

# What Is Oregon's Physician Health Program?

The Oregon Physician Health Program (PHP) provides confidential assistance to healthcare professionals, including physicians, who are dealing with substance use, mental health challenges, or burnout.<sup>1</sup>

## What Triggers a Physician's Need to Enroll?

Physicians may enroll in the PHP due to struggles with mental health, substance abuse, or physical impairments that affect their ability to practice safely. Participation may be voluntary or required through an agreement with the Oregon Medical Board (OMB or "the Board"). Whether voluntarily enrolling or via mandate by the Board, it is wise to consider seeking legal advice given the potential implications it can have on your career.

## What Protections Does Enrolling in the Program Provide?

Oregon law protects information regarding a physician's participation in the program, ensuring that sensitive details about a physician's health are maintained as confidential, except under specific circumstances.<sup>2</sup> This

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<sup>1</sup> See ORS § 676.190(2)(a) (authorizing health profession licensing boards to establish or contract to establish an impaired health professional program).

<sup>2</sup> See ORS § 676.190(3) (stating that information concerning a licensee's participation in the Oregon Physician Health Program is confidential and shall not be disclosed except under specific conditions).



protection allows physicians to seek help without immediate fear of disciplinary action, provided they comply with the program’s guidelines.

Participation in the program often prevents issues from escalating to the point of formal complaints being filed with the OMB, making early enrollment a proactive step toward safeguarding a physician’s career.<sup>3</sup>

## **Does Enrolling Protect My Medical License?**

In certain situations, voluntarily enrolling in the PHP can be a way to safeguard your medical license.<sup>4</sup> This proactive approach encourages physicians to seek treatment before their condition affects patient care. Failure to adhere to the PHP’s monitoring or treatment requirements, however, may result in disciplinary action.<sup>5</sup>

## **Do I Have to Disclose My Enrollment to My Employer?**

Under Oregon law, physicians are generally not required to disclose their participation in the PHP to their employer, unless it affects their ability to perform their duties or if the terms of their employment require disclosure.

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<sup>3</sup> See ORS § 676.190(7) (describing processes and procedures for voluntary self-referral).

<sup>4</sup> See ORS § 676.200(1)(c) (stating that the medical board “may not discipline a licensee solely because the licensee ... self-refers or participates in the impaired health professional program” or “[h]as been diagnosed with alcohol or substance abuse or a mental health disorder”).

<sup>5</sup> See OAR § 847-010-0073(3)(c) (explaining that “[f]ailure to complete a course or program of remedial education when ordered or directed to do so by a health care facility” may be a basis for disciplinary action).



Although confidentiality provisions ensure that PHP enrollment remains private, there are instances where disclosure may be mandated, particularly if patient safety is at risk. It is important to consult with legal counsel to understand your disclosure obligations.

## **How Do I Enroll in Oregon Physician Health Program?**

Physicians can self-refer to the PHP, or they may be referred by a concerned party such as a colleague, family member, or the Board. The enrollment process begins with an evaluation of the physician's condition and the establishment of a monitoring plan designed to restore the physician's health and ability to practice safely.<sup>6</sup> It is important to consult with legal counsel regarding the terms of any plan and to ensure your rights are protected.

PHP participation typically includes regular check-ins, substance use treatment, counseling, and workplace monitoring as part of the recovery process.<sup>7</sup> The length of participation varies depending on individual progress and compliance with the program's guidelines.

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<sup>6</sup> See ORS § 676.190(2)(a) (explaining that the program must “[e]nroll licensees . . . diagnosed with alcohol or substance abuse or a mental health disorder”); ORS § 676.190(2)(c) (requiring the program to “[e]nter into diversion agreements” to tailor a treatment and monitoring plan designed to restore the physician's ability to practice safely).

<sup>7</sup> See OAR § 410-172-0670(1) (explaining that “Substance Use Disorder (SUD) treatment services include . . . individual counseling; group counseling; individual family, group or couple counseling; care coordination; medication-assisted treatment; [and] medication management,” among other services that support recovery and treatment monitoring).



## Should I Consult a Lawyer Before Enrolling?

Given the legal and professional implications of enrolling in the PHP, consulting an attorney specializing in healthcare law is advisable. An attorney can guide you through the process, help you understand confidentiality protections, and advise of your rights and responsibilities.

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