



MARYLAND Department of Health Board of Physicians

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

February 22, 2019

Paul S. Teirstein, M.D.
President
NBPAS
2067 N. Marshall Avenue
El Cajon, CA 92020

Dear Dr. Teirstein:

This letter is in response to your November 30, 2018 correspondence requesting that the Maryland State Board of Physicians (“Board”) recognize the National Board of Physicians and Surgeons (“NBPAS”) and National Board of Osteopathic Physicians and Surgeons (“NBOPAS”) as a specialty certification board for continuing certification.

The Board generally supports more flexibility in processes that ease continuing board certification and maintenance of certification requirements for physicians of all specialties while ensuring that the physicians are providing high quality, patient centered care.

Section 14-101.1 of the Health Occupations Article authorizes the Board to “approve a public or private board including a multidisciplinary board as a certifying board” if certain conditions are met, including the requirement that the physician be certified by the American Board of Medical Specialties (“ABMS”) or the American Osteopathic Association (“AOA”).

The Board has carefully considered and evaluated all of the materials that you submitted, including NBPAS’s and NBOPAS’s requirements for continued certification, the Department of Justice opinion letter and the report published by the Maryland Health Care Commission’s (“MHCC”) Physician Maintenance of Certification workgroup. The Board appreciates and understands the concerns regarding maintenance of certification and re-certification that were addressed in the MHCC workgroup report. The Board is also mindful of the recommendation in the MHCC report that Maryland continue to monitor data on quality of care (recognizing that it will likely be several years before meaningful data is available for evaluation) and ongoing changes in recertification requirements for ABMS and AOA. The workgroup was ultimately unable to reach a consensus on a legislative approach to address the maintenance of certification issue.

The Department of Justice (“DOJ”) similarly considered the maintenance of certification program implemented by ABMS in the context of antitrust. The DOJ specifically stated that their analysis did not evaluate the merits of any particular certifying body and they did not opine on any objective criteria that would define a legitimate certifying body. The DOJ discouraged the legislature from interfering with unilateral business decisions regarding which board certifications an employer or hospital chooses to accept for purposes of qualification for employment or privileges.

As a policy matter, board certification or re-certification is not a requirement for licensure. Board certification, however, may be a requirement for employment, hospital privileges, insurance carriers, etc. In that regard, the Board does not believe that it is the appropriate entity to evaluate re-certification or continuing certification boards for approval.

The Board believes, consistent with the DOJ opinion letter, that board certification and the approval of a certifying board for recertification is a business decision to be made by hospitals, insurers, and employers. Even if the Board approved the NBPAS or NBOPAS as a continuing certification board, hospitals, employers, and insurance carriers would still be able to make their own determinations about which boards they choose to recognize for purposes of meeting any eligibility requirements.

Given the inconclusive findings of the MHCC workgroup and the lack of data on quality of care, the Board believes that approval of the NBPAS and NBPOS as a certifying board is premature. The Board will continue to monitor the discussions and research projects regarding maintenance of board certification, including the recommendations from the Continuing Board Certification: Vision for the Future Commission, which are expected to be released in a final report sometime this year.

The Board is supportive of exploring ways to ease the burden on physicians seeking continuing board certification or maintenance of certification without compromising quality of care to patients.

Sincerely,

A handwritten signature in black ink, appearing to read "Damean W.E. Freas". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Damean W.E. Freas, D.O
Board Chair