

From MOC to CMP:

An Educational Service or More Indentured Servitude?

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Disclosures

- **Practicing Physicians of America, Inc**
 - Unpaid board member and co-founder
 - 501c6 non-profit business league for working physicians / free membership
- **ABMS Board Certified**
 - Internal Medicine (“grandfathered”) 1989
 - Cardiology 1993, “re-certified” in 2003, 2013
 - Cardiac Electrophysiology 1994, “re-certified” in 2004, 2014
- **I Participate in Maintenance of Certification® because I must**
 - To retain hospital admitting privileges
 - To retain insurance payments
 - To retain my academic appointment.

On Transparency

“They may carry on the most wicked and pernicious schemes under the dark veil of secrecy. The liberties of a people never were, nor never will be, secure, when the transactions of their rulers may be concealed from them.”

Patrick Henry, Constitutional Ratifying Convention, June 9, 1788.

Maintenance of Certification (MOC®)

US Medicine's Version of the "The Big Short"



- Labyrinthine maze of inside players / profits too complex for working physicians to comprehend.
- Great experiment involving billions of dollars / corruption / rule-bending
- Has hurt untold numbers of small, independent working physicians. In turn, it is hurting patients who are losing their physicians.

Background

- US State licenses to practice medicine do NOT require board certification but require a certain number of CME credits to be performed every 2 years.
- From **1936-1990** ABIM Board certification was a voluntary **lifetime** marketing accolade used to promote one's baseline knowledge in their subspecialty field.
- On or about **1968**, the ABIM changed their bylaws to create full-time officer positions. (Alternate revenue source needed.)
- In **1974**, **voluntary "Continuous Professional Development" (CPD)** accolade was devised (with associated fees), but physician participation declined 42% from 1974 to 1980.
- After **1990**, the ABIM and other ABMS member boards, made "board certification" **time-limited** to 10 years, arguing that doctors needed to show the "public" they were "keeping up" or face "**uncertain circumstances**."¹
- Recertification was adopted and branded in **2005** as "Maintenance of Certification" (**MOC®**) by the entire American Board of Medical Specialties.
 - **EXCEPTION:** Older, senior physicians who received their board certification before 1990 were "grandfathered" and did not have to participate in MOC .

¹ Glasscock, R. J., Benson, J. A., Copeland, R. B., Godwin, H. A., Johanson, W. G., Point, W., Popp, R. L., Scherr, L., Stein, J. H., & Tounton, O. D. (1991). Time-limited certification and recertification: the program of the American Board of Internal Medicine. *Annals of Internal Medicine*, 114(1), 59–62.

U.S. Physician Board Certification Shell Game

Adequacy

Initial (Lifetime) Certification

CME

Evidence

1990



~~“Something Else?”~~

~~“Maintenance” of Certification (MOC)~~

- ~~• Practice Improvement Projects~~
- ~~• Patient Voice~~
- ~~• Patient Surveys~~

~~“Continuous” Certification (CMP)~~

No Evidence

U.S. Physician Board Certification Shell Game

The Concern

Science

2019



“Story-telling”



MOC®: A Highly-Effective Financial Strategy

- Key ingredients:
 - The Inattentive Working Physician
 - Forced Compliance
- It's Kryptonite:
 - Internet
 - Social Media

U.S. Physician Credentialing System

Cumulative Assets - 2014



What Happens to Doctors Who Fail MOC®?

- Never studied nor disclosed*

* Would we ever prescribe a medication without first knowing its side effects?

PPA Survey on US Board Certification (n = 7007)

MOC® Harms (n = 4697)

Have you ever failed a MOC® examination, lost your Board certification (even briefly) or experienced harm because of MOC® / OCC requirements?	n / N (%)
Yes	394 / 4697 (8)
No	4303 / 4697 (92)
Please check all effects of MOC for failing or losing your Board certification (check all that apply)	
Paid for a re-score of my examination	41 / 390 (11)
Re-took the examination for free	28 / 390 (7)
Re-took the examination for an additional fee	218 / 390 (56)
Never attempted to retake the examination and let my board certificate "expire"	56 / 390 (14)
Lost my hospital/admitting privileges	38 / 390 (10)
Lost my job	21 / 390 (5)
Was dis-enrolled from an insurance company's payment plan	30 / 390 (8)
Eventually passed my repeat examination	204 / 390 (52)
Failed to tell my workplace of my examination results	67 / 390 (17)
Failed to tell my family/friends about my test results	107 / 390 (27)
Became depressed, anxious, embarrassed, or suicidal	220 / 390 (56)
Relocated as a result of this failure	15 / 390 (4)
Plan to retire to avoid MOC / OCC	67 / 390 (17)
I retired because of this failure	1 / 390 (0)

394 (8%) failed



Of those ...

38 (10%) Lost Adm/Hosp Privileges

21 (5%) Lost Their Job

30 (8%) Disenrolled from Insurance Plan

220 (56%) Adverse Psych

15 (4%) Relocated

67 (17%) to Retire

ABMS Vision Commission Final Recommendations

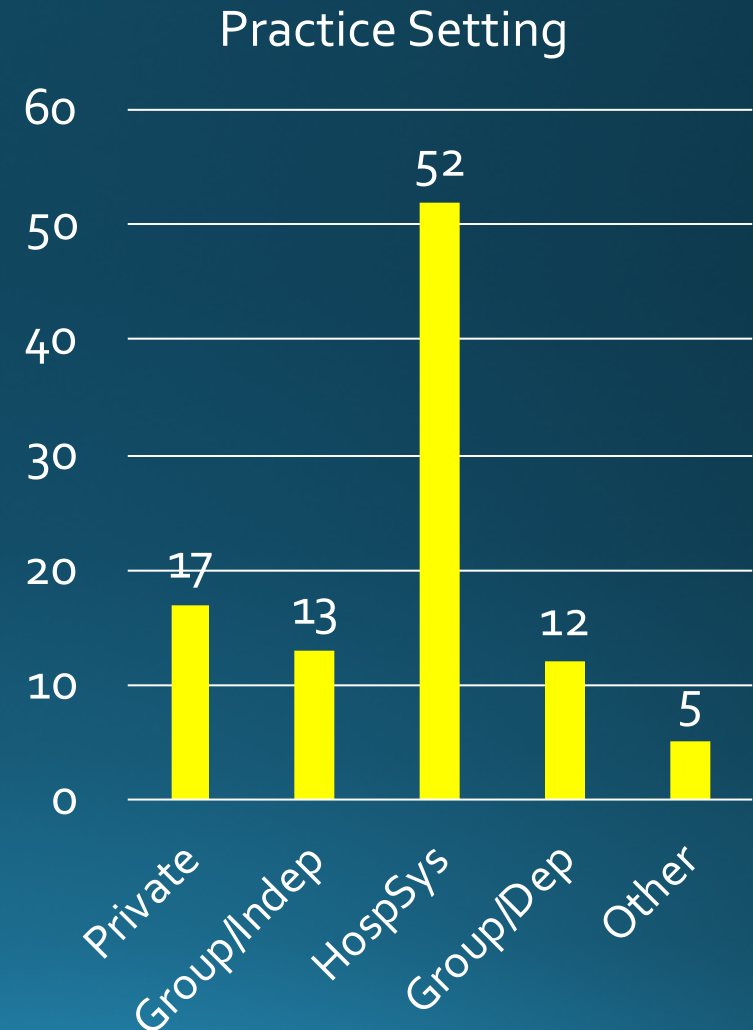
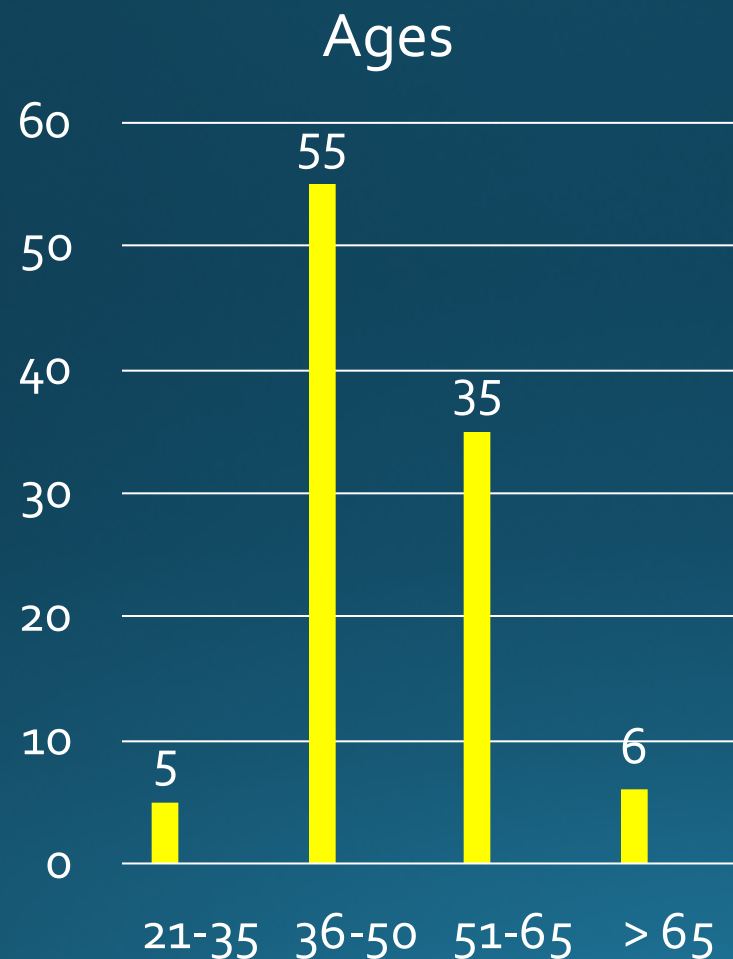
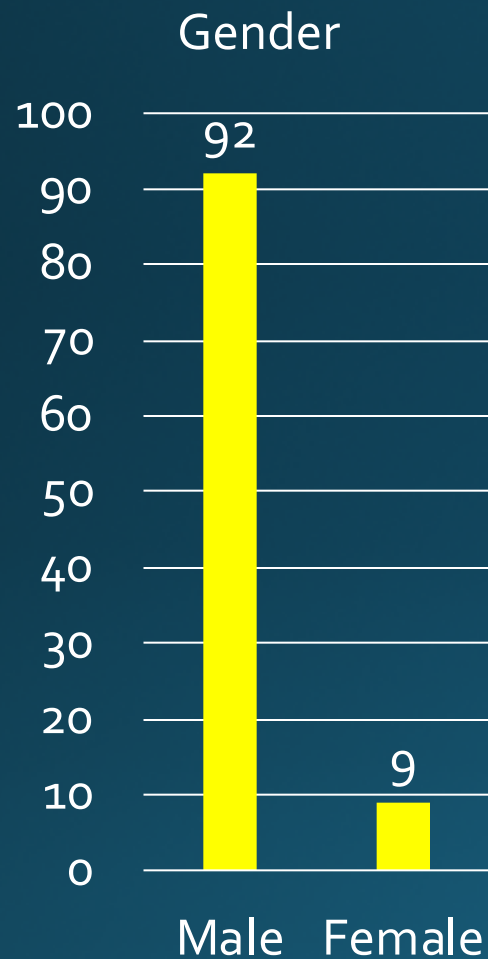
- “Continuous Certification” to continue
- More “formative” assessments (immediate feedback)
- Did NOT recommend moratorium on “summative” assessments
(Regulatory capture / punitive actions continue)
- Admitted harms were experienced by physicians by MOC
 - “Encouraged” hospitals, health systems, payers and other orgs to not deny credentialing or privileging solely on basis of certification.
- Term “MOC” should be abandoned.
- Will “seek input” from other “stakeholder organizations to develop consistent approaches to evaluate professionalism”
 - In 2007, ABIM Foundation was created to “define” medical and purchased a \$2.3 million condo with diplomate fees in 2009. It later off-shored \$6.5 M to Cayman Islands in 2014

ACC/HRS CMP: What Do Physicians Really Think?

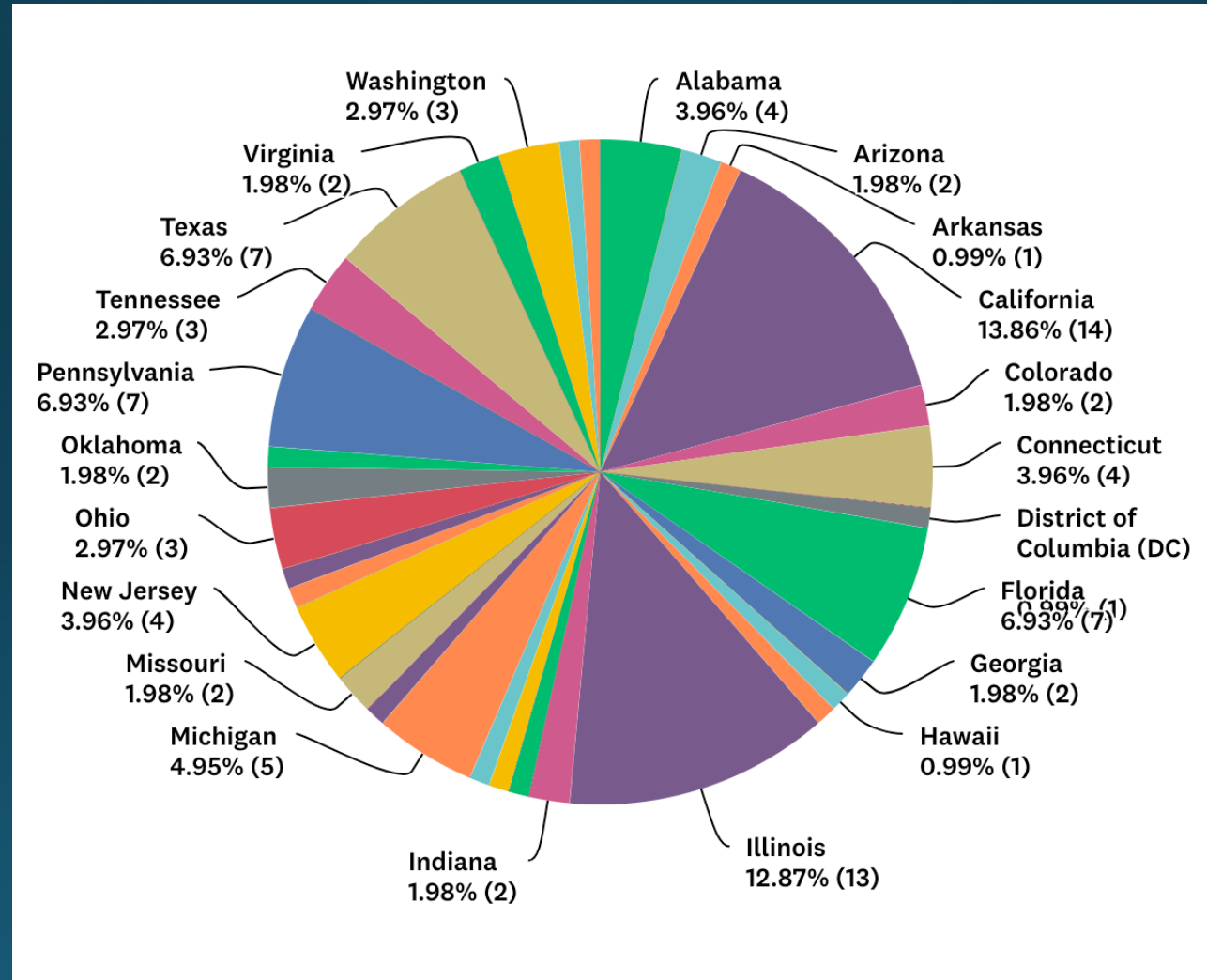
A Survey of Working Cardiologist/EP Perceptions

- A SurveyMonkey survey of working cardiologists and electrophysiologists from the US
- Distributed on Heart Rhythm Society's physician forum and via social media (blog/Twitter/Facebook)
- 30 Mar 2019 – 30 Apr 2019
- 110 respondents (101 cardiologists / EPs)

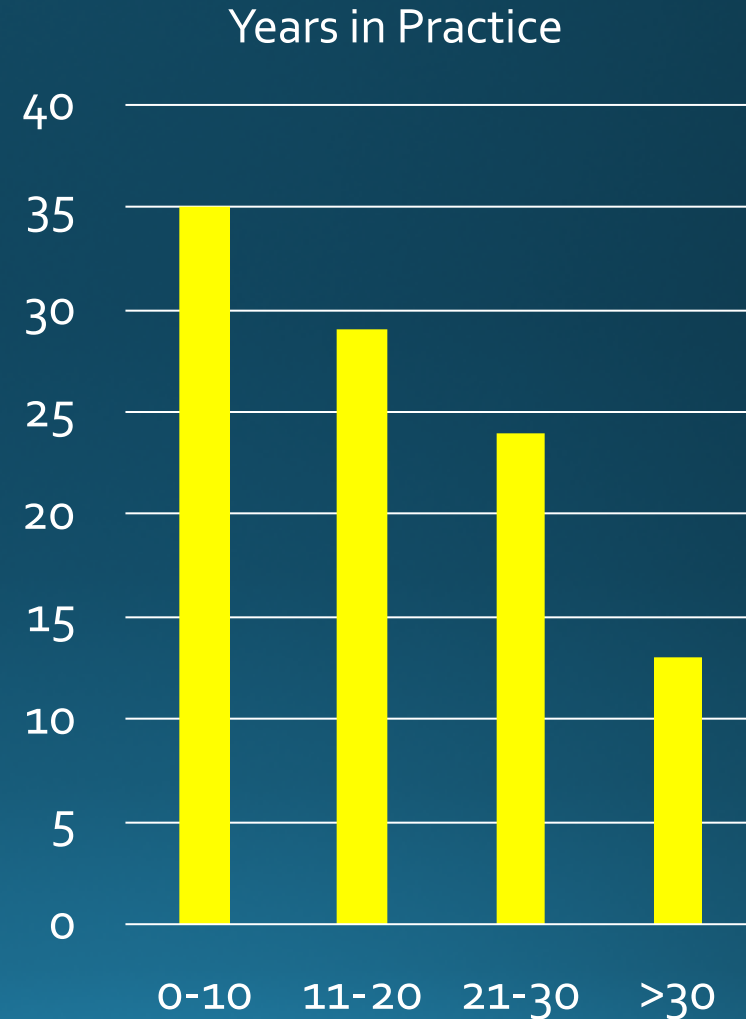
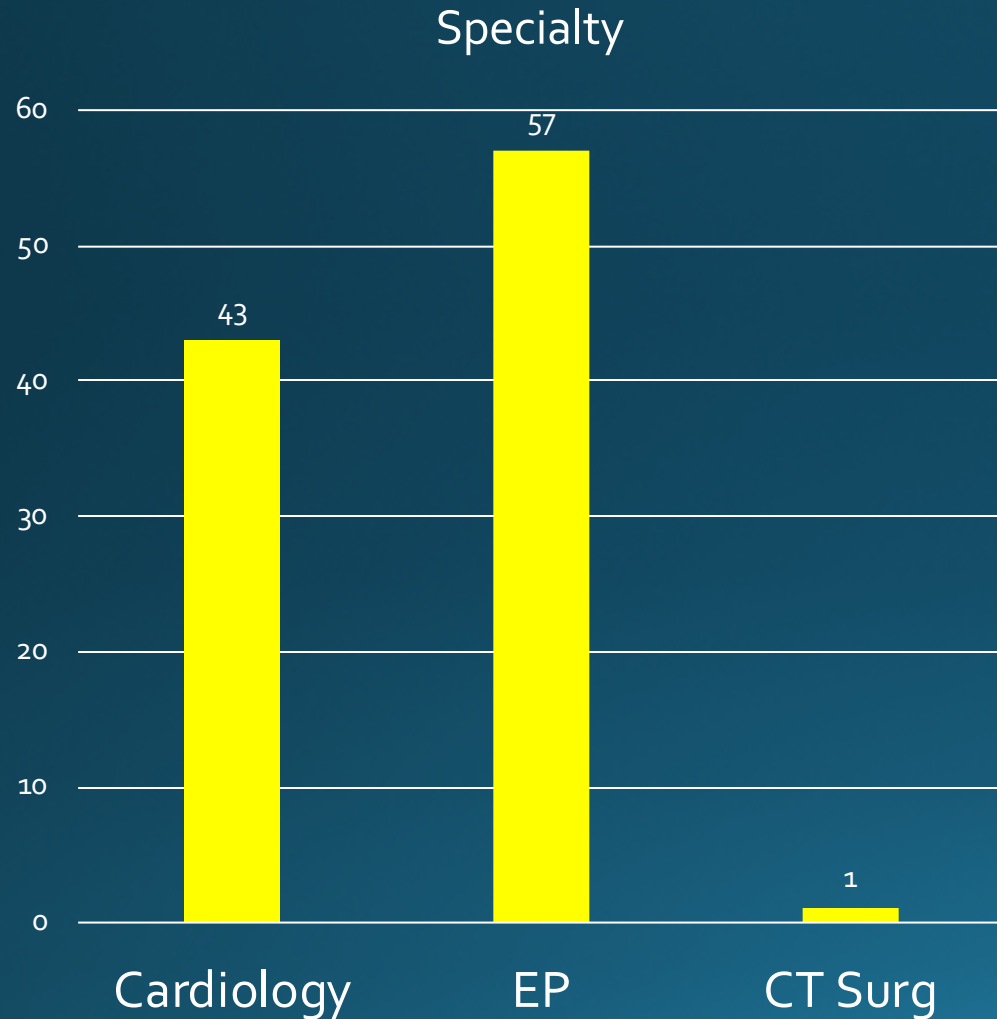
CMP Survey: Demographics (n = 101)



CMP Survey: Geography of Respondents

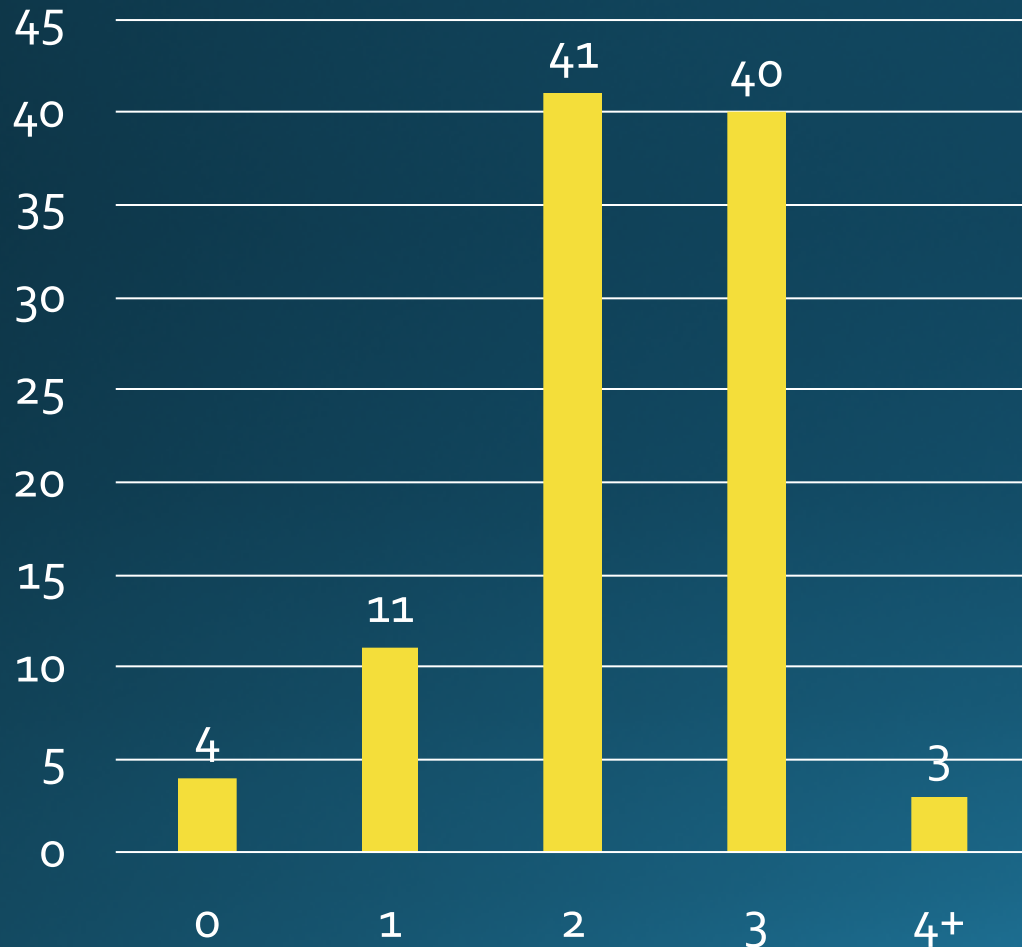


CMP Survey: Physician Specialty

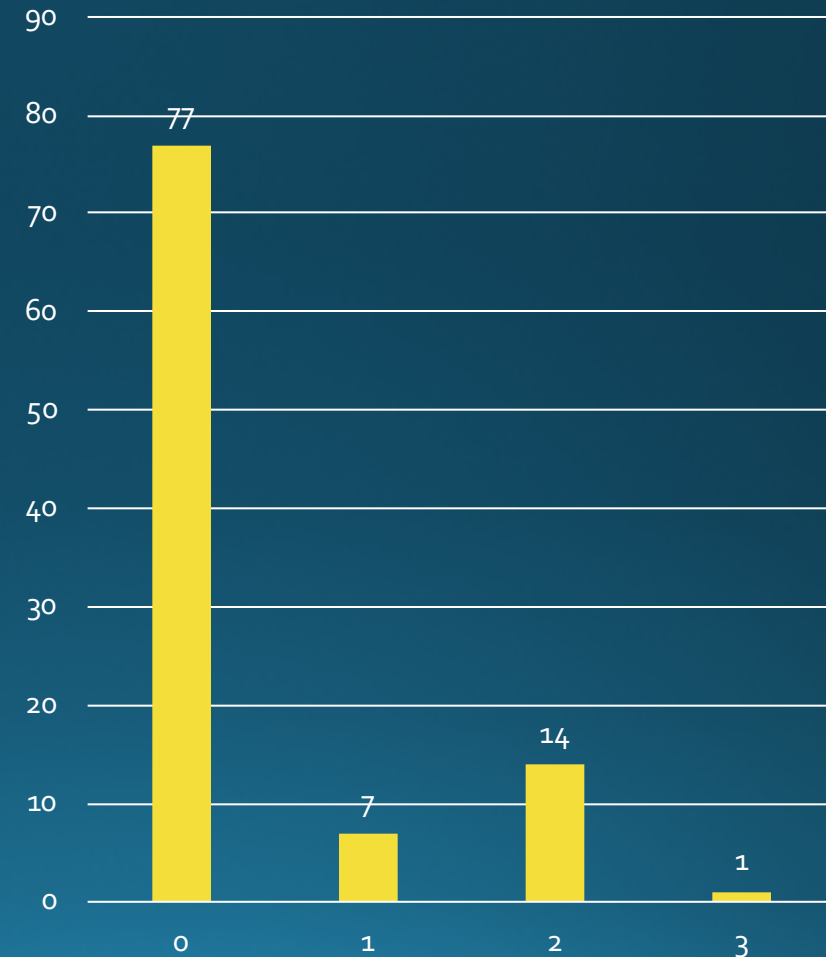


CMP Survey – Board Certification Status

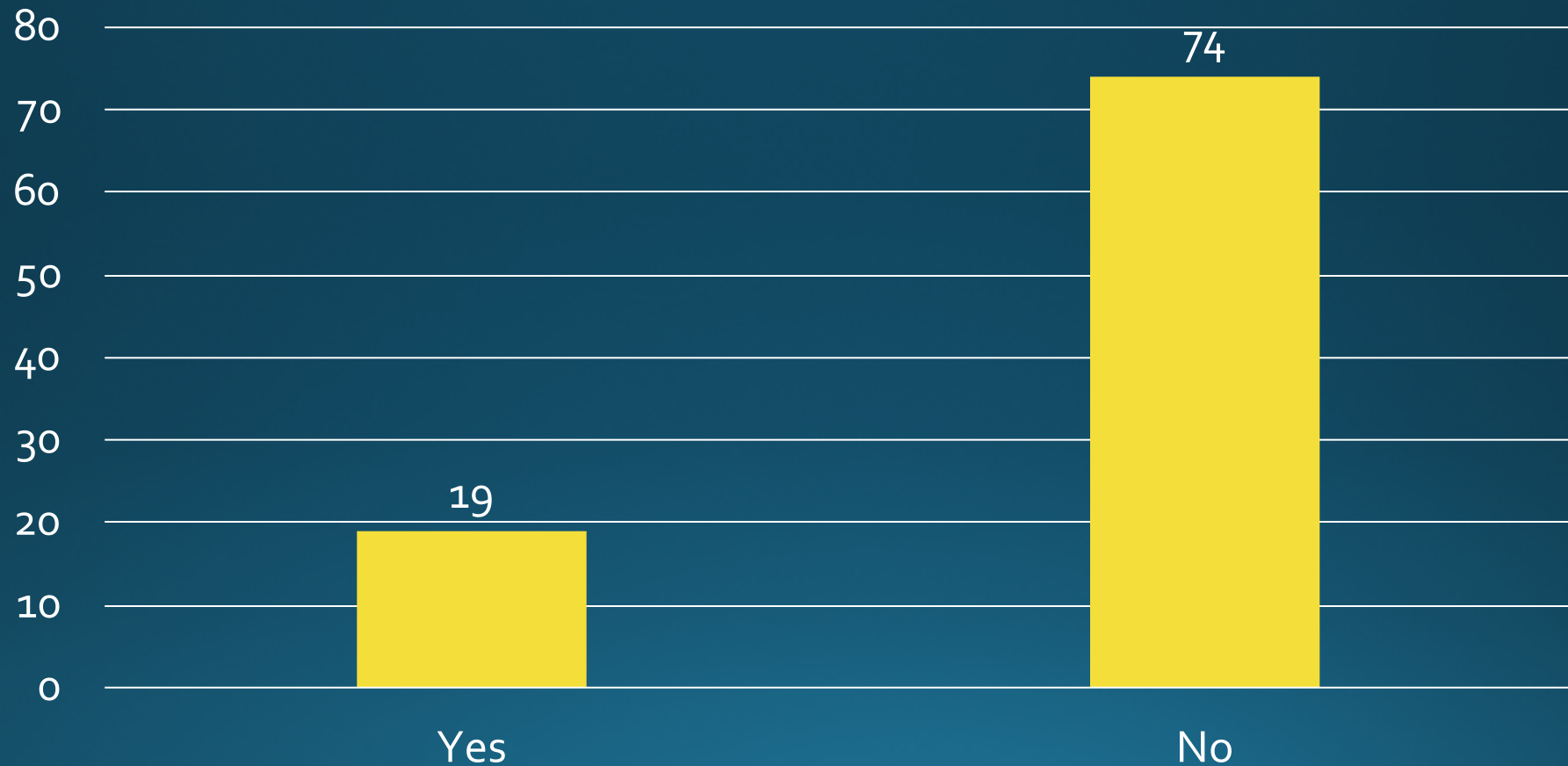
Active Board Certificates



Board Certificates Before 1990

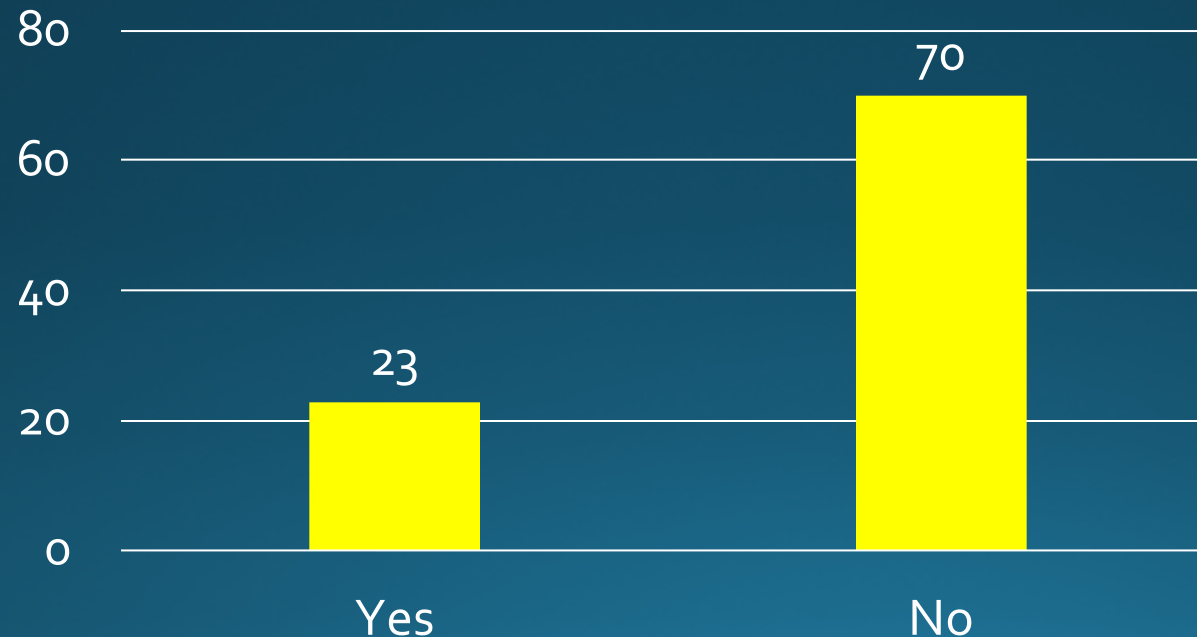


Q1: Should the ACC, HRS, and HFSA leverage their self-assessment program product sales to maintaining your ABIM board certification?

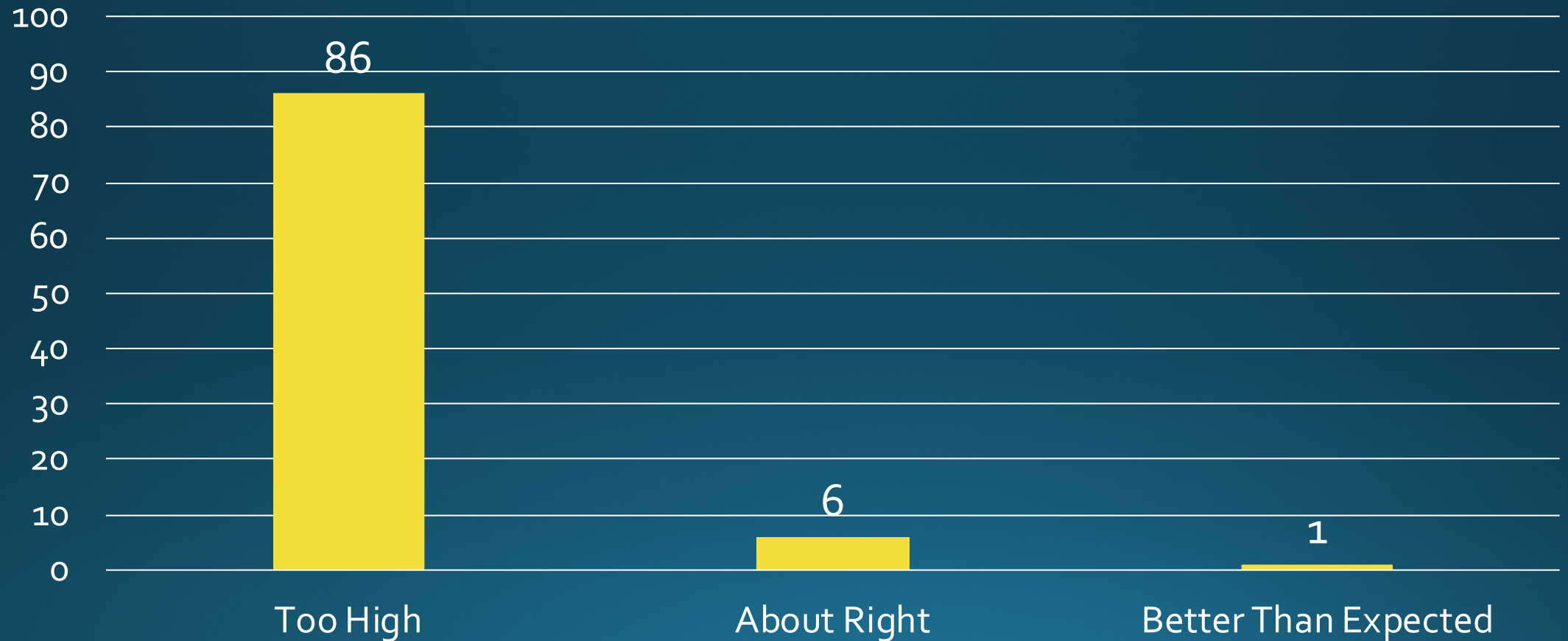


Q2: There are TWO costs for the CMP program (1) the costs for ACCSAP, EP-SAP and Heart Failure SAP materials from ACC, HRS, and HFSA (Currently \$1600 every 5 years for the ACCSAP) and (2) \$160 annually to the American Board of Internal Medicine (ABIM).

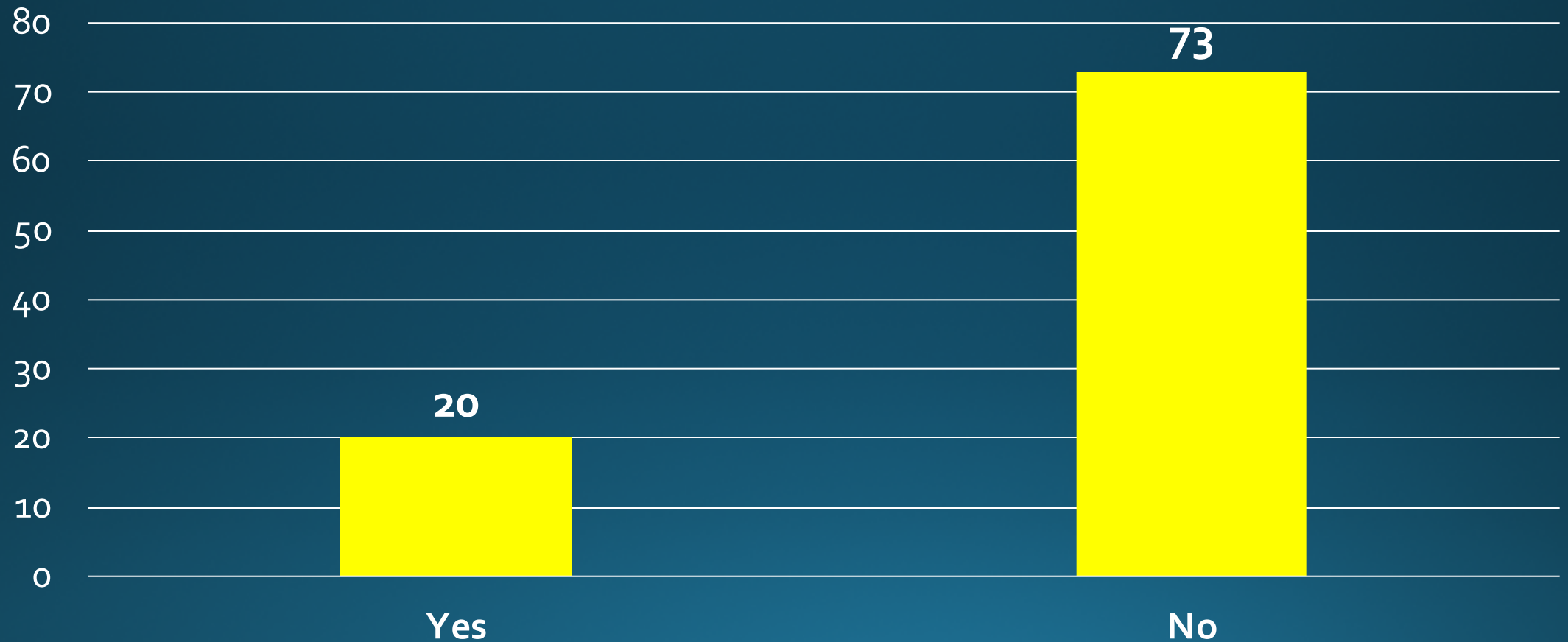
Were you aware CMP will cost physicians at least \$5200 every 10 years?



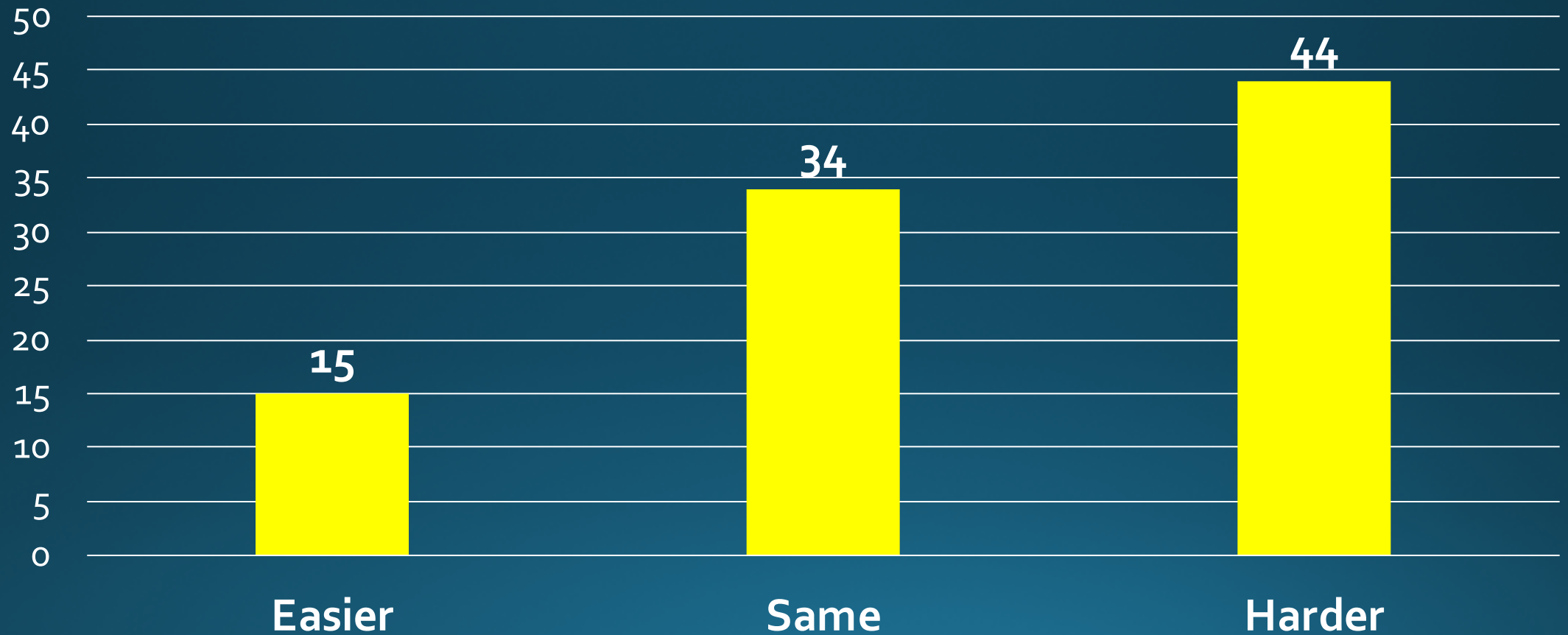
Q3: I believe the costs for CMP are:
(Too high, about right, better than I expected)



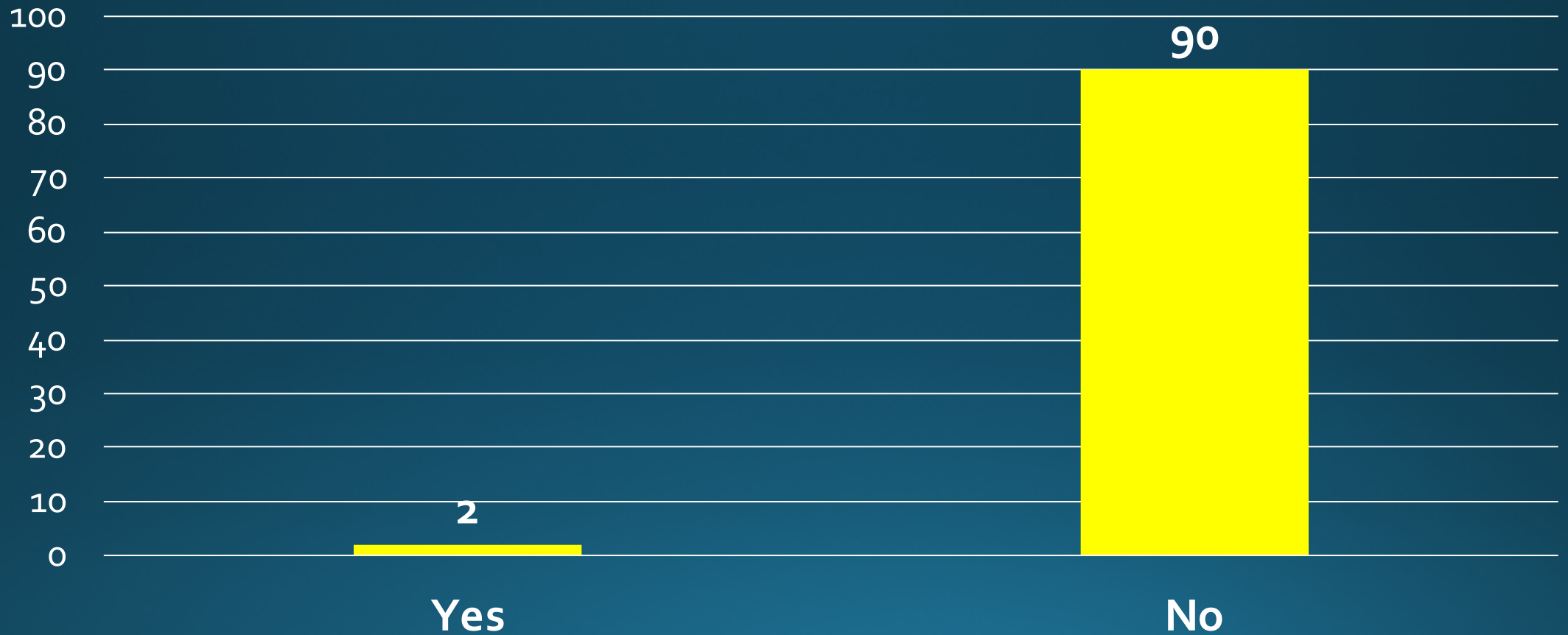
Q4: Do you plan on participating in the new Collaborative Maintenance Pathway (CMP) from the ACC, HRS, or HFSA?



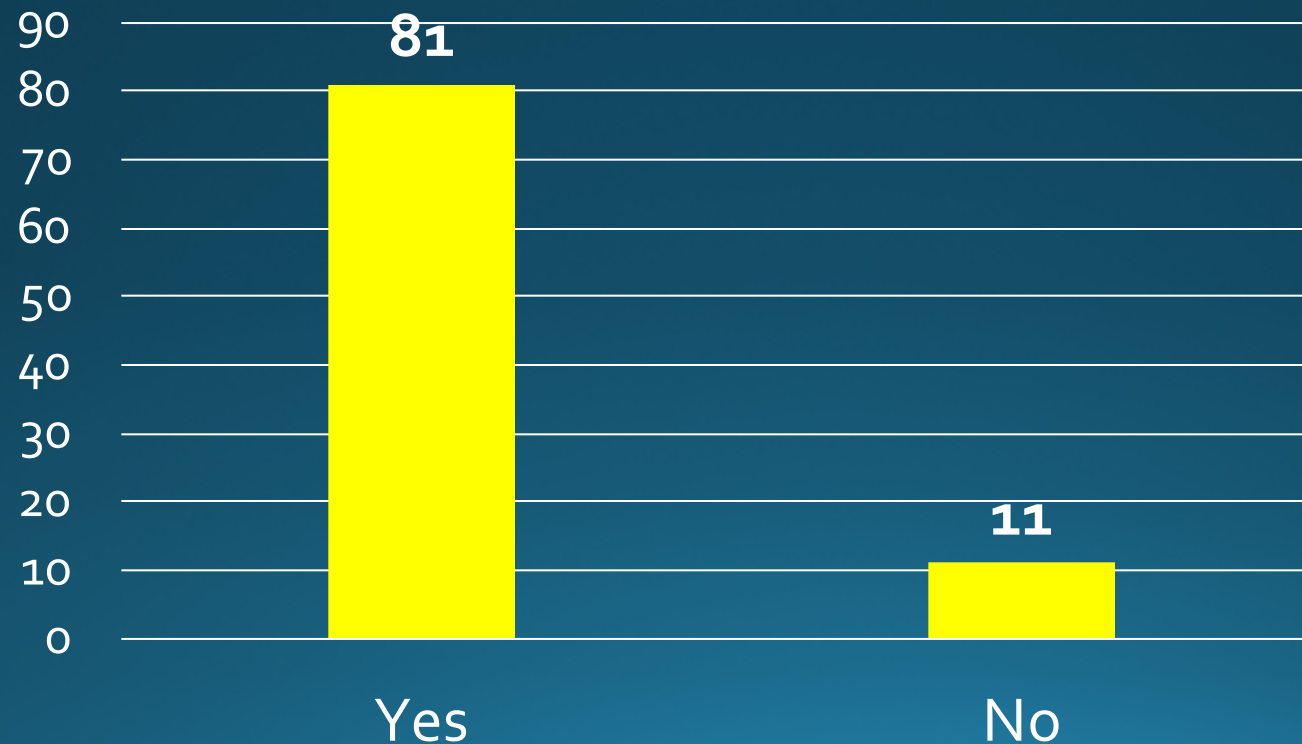
Q5: Do you think the ACC has made maintaining your board certification easier or harder with its new Collaborative Maintenance Pathway? (Easier, About the Same, Harder)



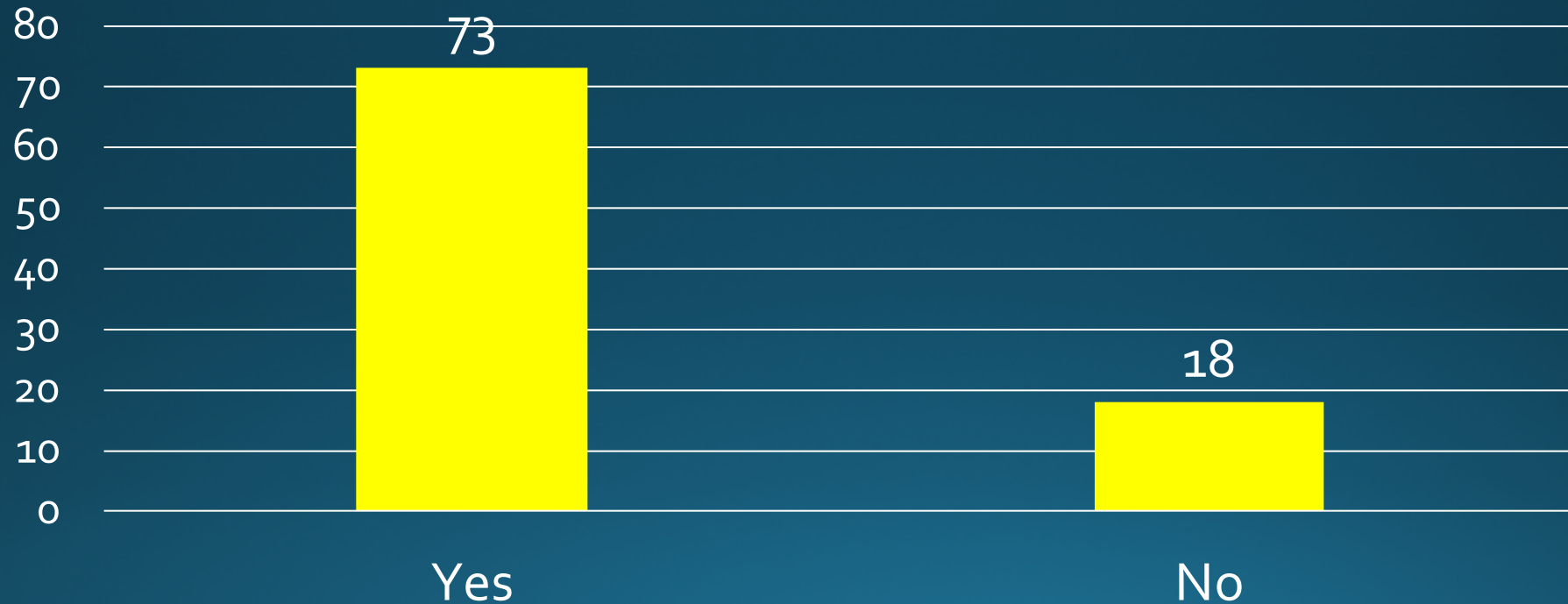
Q6: Should any ACC, HRS, or HFSA educational product have the potential to limit your hospital privileges, insurance panel participation, or your right work as a physician?



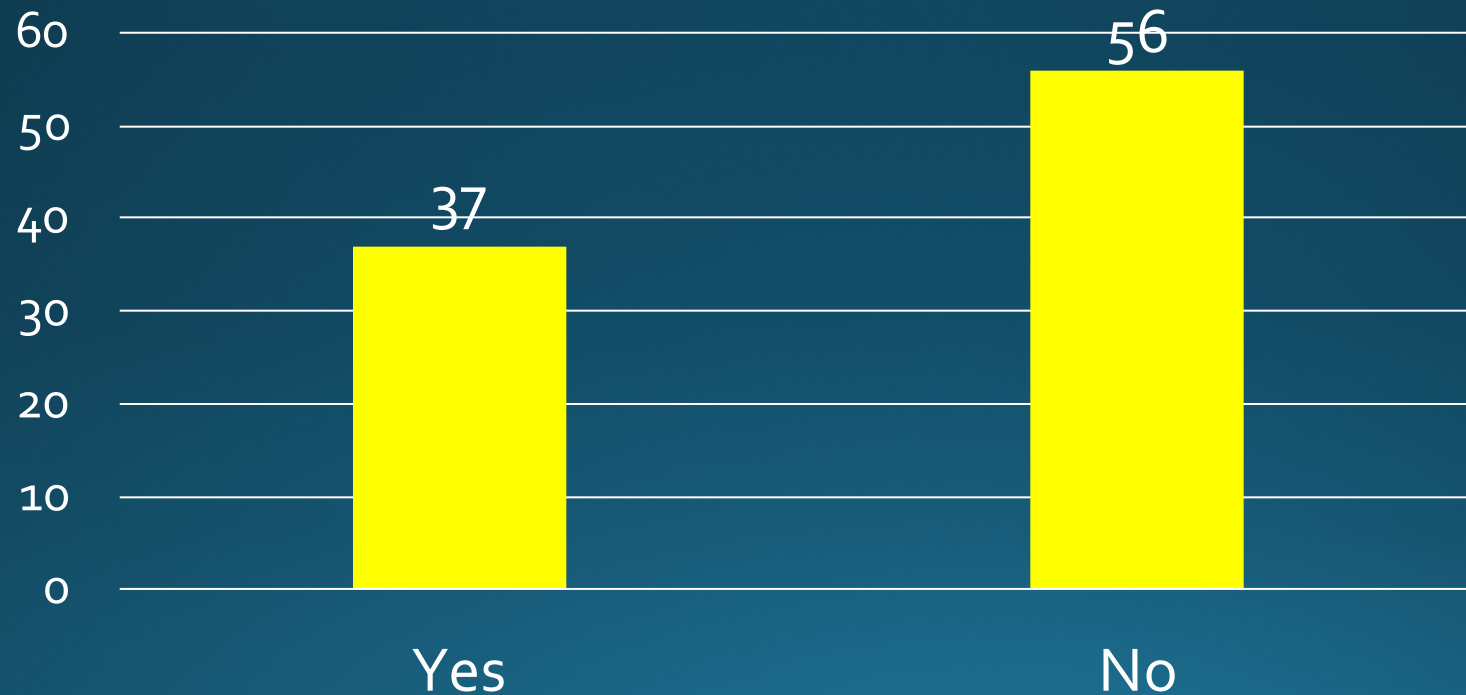
Q7: Before partnering with the ABIM, should the ACC, HRS, and HFSA await the outcome of the class action antitrust/RICO lawsuit against the ABIM before implementing the Collaborative Maintenance Pathway for "maintaining" board certification?



Q8: If they could do it again, should the ACC, HRS, and HFSA have partnered with the National Board of Physicians and Surgeons rather than the American Board of Internal Medicine?



Q9: Have you donated to the GoFundMe page sponsored by Practicing Physicians of America to help defer legal expenses for the four plaintiffs who filed the class action anti-trust / RICO lawsuit against ABIM?



CMP Survey Limitations

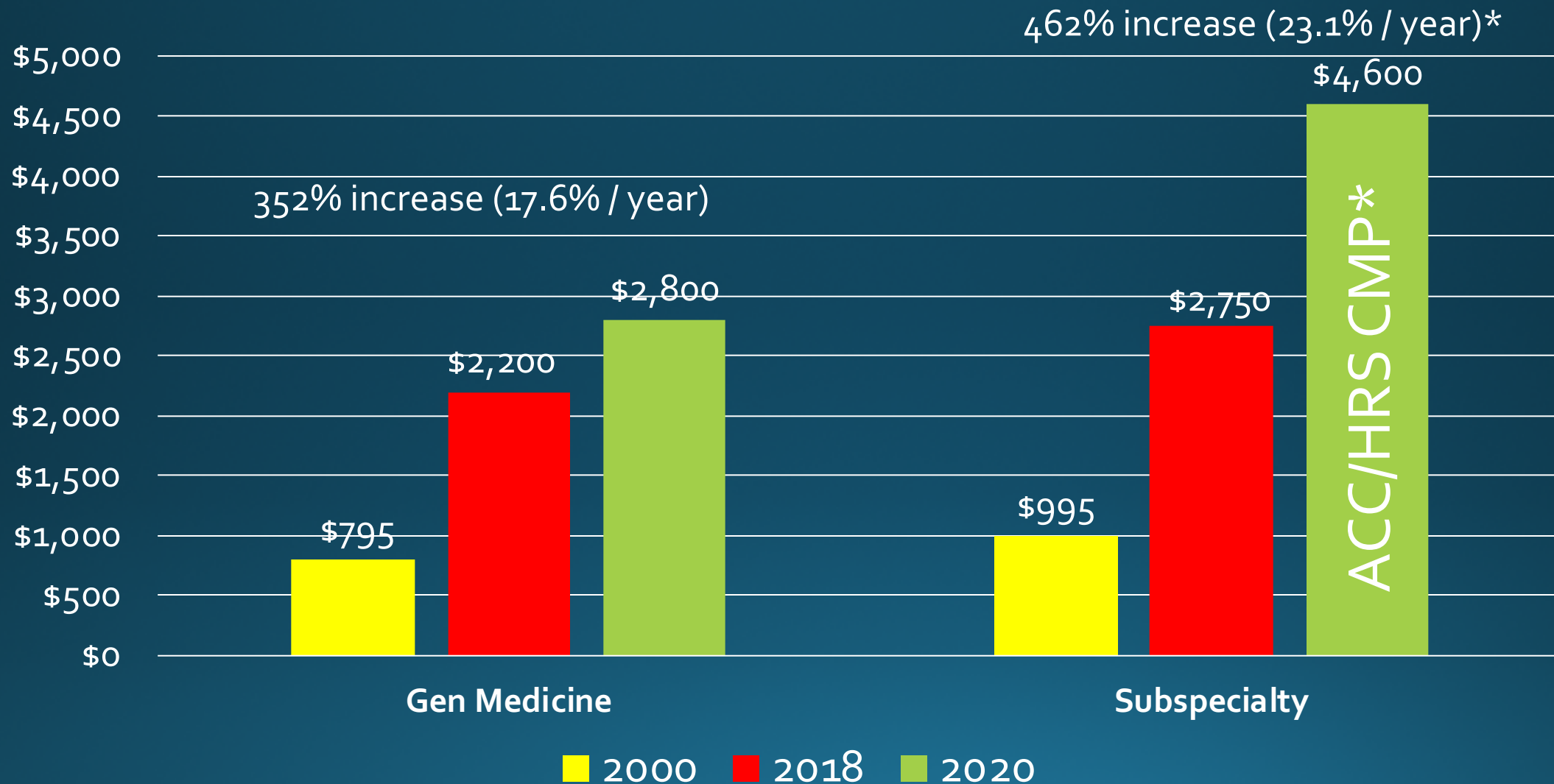
- VERY small sample size of physicians
- Subject to multiple forms of bias (undercoverage, non-response, voluntary response, survey/sample)
- Results may not reflect true opinion of most cardiologists/EP's

Reality: Medical Specialty Societies Need Operating Cash

Sources of Revenue

- Board review / educational courses
- Scientific Session attendance
- Advertising revenue (sponsors)
- Content providers (JACC, Heart Rhythm journals)
- Donors
- Accolade Sales (FHRS, FACC, etc)

Realty: Growth in MOC® Fees



* Does not include annual HRS/ACC membership fee

Reality: Base-Case Cost Analysis of MOC® in 2015

Annals of Internal Medicine®

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ORIGINAL RESEARCH | 15 SEPTEMBER 2015

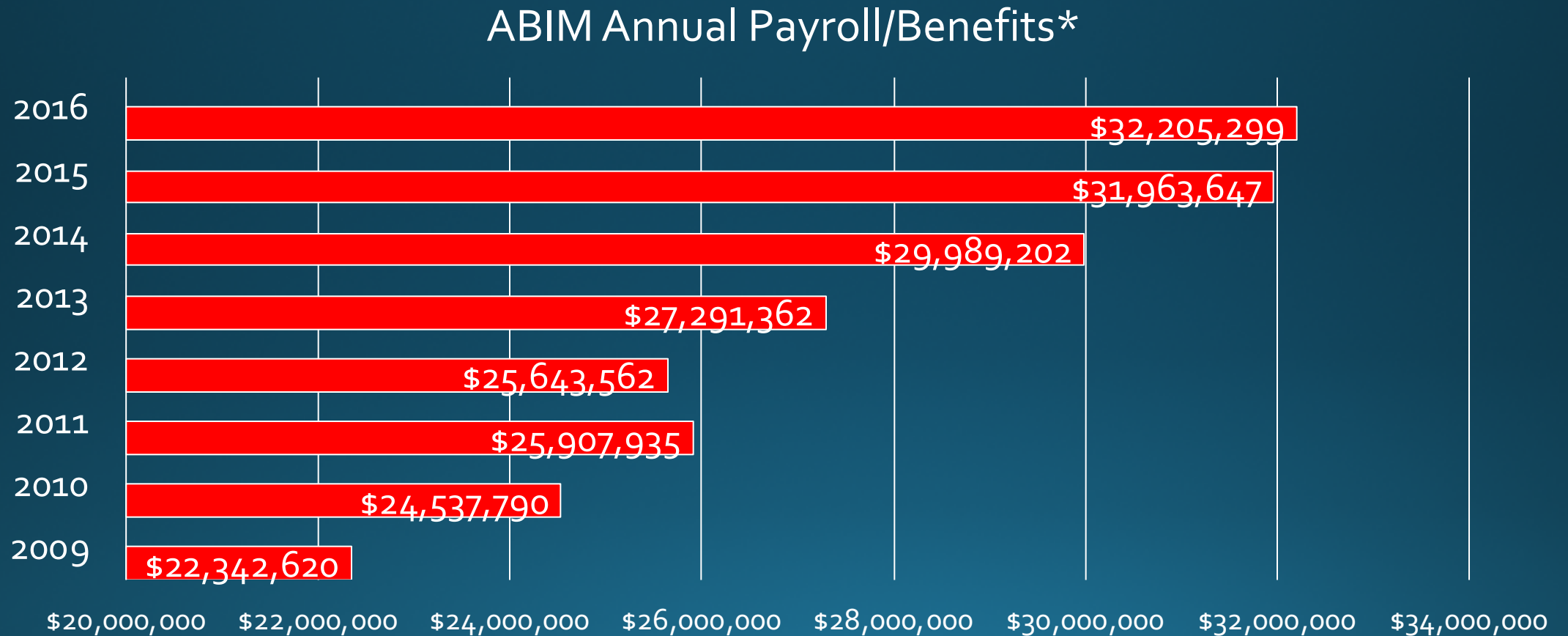
A Cost Analysis of the American Board of Internal Medicine's Maintenance-of-Certification Program

Alexander T. Sandhu, MD; R. Adams Dudley, MD, MBA; Dhruv S. Kazi, MD, MSc, MS

[Article, Author, and Disclosure Information](#)

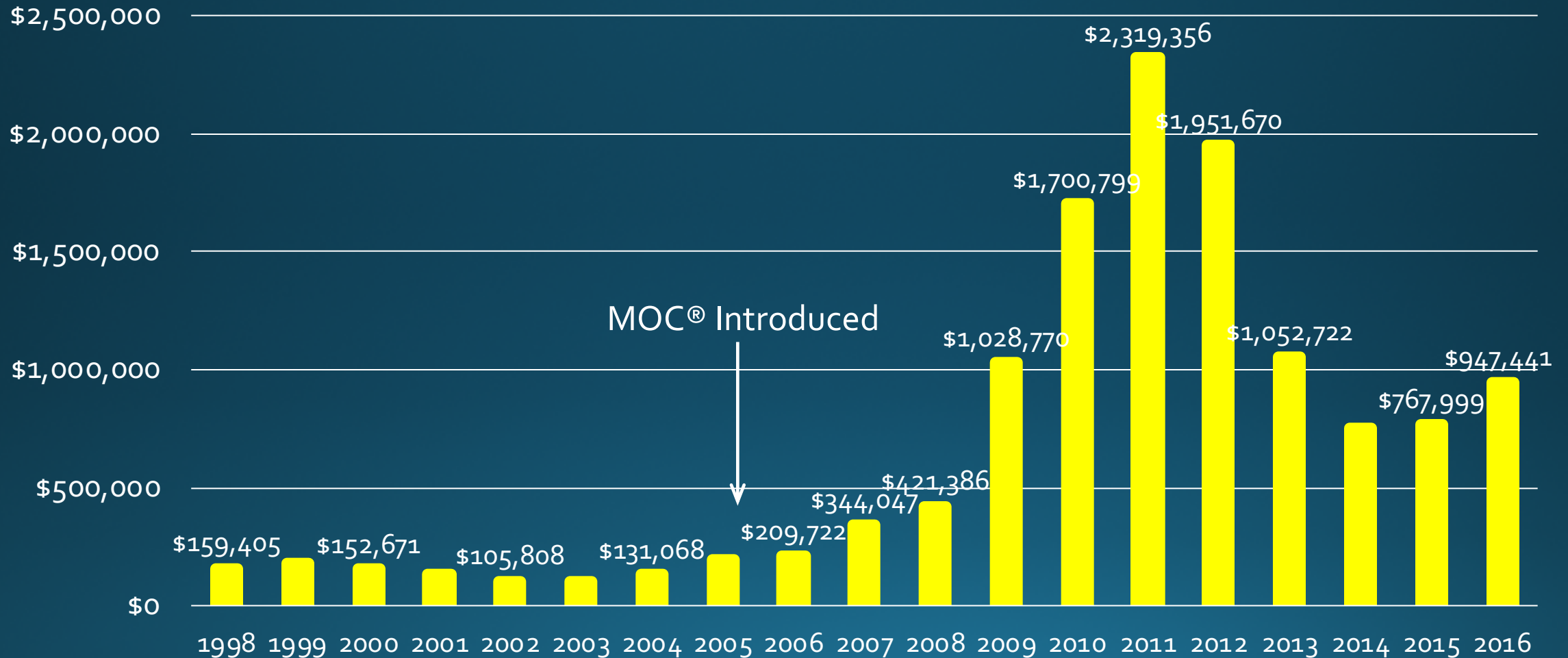
Results of Base-Case Analysis: Internists will incur an average of \$23 607 (95% CI, \$5380 to \$66 383) in MOC costs over 10 years, ranging from \$16 725 for general internists to \$40 495 for hematologists-oncologists. Time costs account for 90% of MOC costs. Cumulatively, 2015 MOC will cost \$5.7 billion over 10 years, \$1.2 billion more than 2013 MOC. This includes \$5.1 billion in time costs (resulting from 32.7 million physician-hours spent on MOC) and \$561 million in testing costs.

ABIM's Growing Payroll/Benefits



* ABIM Form 990

Reality: ABIM's Mounting Legal Fees*



* Source: ABIM Form 990

Some Thoughts on MOC® / CMP

- According to the ABMS Member Boards and ABIM, physicians are expected to make life and death decisions and trust ourselves to do difficult procedures, but we can't be trusted to decide which CMEs we need.
- My practice in EP may look very different than another EP in Chicago who specializes in a unique area of EP, yet we have to do the same MOC?
- CME is always going to be a money-making venture, but it doesn't need to be a job-ending, profit churning, employment bureau (like MOC) on top of it.
- MOC affects physicians' right to work: failing to participate in MOC can lead to loss of hospital credentials, insurance payments, or academic appointments.

Some Thoughts on MOC® / CMP

- Is this depressing? (Yes)
- But we are about to turn the corner on this very discouraging chapter in medicine, and with your help we can do it.
- All over the country, doctors are working to protect YOUR profession.
- It is a huge mistake to think this is a small group of complainers. This is not sour grapes by doctors who have failed MOC®. Rather, this effort is a result of YEARS of serious, intensive study by working doctors from MANY specialties nationwide.


ABMS Member Board Litigation Currently Underway

- June 2013 Civil Case 3:13-cv-2609-PGS-LHG Northern District Court (Chicago) IL
 - Association of American Physicians and Surgeons, Inc. vs **American Board of Medical Specialties** - **Antitrust**
 - Awaiting Judge Wood's opinion on AAPS's amended complaint due 24 May 2019.
- Sept 22, 2015 Civil Case 2:14-cv-06428-KSH-CLW – New Jersey
 - ABIM vs Jaime A. "Jimmy" Salas Rushford vs Richard Baron, Christine Cassel, Lynn O. Langdon, et al: Counterclaim complaint: **Breach of contract, Copyright infringement, Liable**.
 - Awaiting judge's ruling for change of venue to Puerto Rico.
- Dec 6, 2018 Civil Case Case 2:18-cv-05260-RK (Amended Jan 23, 2019) – Philadelphia, PA
 - Gerard Kenney MD, Alexa Joshua MD, Glen Dela Cruz Manalo, MD, Katherine Murray Leisure, MD vs. **American Board of Internal Medicine (ABIM)**
 - **Class Action, Antitrust, Fraud, RICO, Unjust Enrichment**
- 23 Jan 2019 Civil Case 19-cv-0341L-RBB – San Diego
 - Steve Mannis MD Tonianne French MD, Louis Lim MD vs **ABMS, Am Board of Emergency Medicine, and Am Board of Anesthesiology**
 - **Class Action, Antitrust**
- 26 Feb 2019 Civil Case 1:19-cv-01407 Northern District Court (Chicago) IL
 - Sadhish K. Siva MD vs **Am Board of Radiology**
 - **Class Action, Antitrust, Unjust Enrichment**
- 6 Mar 2019 Civil Case 1:19-cv-01614 Emily Elizabeth Lazarou and Aafaque Akhter vs **Am Board of Psychiatry and Neurology**
 - **Class Action, Antitrust, Unjust Enrichment**

Final Thoughts on MOC®

- The outcome of these suits remain unknown
- If you want to be part of the first time in medical history that doctors are acting collectively to preserve the autonomy of their profession, don't sit by, take action.
- Go the Practicing Physicians of America website at <https://practicingphysician.org> or go to my "Dr. Wes" blog (<http://drwes.blogspot.com>) and educate yourself.

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1.2k

16

Manage your campaign


\$275,991 of \$400,000 goal

Raised by 1,439 people in 11 months

Donate Now


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Story Updates 20

Dear Colleague,

My name is Westby Fisher, MD and I work as the Director of Cardiac Electrophysiology at a large health care system in the Chicago Metro area. I am certified by the American Board of Internal Medicine

<https://www.gofundme.com/practicing-physicians-of-america>