

Dr. Wes Blog

Dr. Wes

Standing up for the practicing physician

Thursday, June 09, 2016

Maintenance of Certification: Medicine's House of Cards



Background

In 1986 after struggling for years to secure a growing stream of revenue, the American Board of Internal Medicine (ABIM), a 501(c)(3) non-profit physician testing agency originally domiciled in Iowa and now located in Philadelphia, PA, unilaterally **decided** to make its once voluntary and lifelong Board certification credential time-limited. In 1986, the prospect of implementing universal healthcare (Hillarycare) loomed on the

political landscape so there was a growing sentiment within the ABIM that its role should shift from

About Me



DrWes

Westby G. Fisher, MD, FACC is a board certified internist, cardiologist, and cardiac electrophysiologist (doctor specializing in heart rhythm disorders) practicing at NorthShore University HealthSystem in Evanston, IL, USA and is a Clinical Associate Professor of Medicine at **University of Chicago's Pritzker School of Medicine**. He entered the blog-o-sphere in November, 2005. **DISCLAIMER:** The opinions expressed in this blog are strictly the those of the author(s) and should not be construed as the opinion(s) or policy(ies) of NorthShore University HealthSystem, nor recommendations for your care or anyone else's. Please seek professional guidance instead.

<http://drwes.blogspot.com>

Every single claim made today / supporting documents / fully vetted here.
(Open comments)

1936

Lifetime

The Maintenance of Certification MOC Story

- 1986- Unilateral Decision to Implement Time-Limited Certification
- 1989 –WF Internal Medicine (#127308) “Grandfather”

Age Discrimination

- 1990 – All FUTURE Board Certification Time-limited
- 1993 – WF Cardiovascular Disease
- 1994 – WF Clinical Cardiac Electrophysiology
- 2003 – WF Cardiovascular Disease
- 2004 – WF Clinical Cardiac Electrophysiology
- 2013 – WF Cardiovascular Disease
- 2014 – WF Clinical Cardiac Electrophysiology

1990

2014

Increasing Complexity and Cost

Defining Physician “Excellence”

- Patient Definition

- Years of Experience
- Good Communicator
 - Eye contact
 - Detailed history
 - Physical Exam
- Knowledgeable
- Constantly learning / applies new knowledge
- Empathic
- Surgical dexterity

- ABIM/ABMS Definition

- Believes medicine best learned on computer
- Memorizes well
- Willing to pay \$23,000 every 10 years
- Willing to be coerced to sign legal contract
- Accepts old database questions as gospel
- Doesn't ask questions
- Can pass a test

Cost Analysis of MOC® Re-certification

- \$23,607 per internist every 10 years (95% CI, \$5380 to \$66,383)
- 2015: Cumulatively MOC costs \$5.7 Billion/10 years
- TIME: 32.7 million physician-hours spent on MOC

Sandhu AT, Dudley RA, Kazi DS. The Cost Analysis of American Board of Internal Medicine's Maintenance of Certification Program. *Ann intern Med* 2015; 163(6): 401-408. doi:10.7326/M15-1011

No Proof of Improved Patient Care Quality or Reduced Admissions

JAMA The Journal of the American Medical Association

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December 10, 2014, Vol 312, No. 22 >

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Original Investigation | December 10, 2014

Association Between Physician Time-Unlimited vs Time-Limited Internal Medicine Board Certification and Ambulatory Patient Care Quality **FREE**

John Hayes, MD¹; Jeffrey L. Jackson, MD, MPH²; Gail M. McNutt, MD³; Brian J. Hertz, MD⁴; Jeffrey J. Ryan, MD⁵; Scott A. Pawlikowski, MD⁴

[+] Author Affiliations

JAMA. 2014;312(22):2358-2363. doi:10.1001/jama.2014.13992. Text Size: A A A

JAMA The Journal of the American Medical Association

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December 10, 2014, Vol 312, No. 22 >

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Original Investigation | December 10, 2014

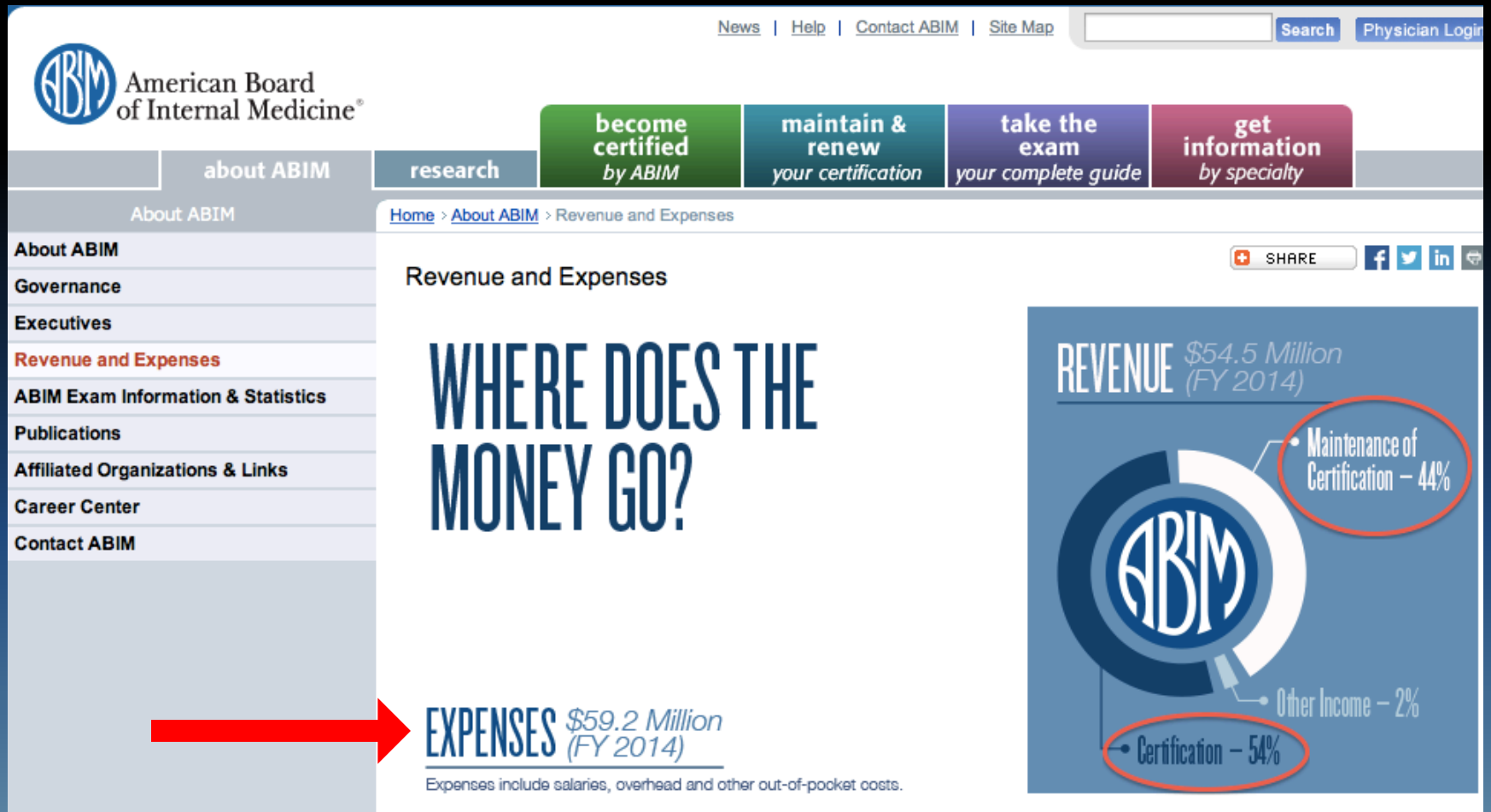
Association Between Imposition of a Maintenance of Certification Requirement and Ambulatory Care–Sensitive Hospitalizations and Health Care Costs **FREE**

Bradley M. Gray, PhD¹; Jonathan L. Vandergrift, MS¹; Mary M. Johnston, MS²; James D. Reschovsky, PhD³; Lorna A. Lynn, MD¹; Eric S. Holmboe, MD⁴; Jeffrey S. McCullough, PhD⁵; Rebecca S. Lipner, PhD¹

[+] Author Affiliations

JAMA. 2014;312(22):2348-2357. doi:10.1001/jama.2014.12716. Text Size: A A A

ABIM Webpage of Revenue Sources and Expenses



ABIM Bylaws Changed 1998

Okay for Board to Have Unlimited Conflicts

**REVISED BYLAWS OF
THE AMERICAN BOARD OF INTERNAL MEDICINE**

(Revised October 6, 1998)

ARTICLE I

OFFICES

Section 1-1. The registered office of The American Board of Internal Medicine, hereinafter referred to as "the Board", shall be in the City of Des Moines, Iowa. The principal office of the Board shall be located in the City of Philadelphia, Commonwealth of Pennsylvania. The Board may have such other offices as the affairs of the Board may require from time to time.

Section 9-5. The Board may accept gifts, grants, devices or bequests of funds or any other property from any public or governmental body or any private person, including private and public foundations, corporations and individuals, for its corporate purposes.

ABIM Foundation

All about “Medical Professionalism?”

FOUNDATION




PROFESSIONALISM INITIATIVES RESOURCE CENTER EVENTS BLOG

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The ABIM Foundation is a not-for-profit foundation established by the American Board of Internal Medicine in 1999. Our mission is to improve health care through the advancement of medical professionalism.

We view our work as an ongoing conversation, with a diverse array of individuals and organizations, to continually define medical professionalism so that it is a vital force in our collective efforts to improve quality health care for all.

Through this website, we invite you to learn more about us and [our initiatives](#), join the medical professionalism discussion through [our blog](#), and [share your tools](#) and resources with others who are working to build an equitable, affordable and high quality health care system.

Related Links

► [Physician Charter](#)

Where and When was ABIM Foundation Created?

https://www.corporations.state.pa.us/corp/soskb/Corp.asp?851622

Yahoo! (Avast)

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Business Entity Filing History
(Select the link above to view the Business Entity's Filing History)

Date: 12/2/2014

Business Name History

| Name | Name Type |
|-----------------|--------------|
| ABIM FOUNDATION | Current Name |

Non-Profit (Non Stock) - Domestic - Information

| | |
|----------------------------|--|
| Entity Number: | 1531129 |
| Status: | Active |
| Entity Creation Date: | 10/17/1989 |
| State of Business.: | PA |
| Registered Office Address: | 510 WALNUT ST STE 1700 PHILADELPHIA PA 19106-3699 Philadelphia |
| Mailing Address: | No Address |

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From IRS Form 990s: Why Are Our Testing Fees Going to ABIM Foundation?

efile GRAPHIC print - DO NOT PROCESS | As Filed Data - | DLN: 93490131001119

TY 2007 Cash Grants Paid Schedule

Name: The American Board of Internal Medicine

EIN: 39-0866228

| Class of Activity | Recipient's name | Address | Amount | Relationship |
|---------------------------------------|--------------------|--|-----------|--------------|
| Funding for various research projects | ABIM FOUNDATION | 510 WALNUT STREET SUITE 1700 Philadelphia, PA 19106 | 6,000,000 | AFFILIATE |




Self-proclaimed "research"

More “Research” at the ABIM

lines and requirements


IMPORTANT INFORMATION

 Please update your Practice Characteristics Survey, which has changed and is mandatory for all ABIM Board Certified physicians enrolled in Maintenance of Certification (MOC).

It will take about 15 minutes to complete.

Updating this profile helps ABIM:

- Update and improve MOC modules
- Ensure that our MOC modules are relevant to the majority of our certified physicians
- Identify similar types of practices for research purposes (this type of research has no impact on a physician's certification, but can be valuable in understanding how to improve health care)



[Update Profile Now](#) [Remind Me Later](#)



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Respect for Persons

Beneficence

Justice

the Protection

ection of
behavioral

(8) was signed into law, there-
jects of Biomedical and
to identify the basic ethical principles
that should underlie the conduct of biomedical and behavioral research involving human subjects and
to develop guidelines which should be followed to assure that such research is conducted in
accordance with those principles. In carrying out the above, the Commission was directed to consider:

Investment Research?

Dr. Wes

Musings in the life of an internist, cardiologist and cardiac electrophysiologist.

Tuesday, December 16, 2014

The ABIM Foundation, Choosing Wisely®, and the \$2.3 Million Condominium



Chauffeur-driven
BMW 7-series
Town Car

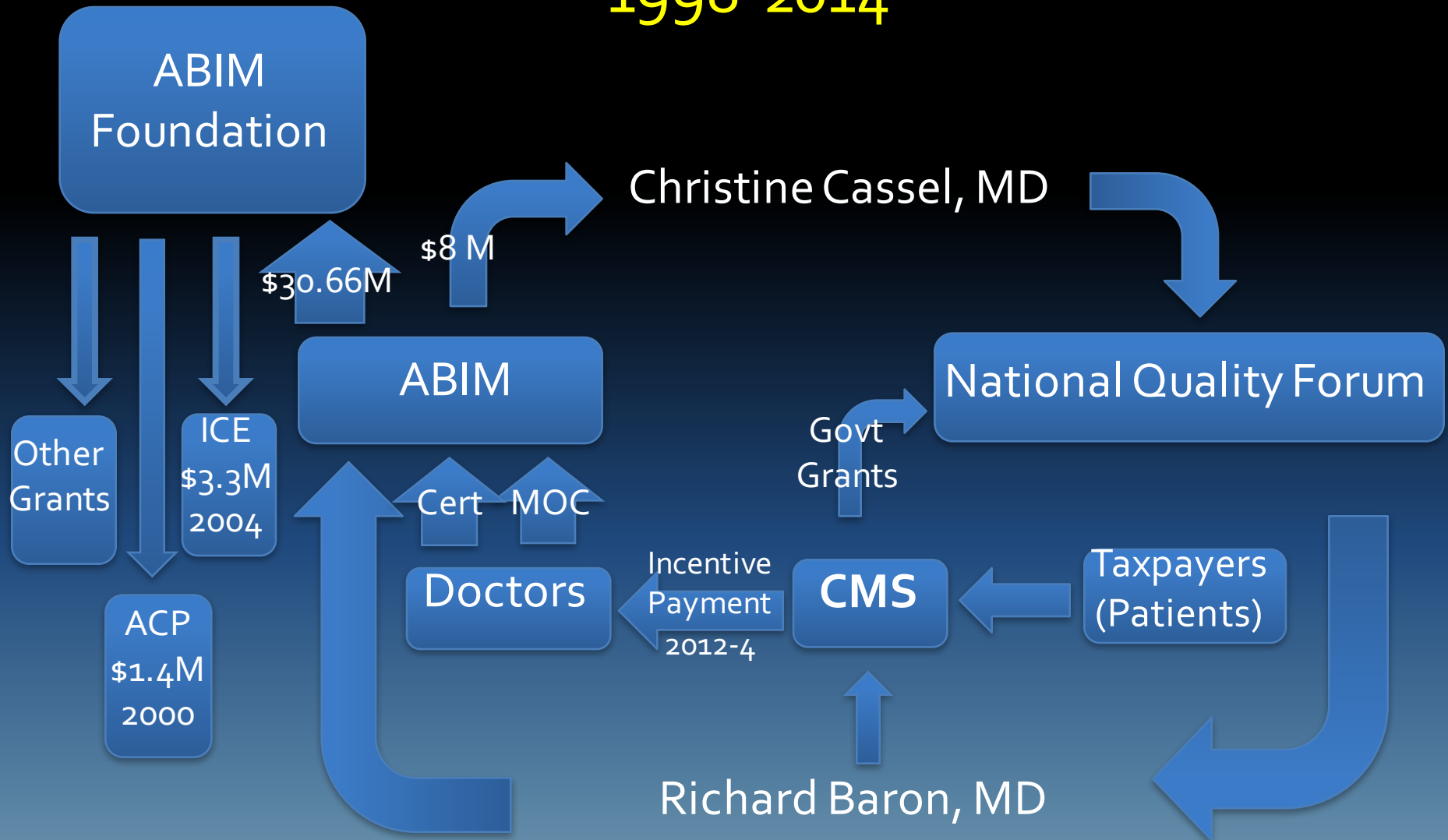


Concierge

- MOC and the ABIM Foundation- A Social Justice Experiment by ABIM/ABMS With Practicing Physicians As the Subjects

- **What Happens to Experienced Physicians Who Fail?**
 - (Never Studied - No plans to do so)
- **What happens to patient care / patient access to care?**
 - (Never Studied – No plans to do so)
- **Numerous Corporate / Government Conflicts of Interest**
 - (Never scrutinized / no oversight)
- **How is Re-certification Data to be Sold / Protected / Utilized?**
 - (Never disclosed / studied / scrutinized – no protections / due process)

COIs: National Quality Forum and the ABIM 1998-2014



Key: ABIM (American Board of Internal Medicine); ACP (American College of Physicians), ICE (Institute of Clinical Evaluation), CMS (Center for Medicare and Medicaid Services), MOC (Maintenance of Certification)

What's Been Going On?

- **ABIM Foundation**
 - secretly created in 1989 in PA using \$55M- \$80M in diplomate fees
 - Numerous IRS Form 990 discrepancies (undisclosed grants / contributions, etc.)
- ABIM FY 2015: ABIM is \$50,642,980 million in debt balanced by a promise of \$87,706,270 in “deferred revenue”
- Exorbitant staff / leadership compensation and perks (condo, spousal travel, etc)
- Undisclosed lobbying
- Strongman / boss tactics of intimidation / fear – two-time felon as “Director of Investigations,” used Federal Marshals to raid board review course
- Unlimited COI potential (one now under DOJ investigation) - Political and corporate cronyism
- Creation of lucrative ABMS monopoly of nearly \$400M annually

What's Been Going On?

- Anti-trust?
 - 2013
 - Antitrust suit filed in NJ AAPS vs ABIM
 - Civil Case 3:13-cv-2609-PGS-LHG
 - Moved to US Federal District Court, Northern IL (pending)
- Racketeering?

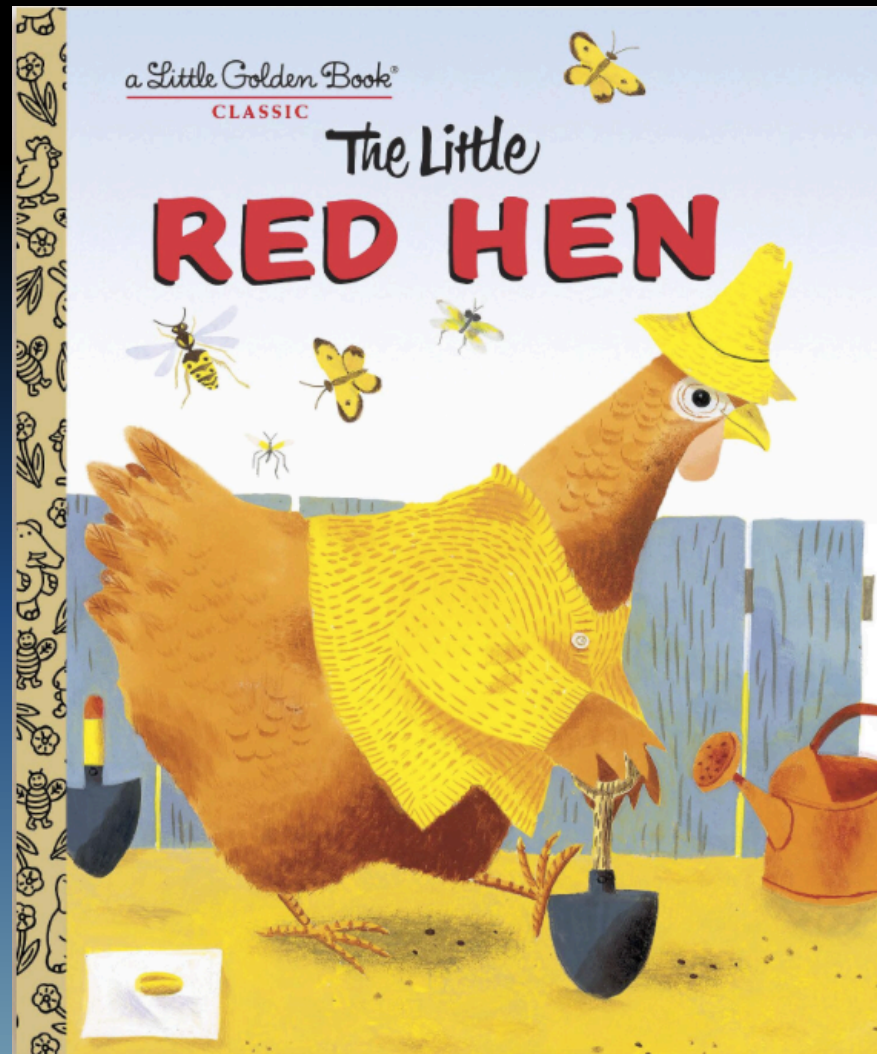
Internet caused Self-Destruction of the ABMS MOC® Product

- The ABMS Maintenance of Certification® brand irrevocably damaged / corrupt
- No longer voluntary, despite ABMS claims
- Divisive for the profession
- Unethical / costly / discriminatory / damaging
- No proof it benefits patients or physicians

How Did It Get This Far?

- Lack of Oversight
- Lack of Accountability
- Unelected Members of Specialty Boards
- No term limits
- Financial collusion
- Practicing physician indifference

Who will investigate and stop MOC®?



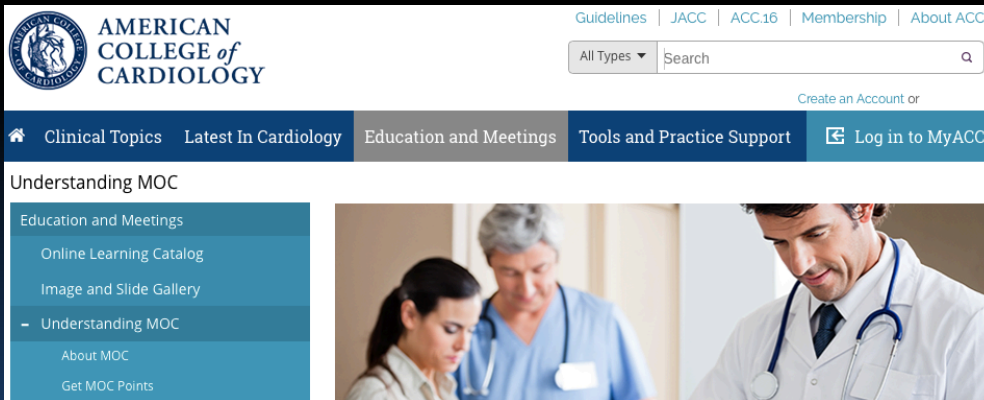
"Not I," said the ABIM



"We invited CFOs of IM organizations to review our 990s and audited financials and they have uniformly said they don't see any issues"

– Richard Baron, MD

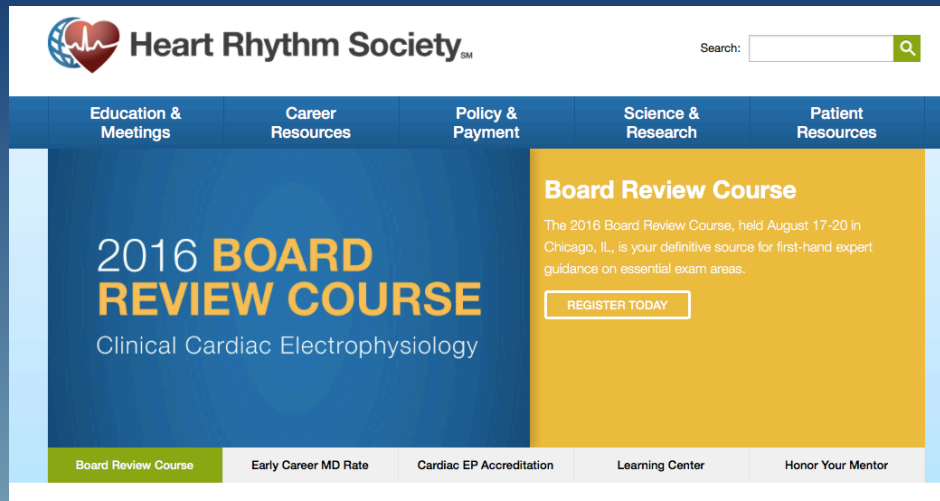
"Not I," said Many of the Largest Medical Subspecialty Societies



The image shows the top portion of the American College of Cardiology (ACC) website. At the top left is the ACC logo. To its right is the text "AMERICAN COLLEGE of CARDIOLOGY". Further right are links for "Guidelines", "JACC", "ACC.16", "Membership", and "About ACC". Below these is a search bar with "All Types" as a dropdown and a search icon. A link "Create an Account or" is also present. The main navigation bar includes "Clinical Topics", "Latest In Cardiology", "Education and Meetings", "Tools and Practice Support", and "Log in to MyACC". Below the navigation bar, the "Understanding MOC" section is visible, featuring a sidebar with links like "Online Learning Catalog", "Image and Slide Gallery", and "Understanding MOC". A large image of two doctors is also shown.



The image shows the top portion of the American College of Physicians (ACP) website. At the top left is the ACP logo. To its right is the text "American College of Physicians®" and "Leading Internal Medicine. Improving Lives.". Further right are links for "ABOUT ACP", "Log in", and a search bar. Below these are links for "MEMBERSHIP", "CME & MOC", "MEETINGS & COURSES", "CLINICAL INFORMATION", "PRACTICE RESOURCES", "ADVOCACY", and "STORE". The main content area is titled "MOC" and "Learn More About MOC". It includes a section "1. Earn MOC Points:" with a list of requirements: "At least 1 activity between 1/1/2016 and 12/31/2017" and "100 points by 12/31/2018".



The image shows the top portion of the Heart Rhythm Society (HRS) website. At the top left is the HRS logo. To its right is the text "Heart Rhythm Society®". Further right is a search bar. Below these are links for "Education & Meetings", "Career Resources", "Policy & Payment", "Science & Research", and "Patient Resources". The main content area features a large banner for the "2016 BOARD REVIEW COURSE" in "Clinical Cardiac Electrophysiology". To the right of the banner is a section titled "Board Review Course" with a description: "The 2016 Board Review Course, held August 17-20 in Chicago, IL, is your definitive source for first-hand expert guidance on essential exam areas." and a "REGISTER TODAY" button. At the bottom are links for "Board Review Course", "Early Career MD Rate", "Cardiac EP Accreditation", "Learning Center", and "Honor Your Mentor".

"Not I," said the Major Medical Journal



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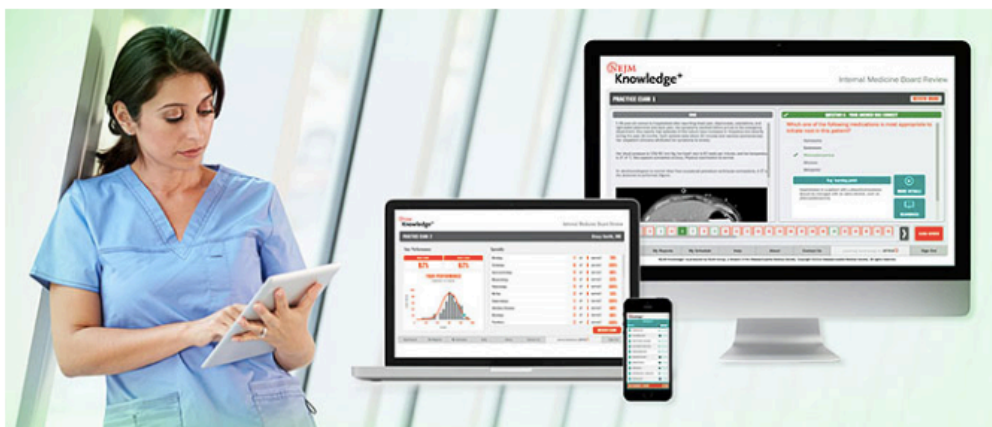
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"Not I," said Main Stream Media



The New York Times



WSJ

“I’ll do it myself”





National Board of Physicians and Surgeons (NBPAS)

State Medical Societies

- State Medical Associations recognize alternatives to ABMS MOC program and recertification process
- Assemble facts and make credible formal legal request for investigation of ABIM/ABMS with appropriate oversight agency (IRS, FTC, DOJ, Iowa AG, SEC, OIG of HHS)
- Enact laws to prohibit use of ABMS MOC requirement for hospital credentials, insurance panel participation, or licensure to practice medicine.

Oklahoma Unanimously Signs Anti-MOC legislation into law

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Oklahoma Bans Forced MOC, Becomes the First "Right to Care" State

April 14, 2016 By Meg Edison MD — 41 Comments



"Nothing in the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act shall be construed as to require a physician to secure a Maintenance of Certification (MOC) as a condition of licensure, reimbursement, employment or admitting privileges at a hospital in this state. For the purposes of this subsection, "Maintenance of Certification (MOC)" shall mean a continuing education program measuring core competencies in the practice of medicine and surgery and approved by a nationally recognized accrediting organization."

Kentucky – SB 17

Passed Unanimously 96-0

- (2) The board shall not require any form of maintenance of licensure as a condition of physician licensure, including requiring any form of maintenance of licensure tied to maintenance of certification. The board's regular requirements, including continuing medical education, shall suffice to demonstrate professional competency.
- (3) The board shall not require any form of specialty medical board certification or any maintenance of certification to practice medicine in Kentucky.

Michigan SB 5090 and 5091 (pending passage)

- Expressly forbids hospitals from denying a physician admitting privileges on basis of MOC.
- Insurers, too, prohibited from using MOC as condition of payment
- State board could not make MOC condition of licensure

With many more to come...

- What you can do:
 - Educate yourself
 - Stay up to date by reviewing <http://changeboardrecert.com>
 - Spread the word (educate others)
 - Stop paying for ABMS MOC
 - Follow suit/countersuit of ABIM vs Dr. Salas-Rushford at <http://www.doctorsjustice.com>
 - Follow AAPS vs ABPS Antitrust suit
 - Work locally with your Medical Staff Committee to prevent or remove MOC requirement from bylaws.
 - Work with state legislators to craft bill modeled after tougher Michigan anti-MOC language (Available at: <http://www.legislature.mi.gov/documents/2015-2016/billintroduced/House/pdf/2015-HIB-5090.pdf>)