US Physician Credentialing and ABMS Maintenance of Certification: Medicine’s House of Cards

Westby G. Fisher, MD, FACC
Library of Congress, 2 Feb 2017
The American Board of Internal Medicine (ABIM) is the largest member board of the American Board of Medical Specialties and is responsible for credentialing one quarter of all US physicians.
My ABIM “Board Certification” Story

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

Age Discrimination

- 1990 – All FUTURE Board Certification Becomes Time-limited and must be MAINTAINED every 10 years (MOC is born)
- 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
Defining Physician “Quality”

- **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 promising secrecy
  - 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

No Proof of Improved Patient Care Quality or Reduced Admissions
ABIM Webpage of Revenue Sources and Expenses

WHERE DOES THE MONEY GO?

REVENUE $54.5 Million (FY 2014)

Maintenance of Certification - 44%

EXPENSES $59.2 Million (FY 2014)

Other Income - 2%

Certification - 54%

Expenses include salaries, overhead and other out-of-pocket costs.
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.
Established 1999?

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.
### IRS Form 990

**Where and When as ABIM Foundation Created?**

<table>
<thead>
<tr>
<th><strong>Part I: Summary</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> Briefly describe the organization's mission or most significant activities.</td>
</tr>
<tr>
<td><strong>THE ABIM FOUNDATION IS WORKING TO IMPROVE HEALTH CARE THROUGH ADVANCING MEDICAL PROFESSIONALISM INTO CLINICAL POLICY AND PRACTICE</strong></td>
</tr>
</tbody>
</table>
Where and When was ABIM Foundation Created?

Created 10/17/1989 in PA
How much money did ABIM Foundation have the year it was “created” in 1999?

$59,618,428
From IRS Form 990s:
Why Testing Fees Are Going to ABIM Foundation

<table>
<thead>
<tr>
<th>Class of Activity</th>
<th>Recipient’s name</th>
<th>Address</th>
<th>Amount</th>
<th>Relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding for various research projects</td>
<td>ABIM FOUNDATION</td>
<td>510 WALNUT STREET SUITE 1700</td>
<td>6,000,000</td>
<td>AFFILIATE</td>
</tr>
</tbody>
</table>

Self-proclaimed “research”
More “Research” at the ABIM

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
Respect for Persons

Beneficence

Justice
ABIM Foundation
Real Estate Investment Research in 2007?

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
In 2014, $6,516,936 were invested in Cayman Islands:

<table>
<thead>
<tr>
<th>Date</th>
<th>Fund - Cayman Islands</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/1/14</td>
<td>Aurelius Capital International Ltd Cayman</td>
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<tr>
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<td>Aurelius Capital International Ltd Cayman</td>
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<td>7/1/14</td>
<td>Azentus Global Opportunities Fund Ltd Cayman</td>
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<tr>
<td>8/1/14</td>
<td>Fort Warren Opportunities Offshore Fund Ltd Cayman</td>
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<tr>
<td>7/1/14</td>
<td>Hudson Bay International Fund Cayman</td>
<td>$711,900</td>
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<tr>
<td>6/1/14</td>
<td>Landsdowne UK Equity Fund Ltd Cayman</td>
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<tr>
<td>2/1/14</td>
<td>Windacre Partnership International Fund Ltd Cayman</td>
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<tr>
<td>10/1/14</td>
<td>Soroban Cayman Opporunities Fund Ltd</td>
<td>$593,250</td>
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<tr>
<td>9/1/14</td>
<td>Rimrock High Income Plus (Cayman) Fund Ltd</td>
<td>$711,900</td>
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<tr>
<td>7/1/14</td>
<td>Carrgae Capital Long Fund Ltd</td>
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<tr>
<td></td>
<td>TOTAL:</td>
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<tr>
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<td>Dublin, Ireland Investments</td>
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<tr>
<td>5/1/14</td>
<td>Palestra Capital Offshore Fund Ltd Cayman</td>
<td>$474,600</td>
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</table>

GRAND TOTAL OFFSHORE INVESTMENTS FY 2015: $6,516,936

* Source: IRS Form 990
- 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 MOC Exam?
  – (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)
Key: ABIM (American Board of Internal Medicine); NCQA (National Committee for Quality Assurance); 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?
Illegal Lobbying?

American Board of Internal Medicine

Profile for 2014 Election Cycle

CONTRIBUTIONS: $5,750

$160,000 (2014)

$100,000 (2013)

OUTSIDE SPENDING: $0

MEMBERS HELD: 0

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We follow the money. You make it possible.
What’s Been Going On?
ABIM Strongman Tactics

• ABIM “Director of Investigations” Ariel Benjamin Mannes 2008 – 2017
  – Felony #006438: Received two convictions for (1) impersonating a police officer and (2) carrying unregistered firearm after assaulting night club patron in 2005. Lost appeal in 2008. Then hired by ABIM.
  – Coordinated ACGME-accredited Arora Board Review course “investigation” in 2009 **
    • Presented “evidence” to federal judge with Christine Cassel, MD and Rebecca Baranowski that resulted in issuance of sealed “writ to seize” of materials from Dr. Arora’s home.
    • Home raid on Dr. Arora’s residence conducted by Federal Marshals, Mr. Mannes, and ABIM’s attorneys Hara Jacobs and Marc Joseph Weinstein
    • Emails on Dr. Arora’s computers tracked and resulted in 134 sanctions and 5 suits filed by ABIM against residents in attendance at the course. Ms. Lynn Langdon (40-year non-physician employee of ABIM and COO) signs sanction letters.
  – Mannes served as Governor of Philadelphia Infragard with access to FBI, Postal Inspectors (FBI Infragard program prohibits felons from participating)
  – Consults to Am Board of Pediatrics and Am Board of Medical Specialties on Test Security, paid by ABIM. Owns business “Exam Integrity Services LLC” registered in FL in 2015
  – Kyterion and Caveon test security firm ties (Mr. Weinstein now on staff at Caveon)

* District of Columbia Court Cases Online, 2005 Felony Conviction #006438 at https://www.dccourts.gov/cco/maincase.jsf
What’s Been Going On?

- Anti-trust? Racketeering?
  - 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)
        but has not been touched in court docket since January 2015
It’s Not Just the ABIM

– ABMS - profits selling physician credentialing info via for-profit ABMS Solutions, LLC in Georgia (listed in IL on tax forms)
– ABFM – Owns ABFM Realty, LLC and profits from managing $4.2M office building they purchased with physician testing fees.
– ABP – Owns a 2.8 acre pond; CEO retired with $2.4M in 2012, earned $793,438 in 2014 as consultant working 8 hrs/week
– Several member boards own land only.
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
- Unlimited conflicts of interest
- 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
“Not I,” said the Major Medical Journals
“Not I,” said Main Stream Media
“I’ll do it myself”
Change Board Recertification
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

“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...