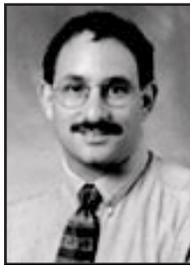




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PRESIDENT'S MESSAGE

Texas Medical Board Blows Its Big Chance

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They blew it. They had a great opportunity in their hands, and they screwed up. It sounds harsh, but it is true. They failed the public they are supposed to serve. I believe they buckled under pressure and made a bad decision that will reverberate for a long time.

I am writing, of course, about board certification. In case you missed it, here is a brief rundown: until very recently, the Texas Medical Board (TMB) had a rule governing who could advertise themselves as "board certified." A physician needed to be certified by one of the two mainstream organizations, the ABMS (which includes ABEM) or the Board of Osteopathic Specialists (includes AOBEM). One could be certified by an alternative board and advertise them self as board certified if that alternative board met a series of requirements. Included in those requirements was "...identifiable and substantial training in the specialty or subspecialty area of medicine..." under consideration. (TAC §164.4.b.5)

The BCEM (Board of Certification in Emergency Medicine) is an alternative board. It is part of the American Board of Physician Specialists (ABPS). It does not require specialty specific training, but rather accepts physicians with training in a variety of other specialties including family medicine, internal medicine, anesthesia and surgery. According to a verbal statement from TMB executive director, Mari Robinson, a physician trained in family medicine requested an opinion from the TMB as to whether his BCEM certification met the board's advertising criteria. The administrative staff decided affirmatively without consulting the board, and the ABPS trumpeted this "recognition" on its website.

Then came a series of hearings, statements against acceptance of BCEM by a variety of EM societies including AAEM, ACEP, AOBEM and SAEM, statements in favor of recognition by representatives of ABPS, and pressure in the form of a small herd of lawyers, plus a sound guy and a videographer attending at least one hearing and all representing ABPS. A subcommittee was appointed to address the issue.

And then...the board blinked. The subcommittee came up with a rule that changes the educational requirements from those above to: "...substantially equivalent to the

requirements of the ABMS or the BOS existing at the time of application to the medical board." This is totally appropriate. It ties the alternate boards' educational requirements to the mainstream boards. It recognizes the reality that appropriate training can and will change with time. But they also threw in this zinger: "A physician who holds a certification that was granted prior to September 1, 2010, and whose certifying board was approved by the medical board for advertising purposes prior to September 1, 2010, is considered to meet the requirements of subsection (b) of this section."

To the best of my knowledge, BCEM is the only board that might be covered by this loophole. It seems clear that this was inserted specifically for BCEM. Dr. Pat Crocker, the only emergency doctor on the TMB and a member of the subcommittee, hailed the decision in EMNews, saying "I think it was the most Solomon-like solution we could find."

The purpose of the board is to protect the public's safety and welfare through the regulation of the practice of medicine. That's what the Texas statutes say about the TMB. *Safeguarding the public through professional accountability* is the board's motto on its website. There isn't anything about finding compromise positions and certainly nothing about playing Solomon.

How can they create a rule that says all boards have to meet established training standards, but then carve out a special exception for a single board? It can't be done logically unless you say that emergency medicine is less important to public safety than other specialties. I don't believe that was the case.

The TMB came under a great deal of pressure from the ABPS to accept BCEM. I think the TMB failed to stand up to that pressure.

Here is the bottom line: the TMB failed its duty to look out for the Texas public's interests and safety. The silver lining is that any other state board can adopt the same rules without needing to create the special exemption for BCEM. I suppose, on balance, it is a win for AAEM and its well-established belief that properly board certified emergency docs are best prepared to serve the public. But it is a loss for the Texas public.

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