- Within the past five (5) years (or, on renewal forms, since you last renewed your license) have you been hospitalized for, missed work because of, or been significantly impaired by any mental or emotional condition?
- Within the last five (5) years (or, on renewal forms, since you last renewed your license) have you been evaluated, diagnosed or treated in any manner for any substance use disorder including, but not limited to, alcohol, tranquilizers, sedatives, psychoactive medications, cocaine, marijuana, opiates, benzodiazepines or any other narcotic or potentially addicting substance?

### What does my health and wellness have to do with the practice of medicine?

While the State of Wyoming's interest in applicants' and licensees' health and wellness is important, though, it is not limitless. It should be noted that the general question is about conditions related to the "ability to safely and skillfully practice as a physician." The board takes the approach that if a physician or physician assistant has a health or wellness issue, but it doesn't impair or limit the licensee's ability to safely and skillfully practice, the licensee doesn't need to disclose it. Simply put, the board generally doesn't inquire into matters

that don't adversely affect the licensee's skills or patient safety.

### Why is there a specific time period when asking about mental and emotional health, and alcohol and substance abuse?

Rather than asking "have you ever" had an alcohol or substance abuse issue, there is a limited "look-back" for those concerns. The board uses a five-year period because of the general rule of thumb to gauge success in recovery from substance or alcohol abuse—if a person makes it to the five-year anniversary of their abstinence, they are highly likely to remain successful and in recovery.

Similarly, the board limits its inquiry regarding mental or emotional conditions to those that involved hospitalization, missed work or significant impairment. The board recognizes that mental and emotional conditions can be treated and managed well, and wants to avoid stigmatizing them.

The board takes a measured approach in responding to "yes" answers on these questions. The physician or PA is asked, on the application, to submit information about the condition to the board. For new license applications, the information is reviewed by board staff and, if appropriate, by an application review committee consisting of board members. For renewal applications, the information is reviewed by board staff and, if needed, by the board's officers.

### How does the Wyoming Board of Medicine assess a licensee's health and wellness disclosures?

The information disclosed on an application is reviewed with key factors in mind:

First, and most important, does the condition disclosed have a bearing on the person's ability to safely and skillfully practice medicine? If the answer is "no," no further inquiry takes place, and the matter is closed with no action.

Next, is the condition well-managed and stable or, better yet, completely resolved? If so, again, the review ends and the matter is closed.

Because the application has limited space for explaining a "yes" answer to one or more of the health and wellness questions, board staff may contact the licensee to seek additional information and, if appropriate, medical or other records.

### What happens if an applicant for initial licensure discloses a health or wellness issue?

If the disclosure is made on an application for initial licensure, the applicant may be invited to personally interview with the board. In that meeting, the applicant is given the opportunity to explain the condition and how it has been handled or is being managed. The interview is confidential and occurs while the board is in executive session.

Following the interview, if the board believes the applicant can safely and skillfully practice, a license is issued and no further action is taken. If the board believes that, with monitoring, treatment, or other precautions in place, the applicant is able to practice safely, the board may offer a license to the applicant with a stipulation for those safeguards.

While the board takes its responsibility to protect the people of Wyoming quite seriously, it also seeks to give applicants and licensees an opportunity to practice their profession and provide care to our citizens. To that end, over the past 14 years the board has not denied an application for licensure based on the disclosure of a physical or mental health issue, or because of substance or alcohol abuse.

### How about when a licensee discloses a new health or wellness issue on their annual license renewal application?

Disclosures made in the license renewal process are reviewed in the same manner as those made when applying for an initial license. If the issue could adversely affect the licensee's ability to safely and skillfully practice, the licensee is asked to provide more information. That information is then provided to the board's officers, who determine whether there is sufficient concern to ask the licensee to meet with two members of the board to discuss their situation.

After that informal interview, if the assigned board members determine the licensee is able to safely and skillfully practice,



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they will ask the board officers to close the matter. If, on the other hand, they identify concerns, the licensee may be directed to undergo an evaluation to ascertain if there is a way to remediate the condition or otherwise ensure patient safety. Only in the rare circumstance where the licensee is found to have a health or wellness issue that could endanger patients, yet refuses to be assessed or put adequate protections in place, does the matter move into the formal disciplinary process.

### **That's all well and good, but why should I trust the board and disclose a health or wellness condition? Am I putting my privacy at risk?**

It is critical to note that this information is held in the strictest confidence. The Wyoming Medical Practice Act specifically states that all records of the board related to license applications are not public records, and cannot be disclosed to anyone or used in any proceeding except in a matter before the board itself, or as part of judicial review of a board matter. The board, through the attorney general, vigorously resists the occasional attempts by outside parties to access these records, and Wyoming courts consistently uphold the confidentiality of the board's licensure files.


### **Doesn't this process discourage applicants and licensees from seeking help for health and wellness issues?**

The board strives to protect the dignity and privacy of applicants and licensees when asking questions about health and wellness issues while meeting its responsibility to protect the public. To help with this balance, the questions on the applications about mental and emotional health, and substance and alcohol abuse, carry this disclaimer:

**NOTE: If you have a fully-executed contract in force with the Wyoming Professional Assistance Program ("WPAP"), you may answer "No" to this question.**

This "safe harbor" provision allows applicants and licensees to enter into the WPAP monitoring program voluntarily without disclosing either their health or wellness condition or their participation in that program to the board. As long as the licensee stays compliant with their WPAP monitoring agreement, the board will never know of the condition.

As testament to the success of this approach, more than half of the physicians and physician assistants participating in WPAP do so on a voluntary basis and the board does not know their identities. When they renew their licenses, they can answer "no" to the health and wellness questions with confidence.

The health and wellness questions are intended to strike a careful balance between the board's need to protect the public and a licensee's health, well-being, and right to privacy. If a licensee ever has questions about how to respond or what the board does with information it receives, they are always welcome to contact the board. 

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