

## 1 HOUSE JOINT RESOLUTION NO. 38

2 INTRODUCED BY J. CARLSON

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING AN INTERIM STUDY OF PROFESSIONAL ASSISTANCE PROGRAMS AND THE  
6 PROVISION OF CONFIDENTIAL CARE TO SUPPORT HEALTH CARE PROFESSIONALS' HEALTH AND  
7 WELLNESS IN MONTANA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED  
8 TO THE 69TH LEGISLATURE.

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10 WHEREAS, professional burnout is more prevalent among health care professionals and is affecting  
11 individual Montanans working in this field, including physicians, nurses, pharmacists, dentists, and other health  
12 care professionals; and

13 WHEREAS, a national study shows 51% of nurses ages 25 through 34 reported their mental state as  
14 not or not at all emotionally healthy, and 66% of acute and critical care nurses have thought about quitting  
15 nursing entirely because of burnout; and

16 WHEREAS, recent studies show a national burnout rate of 43.9% among physicians in practice and  
17 that more than 40% do not seek help for burnout or depression for fear of disclosure to a state licensing board;  
18 and

19 WHEREAS, stress, burnout, and other personal and professional factors lead some Montana health  
20 care professionals to substance use and abuse; and

21 WHEREAS, Montana health care professionals suffering from drug or alcohol addiction or substance  
22 abuse or are otherwise impaired places patients and other providers at risk and further exacerbates the  
23 shortage of health care providers in the state; and

24 WHEREAS, the stigma associated with illness and impairment, particularly impairment resulting from  
25 mental illness, including substance use disorders, can be a powerful obstacle to seeking treatment, especially  
26 in the medical community; and

27 WHEREAS, professional assistance programs are long-standing, nationally recognized means of  
28 providing assistance to health care professionals suffering from drug or alcohol abuse or other impairment and

1 provide a meaningful way in which health care professionals may seek care, treatment, and ultimately  
2 rehabilitation; and

3 WHEREAS, Montana has codified the need for certain health care professional boards, including the  
4 Board of Medical Examiners, the Board of Nursing, the Board of Pharmacists, and the Board of Dentists, to  
5 establish and provide professional assistance programs to Montana's licensed professionals; and

6 WHEREAS, given the importance of reducing the stigma associated with professional impairment and  
7 increasing participation in professional assistance programs, Montana law provides for both confidential  
8 voluntary participation as well as board-required disciplinary participation in these programs; and

9 WHEREAS, the Department of Labor and Industry, after initially deciding to provide the services  
10 internal to the department, has now contracted with an out-of-state, for-profit entity to administer the statutorily  
11 required provider assistance board on behalf of all four of the aforementioned health care professional boards  
12 for a provider assistance program; and

13 WHEREAS, health care professionals have recently expressed a fear of professional setback or  
14 experiencing punitive measures being taken when seeking or participating in behavioral health treatment and  
15 services through the state provider assistance program.

16

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF  
18 THE STATE OF MONTANA:

19 That the Legislative Council be requested to designate an appropriate interim committee or statutory  
20 committee, pursuant to section 5-5-217, MCA to:

21 (1) identify the factors that contribute to behavioral health conditions among health care  
22 professionals;

23 (2) identify the barriers to seeking and accessing mental and behavioral health treatment for health  
24 care professionals, including stigma and concerns about licensing, credentialing, and confidentiality of existing  
25 provider assistance programs;

26 (3) identify avenues to ensure health care professionals can freely seek behavioral health  
27 treatment and services without fear of professional setback;

28 (4) evaluate the efficacy, impact, and current participation levels of Montana's statutorily required

1 provider assistance programs;

2 (5) evaluate Montana's current provider assistance programs against nationally recognized best  
3 practices for operating an effective professional assistance program with strong confidentiality provisions;

4 (6) evaluate whether the provider assistance program should be expanded to other Montana  
5 professions beyond those health care professional boards statutorily mandated to provide for the programs;

6 (7) engage subject matter expertise in the area of health care professional assistance programs,  
7 including state and national professional associations, Montana's professional licensing boards, and other  
8 subject matter experts to assist in this study; and

9 (8) make recommendations for state legislation to:

10 (a) ensure the state's provider assistance programs follow nationally recognized guidelines for  
11 recovery-based programs;

12 (b) provide safe-haven reporting systems and wellness programs for health care professionals  
13 seeking care for behavioral health issues, including burnout;

14 (c) remove barriers to behavioral health care for health care professionals;

15 (d) allow for a parallel, confidential, self-referral-based program to promote voluntary and  
16 confidential participation of professionals in need of assistance; and

17 (e) expand the provider assistance program to other Montana health professions, beyond those  
18 health care professional boards statutorily mandated to provide for these programs.

19 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review  
20 requirements, be concluded prior to September 15, 2024.

21 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,  
22 comments, or recommendations of the appropriate committee, be reported to the 69th Legislature.

23 - END -