



## **Testimony**

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Chairman Benishek, Ranking Minority Member Brownley, and distinguished Members of the Health Subcommittee, on behalf of the American Board of Physician Specialties (ABPS) and its physician Diplomates across the United States, I thank you and your colleagues for examining the issue of overcoming barriers to more efficient and effective V.A. staffing.

### **Introduction**

Veterans should never be short-changed in their medical care. With the return of so many of our soldiers from military actions abroad, the current number of patients throughout V.A. hospitals will only continue to increase. Unfortunately, with the physician shortages reaching epidemic proportions, so will their ability to receive quality care from experienced and highly qualified physicians.

Recruiting qualified and highly skilled physicians to work within the V.A. Health System is needed now more than ever.

What many do not know are the reasons behind the difficult recruitment process, making it ever more challenging and difficult for the V.A. to recruit and retain top medical care.

Due to physician politics and the monopolization of V.A. VISNs by the largest physician certifying body, the American Board of Medical Specialties (ABMS), many physicians, including highly qualified and skilled ABPS Board Certified physicians, are being denied or not even being considered for employment at V.A. Healthcare institutions throughout the country. What is indefensible and inexcusable is that these physicians are not being denied because of their training, education, or experience. These highly skilled physicians are being denied employment opportunities solely because of their choice in Board Certification.

Doctor Robert M. Weinacker, who some of you have had the pleasure of previously meeting late last year, is a prime example of this very discrimination going on within the Administration.

Dr. Weinacker, a Veteran himself, with a long history of service as a Green Beret and former member of Special Forces, who was handpicked as the Battalion Surgeon to lead the medical treatment of 400 Special Forces (Green Beret) soldiers, wanted to work for the V.H.A. administration. He applied for up to 7 different positions and was never even called back for an interview. Was it his education and professional experience? Sadly, it was not. Dr. Weinacker, a graduate of the University of Alabama Medical School is residency-trained in his specialty and was even awarded an honorary fellowship by the American Academy of Radiology. In addition to his profession in the field of medicine, Dr. Weinacker has earned 3 doctoral degrees and is a health law attorney specializing in hospital administration, Stark Laws, Anti-Kickback regulations, certificates of need, Fraud & Abuse, medical malpractice, and more.

The only barrier that prevented Dr. Weinacker from being interviewed by the V.A. institutions he applied to was his choice of board certification, for each position required the certification by ABMS' American Board of Radiology (ABR) only. What is even more reprehensible is that under the G.I. Bill, Dr. Weinacker could be reimbursed for his ABPS Board Certification, yet within V.A. healthcare institutions they all too often choose to not accept that.

Dr. Weinacker, who could have been board certified by the larger certifying body (ABR) leading the discriminatory practices, chose to be board certified by ABPS. Due to that choice, he, a Veteran himself, has been denied the opportunity to take care of the individuals he wished to treat most – his fellow Veterans.

We are here to request that the V.A. cease to enable the domination of the largest certifying body and end the ongoing discrimination of ABPS physicians and other highly qualified physicians such as Dr. Weinacker. Dr. Weinacker is just one example of many highly skilled physicians and medical specialists being denied due to the growth and control of one leading organization.

### **What is Board Certification?**

Much behind the growth of this ongoing monopoly is the fact that most people do not have a true understanding of what Board Certification even is. Board certification is more than just an exam given by one organization.

Board Certification is a voluntary process and is an indicator that a practitioner has mastered the core body of knowledge and skills in his/her chosen specialty at a specific time by demonstrating their knowledge and passing a comprehensive, rigorous exam.

Throughout the United States, there are numerous certifying bodies – many of which that do not meet the rigorous standards required to be recognized.

In the current standard of physician board certification, there are three recognized multispecialty-certifying bodies. They are the American Board of Medical Specialties (ABMS),

the American Osteopathic Association (AOA), and the American Board of Physician Specialties (ABPS).

The ABMS, which is by far the largest, is made up of 24 individual specialty bodies – making many believe they are all different certifying bodies. This confusion and set up has hidden the monopoly that the ABMS has been establishing within the certification and healthcare industries – always communicating under the guise of being the “Gold” standard. This being the very gold standard that has lowered the quality of care of our Veterans, which has been documented in the press throughout the country.

The ABMS has been able to use this confusion and their size to make many believe that they are the only certifying body, but what one must realize is that even though ABPS is smaller, they are equally qualified and should be equally recognized. Size does not measure the quality of an organization.

### **Certification Standards**

To ensure the validity and credibility of a physician board of certification, the organization must meet certain standards in certification. First, they must ensure that the medical board exam is developed and administered with the goal of accurately reflecting a physician’s mastery of the knowledge base and skill set in his or her selected specialty. Second, all of the exams must be reviewed by an independent psychometrician and have been documented as valid, reliable, and psychometrically sound, as well as be consistent with testing standards of the American Educational Research Association (AERA) and the American Psychological Association (APA), and be a 501 (c)(3) organization.

To that end, the Member Boards of the ABPS employ all of the above rigorous standards for the development of content within their written, simulation, and oral examinations.

In fact, the ABPS is the only one of the three recognized multispecialty certifying bodies to conduct a self-audit of their testing and processes and have received an independent affirmation of the high standards of its exam development process and content through an exhaustive practice analysis study performed by Castle Worldwide.

This well-respected testing agency concluded that the ABPS certification programs “meet or exceed the equivalent standards of any other certifying organization.” What this means is that physicians who achieve certification through the ABPS can be sure that their core body of specialty knowledge has been thoroughly and fairly tested, and that the result will be an accurate demonstration of their abilities and knowledge, ensuring that all Veterans will be receiving the highest level of care.

Furthermore, all physicians that are eligible for the exam are required to complete an accredited residency program and demonstrate substantial and identifiable training in the specialty for which they wish to be certified in.

Finally, many of the ABPS Member Boards are constituted or governed by Diplomates who are at the same time dually certified by the larger boards, ABMS/AOA, whom work in consort furthering the monopoly.

### **History with the Department of Veterans Affairs**

Since 1994, the ABPS has approached the Department of Veteran Affairs on the very issues that have prevented skilled physicians from caring for our Veterans, further creating barriers to physician recruitment and fueling the growth of the monopoly within its healthcare institutions. The lack of recognition of the ABPS Boards of Certification has created discrimination for many physicians.

Each time we approached the Department of Veterans Affairs, the Administration would continue to protect the monopoly of the larger certifying organizations and respond that they had no plans to recognize any additional certifying bodies at this time.

In 2011, ABPS went back to the administration, hoping to stop the discrimination and to further explain that ABPS was part of the current standard of certification. Unfortunately, they again refused to see that there was an issue regarding board certification and the hiring practices within the V.H.A.

All of the discussions were led and controlled by the former Undersecretaries of Health, Drs. Petzel and Jesse, as well as the Deputy Chief of Academic Affiliations, Dr. Karen Sanders. All are board certified by ABMS boards, the very same organization keeping ABPS and other highly skilled physicians and medical specialists out.

What is most confusing is that ABPS Boards of Certification have been reviewed and approved by the U.S. Department of Veterans Affairs, under the G. I. Bill, as an acceptable certification for reimbursement of qualified physicians. Nevertheless, the V.A. has continued to state there is no need for additional changes to V.A. Policy. In fact, ABPS was told by the V.A. directly, even though one side of the administration has accepted ABPS, it does not mean that this will give you automatic acceptance within the V.H.A.

After being unable to make headway within the Administration, ABPS has been working directly with the House V.A. Subcommittee on Health to bring awareness to this issue, which has negatively impacted our Veterans' health safety and care. Over the past 3 years, ABPS has worked to educate the committee members on the issues and has demonstrated the discrimination is ongoing within the V.A. in its hiring practices.

We have all seen the results of the lack of physicians in V.A. healthcare institutions in the press around the country. This monopolistic and discriminatory practice is a large causation of the wait times our Veterans face throughout the nation.

### **The Issue**

The V.H.A. in their own comments to ABPS have stated that board certification is not a requirement for appointment as a physician in the V.A. and that any board certification to a local V.A. medical center is a discretionary. However, this has not been the case.

What ABPS has worked to continuously explain to the administration over the years is that these local V.A. medical centers are making board certification a requirement, and that they are openly discriminating against hiring a physician solely based on their choice in board certification.

Currently, according to USA jobs, there are over 1000 open physician positions throughout the V.A. Of those open positions, many of them are blatantly discriminating against ABPS and other physicians. In these listings, the local V.A. medical centers have placed as a requirement for employment, that the physician be board certified by an ABMS/AOA member board only. Many of them will place these requirements in the description or under the preferred experience section.

Furthermore, many of the listings will just state board certified/board eligible and when a physician goes to apply, they are then told their ABPS certification is not recognized and that they only accept the board of the larger certifying organizations.

This lack of acceptance and recognition of ABPS, as well as other credible and widely accepted certifying boards, contributes to the current discriminatory practices existing within the V.A. and leans towards a monopolization by certifying boards. This discriminatory practice limits the ability of the V. A. to provide higher levels of quality care and patient safety.

Not every local V.A. medical center is doing this. A few regional V.A. institutions recognize ABPS physicians and have hired them to fill their need in each facility, some of which are proven to provide higher levels of care.

Unfortunately, the discrimination does not just end at the hiring level. There are also some that have hired an ABPS physician but then have created a work environment that is hostile and openly discriminates against their board certification.

The majority of ABPS physicians working for the V.A. were even afraid to provide written testimony for today because of the fear of retribution and potential of losing their jobs.

A uniform policy system-wide acceptance by the V.A. would greatly contribute in ensuring a streamlined process for verification of qualified ABPS board certified physicians – avoiding any further discriminatory practices.

### **The Ask & Conclusion**

The ABPS wishes to contribute to solutions within the V.A. and work with the Administration so that Veterans receive the highest quality of care they deserve.

Albeit the V.A. should not be called upon to be involved in the comparative evaluation of all certifying boards, there needs to be a change in how this system is set up today and the discriminatory actions in hiring practices need to cease.

We believe a Directive from the office of the Secretary of Veterans Affairs and his Undersecretary of Health needs to be in place that creates an anti-discrimination policy that clearly defines board certification and goes beyond just the acceptance of ABMS/AOA - which is advancing the creation of a monopoly. Job listings should no longer allow for one specific board over another.

In addition, we ask that a quarterly reporting structure be developed. Whereas V.A. healthcare institutions report on applications received, the denial and hiring of physicians and all of the applicant boards be identified – all done in a similar manner as how corporations are required to report, identify and ensure minority hiring.

Further, the policy will create a reporting structure that will allow the administration to track the certifications of all physicians being hired. This will allow for transparency in the credentialing process, and local V.A. medical centers will be held accountable if they are still openly discriminating against physicians.

Within this policy, local V.A. Medical Centers will begin to end the monopolistic and discriminatory practices and learn how to credential all board-certified physicians, regardless of which organization they chose.

Taking such action will ensure that all medical staff credentialing and privileging will be uniformly based upon the physicians' and medical specialists' competence, qualifications, experience and education, ceasing the current discriminatory practices taking place today.

Thank you again for this opportunity. The ABPS looks forward to working with you and this committee to improve hiring practices within V.A. staffing and to finally end the discrimination ABPS and other physicians and medical professionals face on a daily basis. Our Veterans' health safety and care must be placed before physician politics and the egos of the few. The ongoing bullying and discrimination must cease. Our Veterans care must be placed first. The V.A. continuously struggles to recruit top physicians, these little known roadblocks have played a key role in keeping good doctors away. More highly qualified and skilled physicians along with

medical professionals should be able to care for the few in our country that sacrifice so much for us. It is what they deserve and what has driven ABPS and other organizations to fight for the betterment of our Veterans care.