Arizona law gives doctors an option for confidential peer support

OCT 7, 2022

Tanya Albert Henry
Contributing News Writer

In Arizona, one of the few bills that state lawmakers passed with bipartisan and nearly unanimous support this year focused on physician well-being.

The law the Arizona Medical Association (ArMA) advocated—House Bill 2429—took effect this fall and allows the medical society to run a confidential peer-support physician wellness program that evaluates or counsels someone to address their career fatigue or wellness. The Arizona law assures physicians that what they say will not be subject to discovery, subpoena or a reporting requirement of the health professional regulatory board unless the health professional voluntarily asks in writing that the information be released. The confidentiality would also go away if there is an obligation to report a criminal charge, a criminal action, unprofessional conduct or if the physician is not able to safely practice medicine.

The AMA supported the bill and urged the Arizona House of Representatives to pass what Executive Vice President and CEO James L. Madara, MD, called “essential public health and wellness legislation.” Dr. Madara wrote (PDF) that the legislation would “have a direct, positive impact to help physicians experiencing burnout and otherwise support physician wellness in an evidence-based, confidential manner.”

The bill had a physician champion in the statehouse—emergency physician Amish Shah, MD, who represents Phoenix’s 24th district.

“Over the last couple of years all of our health care workers have been put under tremendous strain. We were asked to work more hours, cover more hours than we normally would, and you could see the toll it took on people,” Dr. Shah said. “A lot of time you don’t have a place to turn to, so when the Arizona Medical Association said they were in support of a bill where you turn to colleagues for support, I said: That is absolutely perfect.”
As far as bills go, it was one of the easier ones to shepherd through the legislative process.

“Anyone who has any interaction with the health care system understands what physicians go through and understands the long, long hours and the pressures that health care professionals are under. It doesn’t take an extraordinary amount of compassion to understand why physicians need this space to feel safe and feel secure in seeking help,” said Amanda Rusing, ArMA’s director of government relations.

Reducing physician burnout is a critical component of the AMA Recovery Plan for America’s Physicians.

Far too many American physicians experience burnout. That’s why the AMA develops resources that prioritize well-being and highlight workflow changes so physicians can focus on what matters—patient care.

An AMA issue brief, “Confidential care to support physician health and wellness” (PDF), provides model legislative language and other recommended policy actions for states as well as resources for physicians and state medical associations.

New provisions from Arizona’s recently passed law to support physician well-being are among the updates. They augment laws passed in Delaware, Virginia, South Dakota and Indiana that are specifically intended to protect physicians seeking help with career fatigue and wellness.

It’s these larger system changes that are needed to help reduce burnout among physicians, said Michael Tuty, PhD, the AMA’s group vice president of professional satisfaction and practice sustainability.

“We’ve got to work to create an environment where we don’t lose physicians. One in three physicians are talking about reducing their clinical hours in the next year and one out of five physicians are thinking about leaving medicine altogether in the next few years. With an aging population … we need everyone who is trained to be a clinical working physician doing clinical care, if that is what they are passionate about.”

Learn how states can help physicians get the confidential care they deserve.
How Arizona’s law came to be

With society in general having become increasingly aware of the importance of mental health, Dr. Shah said his lawmaker colleagues quickly understood the importance of the bill.

“Of course, anytime you need to make a change, you are going to have 90 lawmakers in Arizona ask: Why? Why is this change necessary? What are the consequences?” Dr. Shah said.

In this case, Dr. Shah and Rusing were able to explain that the law helps patients and physicians.

Providing confidentiality to physicians and encouraging them to seek help prevents them from becoming burned out and, in turn, reducing hours or leaving the state or profession entirely. A particularly important concern at a time when there is a physician shortage and a growing population.

“We have a serious physician shortage in Arizona,” Rusing said, noting that “we can't afford to lose” doctors and other health professionals.

Because the medical society is the one running the peer-support program and there was no fiscal cost to the state, there were fewer hurdles to cross before lawmakers were willing to pass bill. The biggest question Rusing and Dr. Shah said they received on this was people asking whether there would be a way to shield truly bad behavior from a physician.

They explained that physicians are still held to professional standards and laws require reporting when a physician has caused harm or danger to patients. Language was also included in the law to explicitly exclude “providing services that are intended to monitor for impairment.”

Once those concerns were answered, Rusing said, the bill sailed through.

What peer support looks like

The ArMA supports physicians through Doc2DocAZ, a peer-support program made possible through a partnership with the Arizona Health Care Cost Containment System. Arizona physicians and physicians-in-training are paired with a peer who can help alleviate stress and provide support to promote well-being and life balance.

“It gives them someone to reach out to and say: Hey, you are not in this alone,” said Juliana Stanley, ArMA’s director of membership experience and practice solutions. “It’s not a crisis-intervention program. … This is not a state-mandated program. This isn’t about stepping on the state medical
board’s toes and their ability to monitor a physician for impairment.”

The added guarantee of confidentiality will allow the already established program to continue to grow, Rusing said. She added that “it’s the confidentiality piece that gives physicians the ability to really jump into these programs.”

In addition to passing HB 2429, ArMA and 21 other physician organizations worked with the Arizona Medical Board to make language changes to questions that are part of the physician-licensure process, eliminating language that encouraged stigma surrounding mental health treatment.