

THE AMERICAN BOARD OF OPHTHALMOLOGY

Rules and Regulations for Initial Certification

Revised June 2009

- 1.1 The principal purposes of the American Board of Ophthalmology (the Board) are to determine the eligibility of candidates who seek certification by the Board, to conduct examinations of eligible candidates, to issue certificates to those who meet the Board's requirements and satisfactorily complete its examinations, and to require Maintenance of Certification (MOC) of its time-limited diplomates (all certificates issued after 1992), and to offer MOC to its remaining diplomates (all certificates issued prior to 1992).
- 1.2 These Rules and Regulations apply to all candidates and diplomates and set forth the requirements and procedures for issuance of certificates by the Board and revocation thereof.
- 1.3 The Board may amend these Rules and Regulations from time to time in such manner as it deems appropriate. All amendments will be effective from and after the date of adoption.
- 1.4 For purposes of these Rules and Regulations, "candidates" refers to individuals who are not Board Certified and who may be: in the process of applying for Board Certification; reapplying for Board Certification after expiration or revocation of their certificate; or participating in Board Certification or Maintenance of Certification examinations. "Diplomates" refers to individuals who are Board Certified.

RULE II: NATURE OF CERTIFICATE

- 2.1 Until July 1, 1992, the Board issued only one type of certificate, which is not time-limited in its validity. The form for original certification is as follows:

THE AMERICAN BOARD OF OPHTHALMOLOGY
hereby certifies that

has satisfactorily completed an accepted course of graduate study and clinical work and has successfully passed the examinations in ophthalmology conducted under the authority of this Board.

(Date and Seal) (Signatures of Directors of the Board)

- 2.2 A certificate issued on or after July 1, 1992, will expire ten (10) years after the date of its issuance. During that period, the diplomate must satisfactorily complete a maintenance of certification process prescribed by the Board in order to obtain a new certificate, which also expires after ten years.

RULE III: APPLICATIONS

- 3.1 A candidate who wishes to be examined by the Board shall complete, sign and file with the Executive Director an application on the official form then in use by the Board. The application shall be considered complete only when all supporting data required by the application, including the verifications described in Rule 8.1.3, are also filed with the Executive Director. Applications must be completed via the online application system on the ABO web site. If a candidate wishes to be considered for a Written Qualifying Examination to be conducted in a particular year, his/her application must be submitted on or after March 1 and on or before August 1. All supporting data must be postmarked on or before September 1, except for the verifications described in Rule 8.1.3, which may be postmarked on or before October 1 of the calendar year immediately preceding the calendar year in which the Written Qualifying Examination is to be conducted. However, if a candidate pays a late fee, the deadline for submitting the completed application may be extended from August 1 to September 1. No exception to, including extensions of, these requirements will be made for any reason except as herein provided.

If a completed application and all required supporting data are not submitted by the deadlines stated above, the application will not be valid, and the application fee shall be returned.

- 3.2 Candidates who apply to take the written and oral examinations must certify that the information they provide in their applications is true and accurate. If (i) any misrepresentation is discovered in the application, in any other information submitted to the Board or in the identity of a person applying to take or taking the examination, (ii) any financial or other benefit is offered by a candidate to any director, officer, employee, proctor, or other agent or representative of the Board in order to obtain a right, privilege or benefit not usually granted by the Board to similarly situated candidates, or (iii) any irregular behavior before, during or after the examination (including, but not limited, to copying questions or answers, sharing information, using notes, or re-creating portions of the examination by memory or otherwise giving or receiving aid) is discovered by observation, statistical analysis of answer sheets, or otherwise, the candidate in question shall be given written notice of the charges and an opportunity to respond in accordance with the procedures set forth in the Rules and Regulations of the Board. If the Board determines that a violation has occurred, the Board may permanently bar the person(s) involved in the violation from all future examinations, invalidate the results of prior examinations taken by the person(s), withhold or revoke the certificate of the person(s), and/or take other appropriate action. If sanctions are imposed pursuant to the Rules and Regulations of the Board, the Board may notify legitimately interested third parties of its action and may post a summary of the action and the name of the candidate or diplomate in its newsletter and/or on its web site.

If the Board has reasonable grounds to believe that irregular behavior may have compromised the integrity of an examination, the Board will make every reasonable effort to withhold the scores of only those candidates directly implicated in the irregularity or who may have benefited from the irregularity. Nevertheless, in some instances, the

evidence of irregularity, though sufficiently strong to cast doubt on the validity of scores, may not enable the Board to identify the specific candidates involved in the irregularity. In such circumstances, the Board may withhold the scores of candidates not directly implicated in the irregularity and, if necessary, may require those candidates to take an additional examination at a later date to ensure the validity of all scores.

The examination materials (questions and visuals) are copyrighted as the sole property of the Board and must not be removed from the test area or reproduced in any way. Any reproduction of the examination materials, in whole or in part, is a federal offense and also may subject the candidate to the sanctions listed above. No notes, textbooks, other reference materials, scratch paper, or recording devices may be taken into either the written or the oral examination. Any attempt to recreate any portion of the examination from memory or otherwise is strictly prohibited.

A statement explaining these prohibitions and possible sanctions shall be included in any information booklet discussing the examinations and in the instructions provided when the tests are given. In addition, the following paragraphs shall be included on the application form:

APPLICATION AND AGREEMENT, COPYRIGHT NOTICE AND AGREEMENT, NON-DISCLOSURE POLICY, EXAM IRREGULARITY POLICY AND ACKNOWLEDGEMENT/COOPERATION AGREEMENT

I hereby apply to the American Board of Ophthalmology (ABO) for the issuance of a certificate of qualification as a specialist in ophthalmology and for examinations relative to that certificate, all in accordance with and subject to the Rules and Regulations of the ABO. A complete copy of the Rules and Regulations can be obtained through a request to the ABO office, and I understand that they are summarized in the current brochure issued by the ABO. By signing this Application and Agreement and filing it with the ABO, I understand and agree that the ABO may confirm the information contained herein and may request from third parties confidential information relating to my medical training and background. I further agree to be legally bound by and to abide by all of the terms and conditions of this Application and Agreement and the Rules and Regulations of the ABO. I agree that upon the issuance to me of a certificate of qualification, I shall become bound by the Bylaws of the ABO and shall remain bound by the Rules and Regulations of the ABO as they may be amended from time to time.

I hereby certify that the information given in this Application and Agreement is true and accurate to the best of my knowledge, that any photographs submitted are recent photographs of me and that I have read and accept the terms and conditions of this examination set forth in the current brochure. I understand and agree that eligibility for the written and oral examinations is determined by the Committee on Admissions, and that the written qualifying examination will be supervised by proctors and the oral examination by examiners who are responsible to the ABO and are empowered by the ABO to ensure that the examination is conducted ethically and in accordance with the Rules and Regulations of the ABO. I understand and agree that (i) any misrepresentation in this Application and Agreement or in any other document or other information I submit to the ABO (including the verification of my identity when I submit this Application and Agreement and when I take the examinations), or (ii) any offer of financial benefit to a director, officer, employee, proctor, or other agent or representative of the ABO in order to obtain a right, privilege or benefit not usually granted by the ABO

to similarly situated candidates, or (iii) any irregular behavior before, during or after the examination such as copying answers, sharing information, using notes, or otherwise giving or obtaining any unauthorized information or aid, evidenced by observation, statistical analysis of answer sheets, or otherwise, on any portion of the written or oral examination's will be reported to the ABO and will constitute grounds for the ABO to bar me permanently from all future examinations, to terminate my participation in the examinations, to invalidate the results of my examinations and any prior examinations, to withhold my scores or certificate, to revoke my certificate, and/or to take any other appropriate action, including legal action. I also understand and agree that the ABO may withhold my scores and may require me to retake one or more portions of the written and/or oral examinations if the ABO is presented with evidence demonstrating to the ABO, in its sole discretion, that the security of those portions of the examination may have been compromised, notwithstanding the absence of any evidence of my personal involvement in the compromising activities. I recognize that the examination questions of the written qualifying examination and the materials and questions utilized in the oral examination are copyrighted as the sole property of the ABO and must not be removed from the test area or reproduced in any way and that reproduction of copyrighted material, in whole or in part, is a federal offense and also may subject me to the sanctions listed above. I understand and agree that the decision as to whether my grades and other performances on the ABO's examinations qualify me for a certificate of qualification rests solely and exclusively in the ABO and that its decision is final.

I hereby waive and release and shall indemnify and hold harmless the ABO and persons in their capacities as the ABO's directors, members, officers, committee members, employees, and agents from, against and with respect to any and all claims, losses, costs, expenses, damages, and judgments (including reasonable attorneys fees) alleged to have arisen from, out of, with respect to or in connection with any action which they, or any of them, take or fail to take as a result of or in connection with this application, any examination conducted by the ABO which I apply to take or take, the grade or grades given me on the examination and, if applicable, the failure of the ABO to issue me a certificate of qualification or the ABO's revocation of any certificate of qualification previously issued to me.

COPYRIGHT NOTICE AND AGREEMENT

All ABO certification and maintenance of certification examinations, including the content and wording of examination questions, constitute confidential ABO information protected by copyright law. Any unauthorized receipt, possession, or transmission of ABO written, computer-based or oral examination questions, content, props, or other materials ("Examination Materials"), either before the examination, on-site, or after an examination administration, in whole or in part, by any means, including but not limited to reconstruction from memory, is strictly forbidden. Use of ABO Examination Materials, including that which may have been reconstructed from memory, for the purpose of examination preparation or training is also strictly forbidden. I agree not to reproduce Examination Materials in whole or in part in any way, including but not limited to reconstruction from memory.

NON-DISCLOSURE POLICY

As noted above, all ABO examinations and Examination Materials are confidential and are protected by copyright law. The Examination Materials are made available to

examinees solely for the purpose of becoming certified or maintaining certification in the specialty of ophthalmology. You are expressly prohibited from disclosing, publishing, reproducing, or transmitting any ABO examination or Examination Materials, in whole or in part, in any form or by any means, verbal or written, electronic or mechanical, for any purpose.

EXAM IRREGULARITY POLICY

I further understand that any violation of the Exam Irregularity Policy and/or the Non-Disclosure Policy and/or the Acknowledgement/Cooperation Agreement, or the giving or receiving of aid in connection with any ABO examination, or engaging in any other conduct that subverts or attempts to subvert the integrity of the examination or the ABO certification and maintenance of certification process is sufficient cause for the ABO to:

- Bar me from the examination and/or future examinations;
- Terminate my participation in the examination;
- Withhold and/or invalidate the results of my examination;
- Withhold my certificate;
- Revoke my certificate;
- Require me to pay the costs of the ABO's investigation; and/or
- Take other appropriate action against me, including legal action.

The ABO reserves the right to take whatever measures are necessary to protect the integrity of its examinations.

ACKNOWLEDGEMENT/COOPERATION AGREEMENT

In the event the ABO investigates a potential examination irregularity, I agree to cooperate fully with the ABO and to provide all relevant information in my possession to the ABO. I understand and agree that the failure to cooperate fully with the ABO will subject me to the disciplinary sanctions set forth above.

I have read the policies and this Application and Agreement carefully, and I understand, agree to, and accept the obligations that the policies and the Application and Agreement impose on me. I declare a dedication to provide ophthalmic services with compassion, respect for human dignity, and integrity. By submitting this Application and Agreement electronically, I agree that this electronic form shall have the same legally binding effect as an original paper version would have.

- 3.3 The application shall be accompanied by a fee payable to the Board for the application fee then in effect. No application will be considered to be complete until the fee and all required supporting data have been received by the Executive Director.
- 3.4 Candidates who cancel or fail to appear for a Written Qualifying Examination for which he/she has been scheduled will not be scheduled for another such test until he/she pays to the Board a new fee in the amount then in effect.

- 3.5 A candidate who fails to take the Written Qualifying Examination within twenty-four (24) months after notice has been sent to him/her that his/her application has been accepted will not thereafter be accepted for examination unless he/she reactivates the application for approval and submits an additional application fee.
- 3.6 A candidate who passes the Written Qualifying Examination and who continues to meet all requirements for certification shall submit to the Executive Director a fee payable to the Board in the amount then in effect for the Oral Examination and shall thereafter be admitted and assigned to an Oral Examination. Candidate who cancels or fails to appear for an Oral Examination to which he/she has been assigned will not be scheduled for another Oral Examination until he/she pays to the Board the fee then in effect.
- 3.7 A candidate who fails the Written Qualifying Examination may apply for re-examination and will be permitted to repeat the test upon payment of the current re-examination fee. If a candidate does not repeat the test within twenty-four (24) months after such failure, he/she will be required to reactivate the application for approval and submit an additional application fee. For every two consecutive failures, the application must be reactivated according to the current rules, and the current fee must be submitted.
- 3.8 **RULES FOR GRADING:** The American Board of Ophthalmology has established an overall pass/fail system for the Oral Examination. Each candidate will be examined in six subjects, and the final passing grade is computed from the scores in each subject. A pass in all subjects is not required to pass the examination; however, an individual who is unsuccessful at the Oral Examination will be required to repeat the entire examination (all six subjects). All candidates are allowed three attempts at the Oral Examination. Candidates who enter this examination having taken all six subjects previously will have a total of three attempts to achieve a passing grade. An individual who does not pass the Oral Examination within these three attempts will be required to repeat and pass another Written Qualifying Examination before being admitted to another Oral Examination.
- 3.9 A candidate shall be required to reactivate his/her application for approval, submit an additional application fee, and pass another Written Qualifying Examination before being admitted to the Oral Examination under the following circumstances:
- a) if a candidate does not take the Oral Examination within twenty-four (24) months after notice has been sent to the applicant that he/she passed the Written Qualifying Examination; b) if a candidate fails to repeat the oral examination within twenty-four (24) months after failing all or part of such examination as described in 3.8; or c) if the candidate does not pass all subjects covered in three or fewer complete examinations.
- 3.10 The fees provided for in Rules 3.3, 3.6, and 3.9 shall be established annually by the Board of Directors on the basis of the actual and anticipated costs of the Board in the examination of applicants and the administration of its business.

RULE IV: REVIEW AND VERIFICATION OF APPLICATIONS BY EXECUTIVE DIRECTOR

- 4.1 Each application timely received by the Board shall be reviewed by or under the supervision of the Executive Director for purposes of determining whether it is complete. The Executive Director shall cause the candidate to be promptly notified of any deficiencies in the application, but this notice shall not extend the filing deadline prescribed for the application by Rule III. If an application is not complete, the application shall not be considered or acted upon for any purpose, including, without limitation, any of the procedures described in Rules V or VI until it is timely completed.
- 4.2 Each completed application will be verified by or under the supervision of the Executive Director, and for this purpose, the Executive Director will make or cause to be made inquiries of any and all persons and institutions reasonably believed by the Executive Director to have information bearing upon or relevant to a determination of whether the applicant meets the Board's requirements for examination, including, without limitation, persons and institutions named in the application. As promptly as practicable after completing these inquiries and receipt of the verifications described in Rule 8.1.3, the Executive Director shall report to the Committee on Admissions whether or not the applicant appears to meet the Board's requirements for examination.

RULE V: DECISION ON APPLICATION BY COMMITTEE ON ADMISSIONS

- 5.1 The Committee on Admissions shall determine whether each candidate meets the Board's requirements for examination on the basis of a completed application, the report of the Executive Director, and the results of any further inquiry into the facts and circumstances that the Committee determines to be necessary or appropriate, including, without limitation, making inquiries of persons and institutions referred to or described in Rule 4.2. The Committee shall cause the candidate and the Board of Directors to be given prompt written notice of its determination.
- 5.2 If the Committee determines that an candidate who has submitted a completed application does not meet the Board's requirements for examination, the notice to the candidate and the Board of Directors shall also specify the reasons why the candidate does not meet the Board's requirements for examination and the rights of the candidate to appeal the Committee's determination to the Board of Directors for hearing at its next regularly-scheduled meeting and to attend and be represented by counsel at that hearing (See Rule 6.3). The notice may suggest steps for the candidate to take in an attempt to remedy each determined deficiency. A determination of the Committee on Admissions is final and conclusive unless that determination is appealed under Rule VI. Unless and to the extent that the Committee's negative determination with respect to the application submitted by the candidate is modified or reversed in accordance with Rule VI, a subsequent application submitted by the candidate will not be considered by the Board for any purpose if it exhibits any of the same deficiencies determined by the Committee with respect to the prior application.

RULE VI: APPEALS TO BOARD OF DIRECTORS

- 6.1 If the Committee on Admissions determines that an candidate who has submitted a completed application does not meet the Board's requirements for examination, the

candidate may, within thirty (30) days after the date of the Board's notice of that determination, give written notice to the Board that he or she wishes to appeal the Committee's determination to the Board of Directors, which written notice shall set forth the specific findings of the Committee which are alleged to be erroneous and shall indicate whether or not the candidate wishes to attend the hearing and to be represented at the appeals hearing by counsel.

- 6.2 The Board of Directors shall consider only timely appeals of determinations of the Committee on Admissions and only at regularly-scheduled meetings of the Board of Directors and shall not call or hold a special meeting to consider any appeal. A candidate's appeal, if timely, shall be considered at the regularly-scheduled meeting, the candidate shall be notified of the date, time and place of the appeal hearing and the duration (not in excess of 60 minutes) of the hearing.
- 6.3 If a candidate timely appeals a determination of the Committee on Admissions, the Board of Directors shall hold an appeal hearing, consider the matter, and decide the appeal even if neither the candidate nor the candidate's counsel is present at the hearing. The Chair of the Board of Directors shall preside at each appeal hearing and shall ensure that the only issue considered at the hearing is whether or not a candidate meets the Board's requirements for examination and, if not, in what respects the candidate is deficient in meeting those requirements. At the hearing, the burden shall be on the candidate to prove by a clear preponderance of the evidence that he or she meets the Board's requirements for examination. The Board shall not be bound by technical rules of evidence which are usually applicable in legal proceedings, but may receive and consider any evidence it deems to be appropriate and relevant. The proceedings of the appeal hearing may be recorded or transcribed only if, and upon the terms and conditions and in the manner, determined by the Board of Directors. The candidate and the candidate's counsel and the Board's counsel may be present at the hearing. The Chair of the Board or his or her designee shall summarize the determination of the Committee on Admissions with respect to the application submitted by the candidate and the errors asserted by the candidate in appealing that determination and may make such other introductory factual remarks as he/she considers appropriate. The Chair of the Committee on Admissions shall present the basis for the Committee's determination, including documentary evidence and testimony of witnesses, and the Chair of the Committee on Admissions and those witnesses shall be available for questioning by the candidate or by the candidate's counsel. The candidate or the candidate's counsel may present documentary evidence and testimony of witnesses in support of the candidate's position that he/she meets the Board's requirements for examination. The candidate and each witness for the candidate shall be available for questioning by the Chair of the Committee on Admissions, members of the Board of Directors, and the Board's counsel.
- 6.4 As promptly as practicable after the appeal hearing, the Board of Directors shall decide on the basis of the record before it, including evidence and testimony received at the appeal hearing, whether or not the candidate meets the Board's requirements for examination and shall give written notice of its decision to the candidate. The decision of the Board of Directors may affirm, reverse, or modify the determination of the

Committee on Admissions in whole or in any part and shall be final and conclusive. If the decision of the Board of Directors is that the candidate does not meet the Board's requirements for examination, the notice of the decision given to the candidate shall specify the respects in which the candidate does not meet the Board's requirements for examination and may suggest steps for the candidate to take in an attempt to remedy each determined deficiency.

RULE VII: EXAMINATION OF CANDIDATE

7.1 Each candidate must pass a Written Qualifying Examination and Oral Examination given by the Board. The Written Qualifying Examination may cover any aspect of ophthalmology and is especially devoted to the following subjects:

1. Optics, Visual Physiology and Correction of Refractive Errors
2. Retina, Vitreous and Uvea
3. Neuro-ophthalmology
4. Pediatric Ophthalmology
5. External Disease and Cornea
6. Glaucoma, Cataract, and Anterior Segment
7. Plastic Surgery and Orbital Diseases
8. Ophthalmic Pathology

The Written Qualifying Examination is given on one day in the spring of each year at nationally-distributed test centers. Candidates are responsible for scheduling a test appointment at a test center. The candidate must take a Written Qualifying Examination within two years after an application has been approved or his/her application will become inactive.

The Oral Examination shall cover at least the following disciplines:

1. Optics, Visual Physiology and Correction of Refractive Errors
2. Neuro-ophthalmology and Orbit
3. Pediatric Ophthalmology and Strabismus
4. External Eye and Adnexa
5. Anterior Segment of the Eye
6. Posterior Segment of the Eye

7.2 The Board shall conduct Oral Examinations at such times and places as it deems appropriate. If a candidate finds it impossible to be present for an assigned oral examination, he/she must postpone taking the Oral Examination until a new assignment is made. However, the candidate must accept an assignment within two years of passing the Written Qualifying Examination or his/her application will become inactive.

Candidates who pass the spring Written Qualifying Examination will be assigned to either the fall oral examination of that year or the spring oral examination of the following year.

The administration and grading of all examinations shall be at the sole discretion of the Board provided, however, that such examinations shall be administered and graded reasonably and without discrimination in an effort to assure a fair and unbiased examination for each candidate. Within a reasonable time after completion of such examinations, the candidate shall be notified by the Executive Director as to the results thereof. The decision of the Board as to the results of an examination shall be final and conclusive. To preserve confidentiality, results of an examination will not be given over the telephone, facsimile or computer.

- 7.3 A candidate who continues to meet all other requirements for certification and who successfully passes both the Written Qualifying Examination and the Oral Examination within the required time limitations set forth above, as determined by the Board at its sole discretion, shall be entitled to receive a certificate from the Board. A certificate holder shall be designated as a diplomate of the Board.
- 7.4 No candidate shall be permitted, while taking any Written Qualifying Examination or Oral Examination, to record any part or all of the examination on any device of any nature whatsoever. No beeper, recorder, camera, PDA, cellular phone, or any device that has the capability to record or transmit pictures, text, or sound may be brought into an examination. Notes, scratch paper, textbooks, calculators and/or other reference materials are also prohibited. Any attempt to recreate any portion of the examination from memory or otherwise is strictly prohibited.

The Written Qualifying Examination and the Oral Examination are copyrighted by the Board, and the Board will strictly enforce those rights.

RULE VIII: REQUIREMENTS FOR EXAMINATION AND CERTIFICATION

Each candidate for examination and certification shall comply with all of the requirements hereinafter stated.

8.1 Professional Training

8.1.1 Each candidate must have graduated from either (a) an allopathic or osteopathic school of medicine located in the United States or Canada; or (b) a medical school located in some country other than the United States or Canada and must submit proof of a certificate from the Educational Commission for Foreign Medical Graduates.

8.1.2 All candidates entering ophthalmology training programs must have taken a post-graduate clinical year (PGY 1) in a program in the United States accredited by the Accreditation Council for Graduate Medical Education (ACGME) or a program in Canada approved by the appropriate accrediting body in Canada. The PGY 1 must be comprised of training in which the resident has primary responsibility for patient care in fields such as internal medicine, neurology, pediatrics, surgery, family practice or emergency medicine. As a minimum, six months of this year must consist of a broad experience in direct patient care. It is

a requirement of the Board that the Program Chair of the first ophthalmology training program attended by a candidate ascertain and certify that the candidate has completed an accredited PGY 1 in the United States or in Canada prior to the start of the ophthalmology residency.

- 8.1.3 Each candidate shall have satisfactorily completed an entire formal graduated residency training program in ophthalmology (PGY 4 or better), with a minimum duration of thirty-six (36) months, which is either conducted in the United States, approved by the Ophthalmology Residency Review Committee, and accredited by the Accreditation Council for Graduate Medical Education or conducted in Canada and accredited by the Royal College of Physicians and Surgeons. The standards for satisfactory completion of a residency training program shall be established from time to time and implemented by the Chair of that program. Proof of a candidate's satisfactory completion of an accredited residency training program shall be evidenced by a verification to that effect on behalf of the program by the Program Chair and Director. The candidate's Program Chair and Director are required to verify satisfactory completion of an entire formal graduated ophthalmology residency training program in medical and surgical care of at least thirty-six (36) months duration, which includes an evaluation of each candidate's satisfactory completion of the ACGME/ABMS competencies. When a resident's training has been gained in more than one residency program, an interim evaluation must be completed by the first program. The first program may not be able to verify all competencies. It is the responsibility of the second program to obtain the interim evaluation from the first program. The second program, in its Satisfactory Completion document, must evaluate all competencies, taking into account any deficiencies noted in the interim evaluation by the preceding program(s). The Program Chair and Director shall return the verification form which must be postmarked on or before October 1.
- 8.1.4 It is the responsibility of the resident and applicant for residency to inquire, and the responsibility of the Program Chair and Director to inform, regarding the exact approval status of a program. Details of the categories of approval are provided in the Manual of Structure and Functions of the ACGME. If a program loses approval or is withdrawn during the course of a resident's training, he/she must complete the remaining required number of months of training in another accredited program. The candidate's Program Chair and Director are required to verify satisfactory completion of an entire formal graduated ophthalmology residency training program of at least thirty-six (36) months duration. When a resident's graduate education and clinical experience have been gained in more than one residency program, the Program Chair and Director of the graduating residency program will be required to complete a satisfactory completion form based on the candidate's training in their program and the Interim Evaluation form provided by the previous Chair(s). Less than six months service in an accredited program is not acceptable as a part of the required training in ophthalmology. The Program Chair and Director's verification form cannot be submitted to the Board until the candidate has completed the entire residency training program.

8.2 License

As of the date of application and at all times throughout certification, the individual must hold a valid and unrestricted license(s) to practice medicine in the United States, its territories or Canadian provinces in which the individual's practice of medicine is regularly conducted, and in each other place in which the person practices or has practiced medicine and has an unexpired license. However, a person shall be deemed to meet the foregoing condition if and for so long as the person is on full-time active duty at a military installation as a physician in any branch of the United States Armed Services, has a valid and unrestricted military medical license to, and does, provide medical care and treatment on the military installation solely to members of the United States Armed Services and their dependents.

Candidates and diplomates must notify the Board of any action taken by a State Medical Board within sixty (60) days of such action. The definitions of restricted licensure are listed in section 8.2.1 and are subject to the exceptions noted in Section 8.2.2.

8.2.1 A physician's license shall be deemed "restricted" for purposes of this policy if, as a result of final action by a State or other legally constituted Medical Board (hereinafter "State Medical Board"), the physician:

- shall have had his/her license revoked or surrendered his/her license in lieu of revocation;
- shall have had his/her license suspended for a specified period of time, and the suspension is still in effect;
- may have been placed on probation, and the probationary period had not expired;
- may have been made subject to special conditions or requirements which are still in effect, (including, but not limited to, supervision, chaperoning during the examination of patients, additional training beyond that required of all physicians for the maintenance of licensure) regardless of whether or not such conditions or requirements are imposed by order of the State Medical Board or are the result of a voluntary agreement between the physician and the State Medical Board.
- Letters of concern or reprimand, not resulting in one of the stipulations which are enumerated in Section 8.2.1, 1-4, shall not be considered a restriction on the physician's license, even if such letters are made part of the physician's record. A physician who has voluntarily entered into a rehabilitation program for chemical dependency or a practice improvement plan with the approval of a State Medical Board shall not be considered, for purposes of this policy, to have a restriction on his/her license to practice medicine, if Section 8.2.1, 1-4, do not apply.

8.2.2 Consequences of License Revocation, Restriction or Surrender

Upon receipt of Notice that a license has been restricted, as herein defined in Section 8.2.1, 1-3, such candidate shall be disqualified from obtaining certification until such restriction has been removed or expires.

Upon receipt of Notice that a candidate's or diplomate's license has been "restricted," as herein defined, the Board has the authority and shall undertake proceedings, consistent with due process, to revoke his/her candidate or diplomate status or to impose such other lesser sanction or sanctions as may be appropriate. Once revoked, the candidate or diplomate status of the physician shall be reinstated only after the restriction on his/her license has been removed or expires and then only on such terms as the Board deems appropriate, considering, among other things, the period of time the physician has not been able to engage in the unrestricted practice of medicine and his/her specialty.

Upon receipt of Notice that the license of a candidate or diplomate has been "restricted" under an order which nevertheless permits him/her to continue to practice medicine (Section 8.2.1, 4), the Board has the authority and may undertake proceedings, consistent with due process, to determine whether or not such restriction is of such nature and extent as to preclude consideration for Initial Certification or Maintenance of Certification until the restriction is removed. In making such determination, the Board must evaluate such restrictions in accordance with pre-established standards, which are objective, non-discriminatory, and consistently and uniformly applied.

The Board shall require each candidate for Initial Certification and each diplomate to provide the Board with complete information concerning any and all restrictions placed on his/her license within sixty (60) days after its imposition. Such information shall include, but not be limited to, the identity of the State Medical Board imposing the restriction as well as the restriction's duration, basis, and specific terms and conditions. The candidate and/or diplomate has the affirmative obligation to advise the Board of all restrictions and to inform the Board when such restrictions expire or are otherwise removed. Candidates and/or diplomates who are discovered not to have made disclosure shall be required to show cause why their candidate or diplomate status should not be revoked, withdrawn, deferred or otherwise sanctioned and the Board may defer further consideration or reinstatement of candidate or diplomate status until such showing is satisfactorily made.

8.3 Compliance with Regulations

8.3.1 Candidates must comply fully with all Rules and Regulations of the Board which are in effect when the application is made. Diplomates must comply with all Rules and Regulations of the Board, as amended from time to time, for as long as they remain certified by the Board. It is the sole responsibility of candidates and diplomates to remain aware of amendments to the Rules and Regulations and to comply with the Rules and Regulations as amended.

8.4 Overriding Conditions

- 8.4.1 Notwithstanding other provisions of these Rules and Regulations, the American Board of Ophthalmology recognizes that candidates scheduled to take the written and oral examinations of the Board who are U.S. Armed Forces reservists, and who have been called to active military duty, may not be able to adequately prepare or sit for the examinations. In such circumstances, the Board will permit candidates who can document their call to active military duty to postpone the written and oral examinations without penalty.

8.5 Disabilities

- 8.5.1 The American Board of Ophthalmology complies with the Americans with Disabilities Act (ADA) to mitigate the effects of an ADA-qualifying disability on the testing activity. To accommodate individuals with disabilities, the Board will make reasonable modifications to its examinations that do not fundamentally alter the requirements of the examination or the measurement of the skills or knowledge the Board examinations are intended to test.

A candidate who believes that he or she is disabled within the meaning of the ADA, and who requests an examination under nonstandard conditions, shall specify on (or in a supplement submitted with) the application form the existence, the specific nature, and the extent of his/her disability and the specific modification requested. The candidate shall also submit either with the timely filed application, or not later than thirty (30) days after the deadline for applying for a particular examination, all independent documentary evidence substantiating the individual's disabilities.

Documentation must include but is not limited to:

- Name, address, telephone number, and qualifications of each expert who provides a report documenting the individual's disabilities.
- Dates and locations of all assessments performed and included in the documentation.
- Copies of evaluation reports with scores or ratings for each standard instrument or assessment method used. The Board requires that this documentation be no more than three years old.
- A full description of any nonstandard instruments and assessment methods used to determine the disabilities and diagnoses.
- Any diagnoses of the individual's disabilities using standard nomenclature, i.e., International Classification of Diseases (ICD); American Psychiatric Association Diagnostic and Statistical Manual (DSM).
- A description of the individual's functional limitations due to any disabilities.

- Reports of any past accommodations on examinations the individuals received because of the disabilities.
- The Board will verify the documentation of the disability and may request to have an individual independently evaluated at its own expense, where necessary, to evaluate an individual's request for an examination modification.

RULE IX: DISCIPLINARY SANCTIONS

9.1 The Board shall have the authority to impose disciplinary sanctions upon a candidate or diplomate for any of the following reasons:

- violation of Rules and Regulations of the Board relating to the Written Qualifying and Oral Examinations and/or the terms and conditions set forth in the Application and Agreement to take the examinations;
- substantial misstatement or omission of a material fact to the Board in an application or in any other information submitted to the Board;
- presenting or distributing, or aiding or assisting another person(s) to present or distribute, a forged document or other written instrument purporting to have been issued by or under the authority of the Board to evidence that a candidate or any other person(s) is currently or was previously certified by the Board, when that is not the case, or claiming orally or in writing, or assisting another person(s) to claim, that a candidate or any other person(s) is currently or was previously certified by the Board, when that is not the case;
- any license to practice medicine of a person to whom a certificate was issued is not or ceases to be a valid and unrestricted license to practice medicine within the meaning of Rule 8.2.1;
- issuance of a certificate contrary to or in violation of the Rules and Regulations of the Board;
- ineligibility of the person to whom the certificate was issued to receive the certificate;
- engaging in any conduct that materially disrupts any examination or that could reasonably be interpreted as threatening or abusive toward any examinee, proctor or staff; or
- Failure to cooperate in any investigation, hearing or appeal conducted by the Board, even if the candidate or diplomate is not the subject of the investigation.

9.2 If the Board receives information suggesting that there may be a basis under Rule 9.1 for imposing disciplinary sanctions upon a candidate or diplomate, the Board may investigate and gather facts concerning possible grounds for the sanctions. If the Board, with or without an investigation, determines in its sole discretion that there is probable cause to believe that a basis does exist for imposing sanctions, the Board may institute proceedings for sanctions by mailing written notice to the individual that a hearing will be held by the Hearing Committee to determine whether or not sanctions shall be imposed upon the individual. The notice shall specify (a) the ground or grounds which are

believed to establish a basis for imposing sanctions, (b) the date, time and place of the hearing, and (c) the right of the candidate or diplomate to attend the hearing and to be represented by counsel at the hearing. The notice shall be mailed to the individual not less than thirty (30) days prior to the date of the hearing. The notice shall be presumed to have been received if it is sent by first class mail to the last known address of the candidate or diplomate.

The Hearing Committee, with at least three of its members in attendance, shall hold the scheduled hearing, consider the matter, and decide the issue presented whether or not the candidate or diplomate and/or his/her counsel is present at the hearing. The Chair of the Hearing Committee may make such procedural rulings as may be appropriate prior to the hearing, and may impose time limits for the hearing. The Chair of the Hearing Committee shall preside at the hearing and shall ensure that the only issue considered at the hearing is whether or not a basis exists for imposing sanctions upon the individual in accordance with Rule 9.1. The Hearing Committee shall not be bound by technical rules of evidence which are usually applicable in legal proceedings but may receive and consider any evidence it deems to be appropriate and relevant. The proceedings of the hearing may be recorded or transcribed only if, upon the terms and conditions, and in the manner determined by the Hearing Committee. The candidate or diplomate, his/her counsel, and the Board's counsel may be present at the hearing. The Chair of the Hearing Committee, or a person designated by the Chair, shall summarize the ground or grounds which are believed to establish a basis under Rule 9.1 for imposing sanctions and may make such other introductory factual remarks as the Chair or the Chair's designate considers appropriate. A person designated by the Hearing Committee shall present the reasons for the Board's determination that a basis exists under Rule 9.1 for imposing sanctions, including documentary evidence and testimony of witnesses, and that designate and those witnesses shall be available for questioning by the candidate or diplomate and his/her counsel. The candidate or diplomate and his/her counsel may present documentary evidence and testimony of witnesses in support of the candidate or diplomate. The candidate or diplomate and each of his or her witnesses shall be available for questioning by members of the Hearing Committee and the Board's counsel. The Executive Director of the ABO shall have the right to attend all hearings and appeals, and may ask questions of any witnesses at the hearing, but shall not vote at the hearing or at the appeal.

As promptly as reasonably practicable after the hearing, the Hearing Committee shall decide whether or not a basis exists for imposing sanctions and, if so, which sanctions should be imposed, and it shall give written notice of its decision to the candidate or diplomate and to the Board of Directors.

The Board of Directors, other than the Executive Director and those persons who served on the Hearing Committee, shall review the decision of the Hearing Committee and the record from the hearing and shall determine whether to affirm or overrule the decision of the Hearing Committee or to remand the matter to the Hearing Committee for further consideration. The candidate or diplomate shall be entitled to submit to the Board of Directors a written statement not to exceed ten (10) pages in length, double spaced, contesting, in whole or in part, the decision of the Hearing Committee. Counsel for the

ABO may submit a response, not to exceed ten (10) pages in length, double spaced, to the submission of the candidate or diplomate. If counsel for the ABO submits a response, the candidate or diplomate shall be entitled to submit a reply statement not to exceed five (5) pages in length, double spaced. The candidate or diplomate shall have no right to appear before the Board of Directors. The decision of the Board of Directors shall be final and conclusive. If the Board of Directors determines that a basis exists for imposing sanctions and that sanctions shall be imposed upon the candidate or diplomate, the notice of the decision shall specify the factual basis for that decision under Rule 9.1.

Notwithstanding anything expressly or implicitly to the contrary elsewhere in these Rules and Regulations, if the sole basis for the potential disciplinary sanction is that one or more of a candidate's or diplomate's license(s) to practice medicine has ceased to be a valid and unrestricted license to practice medicine within the meaning of Rule 8.2.1, then the sole issue at the hearing shall be the status of the license(s) in question, which may be established by the Hearing Committee or contested by the candidate or diplomate through competent documentary evidence in lieu of an in-person hearing.

- 9.3 If the Board, after following the procedures outlined in Rule 9.2, determines that a violation has occurred, any one or more of the following sanctions may be imposed:
- (a) the diplomate's certificate may be revoked or suspended, or the expiration date of the certificate may be advanced;
 - (b) the diplomate may be publicly or privately reprimanded, be placed on probation, or have appropriate conditions imposed upon his/her certificate, or may be required to participate in MOC, even if such diplomate was not previously subject to MOC. The diplomate may also be required to complete some or all MOC components on an expedited basis;
 - (c) issuance of a certificate to the candidate may be withheld or delayed;
 - (d) results of prior examinations of the candidate may be invalidated;
 - (e) the candidate may be temporarily barred from any one or more future examinations, for such period of time, and upon such terms and conditions, as the Board may determine;
 - (f) the candidate may be permanently barred from all future examinations;
 - (g) the candidate or diplomate may be required to reimburse the Board for its costs and legal fees in connection with the investigation, the hearing and any appeal.

If the Board revokes or suspends a diplomate's certificate, places the diplomate on probation, or imposes conditions upon the diplomate's certificate, the Board may also require the diplomate to surrender his/her certificate and copies thereof to the Board immediately upon notice of the determination. The Board may notify the American Board of Medical Specialties and any other interested party of any adverse action taken by the Board, and it may post a summary of the action on its web site and/or publish a summary in its newsletter, and it may publish a complete copy of the decision itself.

