



**American Board
of Medical Specialties**

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**American Board of Medical Specialties:
Statement on the U.S. Department of Justice Response Letter Regarding
Proposed Maryland Legislation to Restrict Hospital and Health Plans Right to
Set Quality Standards for Physicians**

On September 10, 2018 the Antitrust Division of U.S. Department of Justice (DOJ) responded by letter to a request by Dr. Dan K. Morhaim, a Maryland state legislator and a board member of the National Board of Physicians and Surgeons, 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 Dr. Morhaim's objections to the Maintenance of Certification (MOC) program of physician certifying Boards that are members of the American Board of Medical Specialties (ABMS).

The MOC program is designed to help assure that physicians certified by ABMS Boards are committed to a program of lifelong learning, are keeping up with developments in their medical specialties, and are maintaining their medical knowledge, skills and expertise. The MOC program was put in place to advance the best interests of patients.

ABMS is pleased that the DOJ letter encourages the Maryland legislature "to continue allowing hospitals and insurers independently to decide whether to consider a physician's MOC status when making business decisions, such as granting hospital privileges" and ABMS strongly agrees with the conclusion of the DOJ that enactment of the Maryland bill could "harm, not improve, the competitive landscape of healthcare in Maryland." ABMS applauds the recognition by the DOJ of the value to consumers and health systems of "certifying that a provider has demonstrated a certain level of training, testing, or experience over and above other providers."

Like the DOJ, ABMS supports and encourages a competitive marketplace for specialty certification. At the same time, however, we are concerned about deception of patients if physicians are permitted to market themselves as "Board Certified" based on certification by a Board whose standards do not rigorously assess medical knowledge and maintenance of skills. After all, most consumers do not have the experience to differentiate between a claim of Board Certification based on the exacting standards of ABMS Boards and a claim of Board Certification not based on such standards.

For that reason, we believe that claims of Board certification should be based on transparent standards that will genuinely advance the interests of patients and avoid deception. We are confident that, when compared to any other specialty certification programs, ABMS Boards can clearly demonstrate the superiority of their certification programs in giving useful information to hospitals, payers, and patients. It is for this reason that hospitals, health plans, consumers, and even providers themselves, overwhelmingly select ABMS certification as the gold standard of specialty care.

While we continue to work with physicians and specialty and medical societies to ensure our programs do not become overly burdensome, we are proud that our certificate represents the highest standard of knowledge and assessment currently available. Accordingly, ABMS continues to welcome an accurate comparison of our programs to other certification programs currently in the marketplace, and we continue to support the right of patients and health systems to determine which program best meets their expectations for high quality specialty care.