

To: Children, Families, Health and Human Services Interim Committee Members

From: Jean Branscum, CEO

Date: January 25, 2024

Subject: Improving Health Professionals' Wellbeing

I would like to express an appreciation of the committee's willingness to further explore the topic of burn-out among health professionals. For the physician profession, the issues of burnout, depression and suicide were challenges prior to the COVID-19 pandemic. Now, as presented by panel members, a number of studies all point to distressing news that burnout has increased to an alarming rate. This impacts physicians and nurses, and research has linked it to increased medical errors and worse patient outcomes.

As legislators, there are creative policy solutions to address this crisis. These solutions support health professionals' health and wellness and reduce the stigma and barriers to this profession seeking care. These solutions are also beneficial to patients as their care professional is better equipped to manage occupational stress or mental illness while providing quality care. Please see below the options, including transformative legislation, presented during the committee meeting.

- Draft and enact state legislation that provides for “safe haven” type reporting systems and wellness programs for physicians, nurses, behavioral health professionals, medical students and other learners, and various health care team members to seek care earlier for burnout, career fatigue, and other stressors, as well as behavioral health concerns, from those with expertise in working with health professionals.
 - Include broad confidentiality and civil immunity protections to support those seeking professional support in ways that would not impact their careers. (Virginia’s HB 115, South Dakota’s HB 1179)
 - Provide added clarification on reporting to licensure boards by stating there is no obligation to report or disclose with exceptions, such as not being competent, a danger to themselves or unprofessional conduct.
 - Expand the confidentiality protections provided for existing professional health programs in current law to SafeHaven Program, and invest in this added self-referral program for health professionals to be connected with professionals with expertise in treating individuals who work in health care.
- Bring harmony to state laws related to the professional assistance programs, now required under the Boards of Dentistry, Medical Examiners, Nursing and Pharmacy. Ensure there is a disciplinary and self-referral non-disciplinary track for each profession. Update the laws and policies to ensure best practices are followed and, as needed, provide strong confidentiality protections for professionals seeking care or being referred for care.
- Invest in ongoing education and prevention efforts, and include clinicians and learners, to help ensure broader awareness of available programs and efforts that support seeking and receiving

care without fear of disclosure. This effort should include information on the existing professional health programs.

- Reduce administrative burdens, including credentialing and unnecessary prior authorization that do not have a clinical value.

The above options add needed flexibility to reduce barriers to seeking care and address systemic issues. The solutions also recognize the uniqueness of those individuals in healthcare who feel the pressure to stand tall everyday to deliver best care, and are reluctant to get help for fear of the consequences of action by a regulatory board if licensed, or the raising of a credentialing question by their employer or an insurance company.

We hope you find the solutions to be a pathway to rebuild a system of behavioral health care for physicians and nurses by providing more doors to access confidential care, and that you view this as an opportunity to broaden such specialized services to include the entire healthcare team. Please let me know if you have questions or would like additional information.