



NBPAS Quarterly Newsletter

Welcome to the Fall 2018 issue!
Keeping you informed with recent news, updates, articles, and more.

Advocacy News



NBPAS has made tremendous progress this quarter. Thank you for all your continued support! Here are the highlights:

Landmark opinion from the Justice Department about MOC!

On September 10th, 2018 the U.S. Department of Justice (DOJ) Antitrust Division issued a landmark opinion about Maintenance of Certification (MOC), vindicating the National Board of Physicians and Surgeon's (NBPAS) long-held position that alternative organizations are needed to promote competition in physician certification. In an opinion letter, the DOJ validated the NBPAS four-year struggle to make continuous physician certification more meaningful and less burdensome.

Recent Articles of Interest

Check out the latest articles posted on [NBPAS News](#) page:

[Worried About Your Certification Exam? Look to Heavens](#)

MedPage Today; by Milton Packer MD

[Recertification: A Tale of Good Intentions but Lots of Strife](#)

The American Journal of Medicine; by James J. Glazier MD and Amir Kaki MD

[Doctors Tell Us How They Really Feel about Maintenance of Certification](#)

Physician Sense/MDLinx; by Jonathan Ford Hughes

[MOC as Antitrust Issue: DOJ Backs More Choice in Certification](#)

Medscape; by Steve Stiles

[Physician survey: The clinical value and future of MOC](#)

MDLinx; by MDLinx

NBPAS Diplomates

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The DOJ explained that the ABMS Program on MOC may have the effect of “harming competition and increasing the cost of healthcare services to customers.” ABMS may do so “by imposing overly burdensome conditions on physicians who wish to maintain their certification.” The DOJ added, with respect to ABMS, “[the] vast majority of [its] board members are medical doctors”—i.e., “active market participants”—who may have incentives to limit competition through “industry self-regulation.” As a result, the DOJ warned, “there would be competition concerns, if dominant certifying bodies [like ABMS] set de facto participation requirements that did not sufficiently correspond to health, safety, or other pro-competitive justifications.”

This public position by the DOJ should be emphasized by physicians and other stakeholders as they ask hospital boards and insurance companies to accept alternative certification organizations when setting criteria for hospital privileges and payer contracts.

For more detailed information and link to DOJ letter, visit - <https://nbpas.org/landmark-opinion-from-the-justice-department-about-moc/>

If your hospital does not recognize NBPAS, please introduce it to your Medical Staff. You can review the customizable materials we’ve prepared for you in the NBPAS Advocacy Center - www.nbpas.org/advocacy-center/.

ABMS Response to DOJ Opinion Letter Supporting Competition in Physician Certification

On September 18th, ABMS responded and said nothing about the Justice Department’s


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Enjoy the upcoming holiday season, and thank you for your support!

- NBPAS Team

concerns that MOC may harm competition. It made no reference to the government's suggestion that ABMS implement internal procedures to ensure its decisions reflect the public interest. As the Justice Department recognized, competitors like the NBPAS can provide physicians with much-needed alternatives to MOC and encourage certification agencies to offer the best possible programs. ABMS's statement that it "supports and encourages a competitive marketplace for specialty certification" is little more than lip service. In its next breath, ABMS rejects a meaningful role for other certifying entities, suggesting its competitors lack rigor and will confuse patients. ABMS asserts 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" and yet ABMS is unwilling to take steps internally or support legislation that will facilitate that very comparison. ABMS can only point to illusory fears of harm to patients, while ignoring the very real harm to patients and physicians that an uncontested MOC has wrought and continues to wreak upon the medical community.

To view ABMS official response and for more information on NBPAS's response to the ABMS, visit - <https://nbpas.org/abms-response-to-doj-opinion-letter/>

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