

From: ABU Staff <staff@abu.org>  
Date: September 24, 2018 at 3:31:00 PM EDT  
To:  
Subject: DOJ statement regarding NBPAS position  
Reply-To: ABU Staff <staff@abu.org>

Fellow Diplomates -- Last week, the Antitrust Division of U.S. Department of Justice (DOJ) responded by letter to a request by a Maryland state legislator and a board member of the National Board of Physicians and Surgeons (NBPAS) for input on a bill in the Maryland legislature that would, if enacted, restrict hospitals, health plans, and others from making their own independent judgments about the value of board certification in the credentialing of physicians. The request appears to have been motivated by objections to the Maintenance of Certification (MOC) programs of the Member Boards of the American Board of Medical Specialties (ABMS).

The ABMS is aware that NBPAS has posted the letter and a statement on its website and has distributed both to physicians across the country. They have been in contact with the DOJ regarding this matter and have requested a copy of the original letter seeking their opinion regarding the specific, proposed legislation in the state of Maryland.

The ABMS position that legislative interference which limits the use of physician certification is inappropriate is consistent with the position set forth in the DOJ letter. The ABMS and the ABU have always supported a fair and competitive marketplace for physician specialty certification and continue to do so, encouraging accurate comparison of our programs with other certification programs available.

ABMS agrees with the DOJ's support of the right of patients and health systems to determine which certification programs best meet their expectations for providing information about high quality specialty care. The ABMS and ABU promote communications practices that allow the public to easily identify and compare the program standards used to certify that a physician has demonstrated, through training and assessment, that he or she in fact has demonstrated the knowledge, skill and judgment to practice in a medical specialty or subspecialty.

The below links are ABMS' complete statement regarding the DOJ letter's findings. We encourage you to read this DOJ statement and the linked ABMS response carefully. Should you have additional questions or comments, please contact the ABU. You may share this statement with your stakeholders and hospital colleagues through your various communications channels,

[https://www.abu.org/assets/images/general/Dept\\_of\\_Justice\\_DOJ\\_MD\\_Letter.pdf](https://www.abu.org/assets/images/general/Dept_of_Justice_DOJ_MD_Letter.pdf)

[https://www.abu.org/assets/images/general/ABMS\\_Statement\\_on\\_DOJ\\_Maryland\\_Opinion.pdf](https://www.abu.org/assets/images/general/ABMS_Statement_on_DOJ_Maryland_Opinion.pdf)

Gerald H. Jordan MD, FACS, FAAP (hon), FRCS (hon)  
Executive Secretary  
American Board of Urology  
Tel 434 979 0059  
FAX 434 979 0266  
600 Peter Jefferson Parkway, Ste 150  
Charlottesville, VA 22911