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HEALTHCARE LAWYERS

The Joint Commission Issued its Statement on Removing Barriers to Mental Health Care for Health Care Providers

On May 12, 2020, The Joint Commission issued its Statement on Removing Barriers to Mental Health Care for Health Care Providers.

This guidance should apply to the Medical Board of California licensing matters as well. Given the unprecedented strains on the health care workforce combating COVID-19, many clinicians are considering whether to talk with a mental health professional. Unfortunately, there is a stigma often associated with seeking mental health counseling and clinicians have concerns that seeing a mental health professional could adversely affect their hospital privileges and/or career if they are asked about a previous history of mental health issues during the credentialing or licensing process. The Joint Commission does not require organizations to ask about a clinician's history of mental health conditions or treatment. The Joint Commission strongly encourages organizations to not ask about past history of mental health conditions or treatment. As an alternative, the Joint Commission supports the recommendations of the Federation of State Medical Boards and the American Medical Association to limit inquiries to conditions (physical and mental) that currently impair the clinicians' ability to perform their job.

To ensure clinicians can feel free to access mental health resources, our hospital medical staffs and medical groups should remove barriers to obtaining mental health support, including encouraging its members to take full advantage of mental health /counseling services, avail themselves of the medical staff wellbeing committees services, and explore employee educational programs targeted at stress reduction. Medical Staffs should revisit their credentialing policies and application forms to focus on recent mental health issues (for example, in the past 3 years) impacting the applicant's current ability to render safe and competent care, and not subject applicants to inquiries related to counseling received in the distant past or unrelated to current competent clinical practice.

Nelson Hardiman provides outside legal counsel to hospital and medical group medical staffs. We are available to assist in all aspects of medical staff bylaws, policies, procedures, as well as guidance in corrective actions and hearings.

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