**OKLAHOMA STATE MEDICAL ASSOCIATION HOUSE OF DELEGATES**

**Resolution 1**

**A-2013**

***ADOPTED AS AMENDED***

**Introduced by: Tulsa County Medical Society Author: David J. Siegler, M.D.**

**Subject: Maintenance of Certification (MOC) and Licensure (MOL) vs Board Certification, CME and Lifelong Commitment to Learning.**

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**WHEREAS,** TCMS is resolved to oppose interference with the patient-physician relationship including the opposition to and pursuit of actively defeating efforts by The American  Board of Medical Specialties (ABMS) the Federation of State Medical Boards, INC. (FSMB), in their efforts to impose effective mandatory Maintenance of Certification (MOC) and Maintenance of Licensure (MOL) in Oklahoma as such efforts have no evidence of improving patient care, will decrease access to physician care by excluding non-certified licensed physicians and encourage early retirement and place an undue time and financial burden on physicians; and

**WHEREAS,** TCMS joins other medical associations to oppose and actively defeat efforts by ABMS and the FSMB that suggest the use of MOC as a condition of employment, licensure or reimbursement (such as occurred in Ohio in 2012 by the Ohio State Medical Association); and

**WHEREAS,** The American  Board of Medical Specialties (ABMS) and FSMB have and continue to press legislation coupling, insurance payments, hospital privileges and other employment opportunities to active enrollment in “time limited” Board Certification and the associated MOC program in a nationwide fashion, imposing this upon the practice of medicine in Oklahoma; and

**WHEREAS,** the MOC program is expensive, unproven, directed toward bureaucratic compliance and entry level medical knowledge, wastes resources by  requiring participation in time limited MOC-CME programs directly benefiting selectively the ABMS only; and

**WHEREAS,** the ABMS has changed the actual concept of Board Certification for life as representing quality of specialty training (just as a diploma bestows the lifelong medical degree to physicians) to a business model of “time limited” and further implemented yearly participation enrollment (MOC) to further corporate profits in the 100’s of millions of dollars and against active physician opposition; and

**WHEREAS,** the ABMS has lobbied and succeeded to terminate “grandfathered” life-long unlimited certifications through passage of Oklahoma Administrative Code 435:10-7-2 (see attachment 1) preventing the use of terms “Certified by” or “Diplomat” or “Fellow” through insertion of MOC without physician’s vote; and

**WHEREAS,** The American Medical Association’s Physician Recognition Award and CME program was successfully formed in the late 1960’ and meets all needs of documenting lifelong commitment to learning to include individual physician’s choice and competitive offering of educational materials in CME, that experience and reason is an accepted and important aspect to excellent care, and that licensing of Oklahoma physicians to practice medicine does not, and should never require certification; and

**WHEREAS,** these ABMS and FSMB national efforts continue to impose on the physicians of Oklahoma in an adverse manner, imposing the *regulatory capture* of medical care at the national level and have resulted in active AMA opposition on a national level; and now, therefore, be it

***RESOLVED*,** that the Oklahoma State Medical Association pursues to uphold and maintain the importance of the patient-physician relationship independent of outside interference as the key to excellent medical care, that physicians are bound by generally accepted professional and ethical values in pursuit of best care for patients, andbe it further

***RESOLVED*,** that the Oklahoma State Medical Association continues to support and advocate lifelong continuing medical education and lifelong Specialty Board Certification as determined by the physician him/herself,to advocate against time-limited specialty medical board certificates, and advocate against discrimination against physicians who are not certified or are certified and choose NOT to engage in corporate re-certification programs labeled as "voluntary" by the specialty medical boards, and be it further

***RESOLVED****,* that the Oklahoma State Medical Association seek legislation in Oklahoma that will prohibit discrimination by hospitals and any employer, the Oklahoma State Board of Medical Licensure and Supervision, insurers, Medicare, Medicaid, and other entities, which might restrict a physician's right to practice medicine without interference (including economic discrimination by varying fee schedules) due to lack of certification, lack of participation in FSMB/ABMS prescribed corporate programs including Maintenance of Licensure or expiration of time limited Board Certification, and be it further

***RESOLVED***, that the Oklahoma State Medical Association promote and/or implement a policy forbidding discrimination by hospitals or employers, the Oklahoma State Board of Medical Licensure and Supervision, insurers, Medicare, Medicaid, and other entities, which might restrict a physician's right to practice medicine without interference (including economic discrimination by varying fee schedules) due to lack of certification or participation in FSMB/ABMS prescribed corporate programs including Maintenance of Licensure or time limited Board certification, and be it further

***RESOLVED,*** that the Oklahoma State Medical Association urge the AMA to adopt as policy this resolution forbidding discrimination by hospitals or employers, by any state board of medical licensure and supervision, insurers, Medicare, Medicaid, and other entities, which might restrict a physician’s right to practice medicine without interference (including economic discrimination by varying fee schedules) due to lack of certification or participation in FSMB/ABMS prescribed corporate programs including Maintenance of Licensure or time limited Board certification as was suggested by the AMA Young Physicians Section Governing Council in 2007.