

April 6, 2019

Patty Salazar  
Executive Director  
Colorado Department of Regulatory Agencies  
1560 Broadway, Suite 110  
Denver, CO 80202

Dear Ms. Salazar:

On behalf of the American Medical Association (AMA) and its physician and medical student members, the AMA writes to stress the importance of physician and other professional health programs (PHP). PHPs help enhance the protection of the public. They provide a successful means of confidential and professional support of physicians and other health care professionals who have a potentially impairing substance use disorder, mental health condition(s) or other medical disease that may adversely affect the physician's or other health care professional's ability to safely and effectively treat patients.

Effective PHPs have confidential referral, evaluation and treatment protocols to help ensure that health care professionals who need treatment can receive it. The goal of an effective PHP is clear: ongoing care and return to professional practice, if warranted. The AMA encourages you to consider the importance of these protocols as you discuss whether to make changes that could adversely affect the Colorado PHP's ability to effectively serve impaired health care professionals and work toward providing the level of treatment to help them return, if warranted, to professional practice.

State policy and clinical practice for an effective PHP share the intent to appropriately detect potentially impairing conditions early in their course, evaluate and treat physicians and other health care professionals and thereby better ensure public safety. Typically, PHPs also rely on clinical guidelines and treatment protocols from professional associations, including the American Society of Addiction Medicine, American Academy of Addiction Psychiatry, American Psychiatric Association and the Federation of State Physician Health Programs. Physicians and other health care professionals who have received assistance, guidance and treatment through a PHP have successfully stayed in recovery and advanced their professional careers.

There are several key policies underpinning the success of a PHP, including:

- The authority for a PHP to work with all professional licensing boards and peer review protection for the scope of services it provides to its participants.
- The ability for a health care professional to seek voluntary assistance and guidance, including that the voluntarily participating physicians and other health care professional shall not be required to disclose such participation as a condition of participation, employment, credentialing or other situations.

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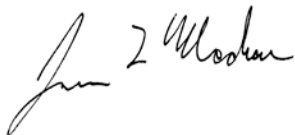
- The authority and protection for a physician or other health care professional who refers another physician or health care professional to a PHP. The protections should be based on the referring professional's reasonable belief that a colleague needs the help of the PHP. The referral would have full confidentiality protections.
- The ability to help ensure coordination with state professional licensing boards. This includes the authority for the board(s) to enter agreements with the PHP(s) as well as authorizing the board(s) to refer its licensees to the PHP and allow the PHP to refer non-compliant physicians and other health care professionals to the board(s).

In addition, because confidentiality protections are so important for a PHP's success, we offer two additional points from AMA policy. First, there exists a basic right of patients to privacy of their medical information and records. This right should be explicitly acknowledged. Second, patients' privacy should be honored unless waived by the patient in a meaningful way or, in rare instances, when strong countervailing interests in public health or safety justify invasions of patient privacy or breaches of confidentiality, and then only when such invasions or breaches are subject to stringent safeguards enforced by appropriate standards of accountability.

We believe the current policies of Colorado's PHP strike this balance. We advise against changes that would inject potential fear and mistrust into the PHP's ability to identify and treat impaired health professionals. This balance is essential to help eliminate the stigmatization of mental illness, those with a substance use disorder and illness in general. As Colorado and the nation work to remove this stigma, the AMA urges you to continue those efforts in the Department of Regulatory Agencies as you deliberate making changes to Colorado's PHP.

Thank you for your consideration. For more information, please contact Daniel Blaney-Koen, JD, Senior Legislative Attorney, AMA Advocacy Resource Center, at [daniel.blaney-koen@ama-assn.org](mailto:daniel.blaney-koen@ama-assn.org) or (312) 464-4954.

Sincerely,

A handwritten signature in cursive script, appearing to read "James L. Madara".

James L. Madara, MD

cc: Colorado Medical Society  
Colorado Physician Health Program