



# SafeHaven™ Provides Much Needed Resources for Physicians and PAs

During the 2020 General Assembly Session, MSV fought for the law to provide a resource for physicians and physician assistants seeking professional support to address burnout, career fatigue, and mental health reasons without the fear of undue repercussions to their medical license.

The benefits of the SafeHaven™ program were secured by the Medical Society of Virginia (MSV) through legislation in the 2020 General Assembly Session. House Bill 115 and Senate Bill 120, providing for the creation of the SafeHaven program to address career fatigue and wellness, became law on March 8, 2020. In 2021, additional legislation was passed to make the program available to nurses and pharmacists; as well as medical, nursing, PA, and pharmacy students.

## WHAT BENEFITS DOES THE SAFEHAVEN™ PROGRAM PROVIDE FOR PHYSICIANS AND PAs?

SafeHaven™ is a confidential resource for healthcare practitioners seeking help to address career fatigue and other mental health issues. The law protects information, including proceedings, minutes, records, and reports, and communications, written and oral, originating in SafeHaven™ as privileged. This protection means that such information or communications may not be disclosed or produced in a legal proceeding absent an order from a circuit court judge showing “good cause arising from extraordinary circumstances.” Furthermore, the physicians and PAs participating in the SafeHaven program will not be reported to the Virginia Board of Medicine unless they are not competent to practice or are a danger to themselves or others.

## WHAT CONSTITUTES “GOOD CAUSE ARISING FROM EXTRAORDINARY CIRCUMSTANCES”?

“Good cause arising from extraordinary circumstances” is a high standard and likely to be shown only in rare cases. For example, if the physician or PA participating in SafeHaven™ passes away prior to a legal proceeding in which the information or communication originating in the program is the only means of proving a decisive fact in the proceeding. Even then, the information or communication is likely to be reviewed in camera by the presiding judge and legal representatives from both parties.

## CAN PRIVILEGE BE WAIVED?

Privilege can be waived by the sharing or communication of privileged information to a third party. The Medical Society of Virginia (MSV), the program administrator, can take certain steps to prevent such waiver and ensure such information and communications remain privileged. The MSV can only share

aggregate, general, and/or regional data to physician practices, systems, or sponsoring companies. The MSV will not share any information that could lead to discovery of who is enrolled in the program or who has sought assistance.

Specific numbers or information regarding insureds participating in SafeHaven™ will not be given to sponsoring organizations, corporations, companies, systems, or medical malpractice insurance companies. Rather, the MSV would again share only general data to avoid specific disclosures. Sharing aggregate numbers by physician specialty would be acceptable.

## WHAT IS THE DIFFERENCE BETWEEN THE HEALTH PRACTITIONERS MONITORING PROGRAM AND SAFEHAVEN™?

While the Virginia Health Practitioners’ Monitoring Program (HPMP) and SafeHaven are different programs, they may serve to complement each other with the shared goal of promoting health practitioner wellness. HPMP was created to help healthcare professionals with a substance use disorder or mental health or physical condition that may be impairing. Healthcare practitioners are referred for appropriate treatment and monitored by the HPMP for progress. Participation in the program is voluntary and may be related to or independent of an ongoing Virginia Board of Medicine matter.

SafeHaven™ allows healthcare providers to seek early intervention and professional support to address career fatigue, burnout, and mental health concerns with confidentiality. There is no on-going monitoring done of the physician during their engagement in support and they are still able to continue practicing. There is no requirement that the condition be impairing, and there is no ongoing monitoring for participants.

To support the needs of physicians and PAs struggling with stress, burnout and the effects of COVID-19, the Medical Society of Virginia (MSV) and VITAL WorkLife have partnered to offer physicians and PAs a comprehensive set of well-being resources they can use without risk to their medical license, SafeHaven™.

