

**THE AMERICAN BOARD OF OPHTHALMOLOGY**  
Rules and Regulations for Maintenance of Certification  
Revised January 2009

**RULE I: OVERVIEW**

- 1.1 The principal purposes of the American Board of Ophthalmology (the ABO; or 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, 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). The intent of the ABO's Maintenance of Certification (MOC) process is to provide assurance to the public and to the medical profession that certified physicians continue educational activities, keep current in information and skills, and practice in a contemporary and safe manner. The evaluation is designed to assess the knowledge, experience and skills requisite to the delivery of high standards of patient care in ophthalmology. The ABO will renew certificates of those who meet ABO requirements and satisfactorily complete its examinations.
- 1.2 These Rules and Regulations for MOC apply to all those participating in MOC and set forth the requirements and procedures for renewal of certificates by the ABO and revocation thereof.
- 1.3 The ABO 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, "diplomates" refers to individuals who are participating in the MOC process and who may be: diplomates who hold current time-limited certificates or diplomates who hold current non time-limited certificates. "Candidates" refers to former diplomates who are not Board Certified and who may be in the process of applying for or participating in MOC.

**RULE II: NATURE OF CERTIFICATE**

- 2.1 Until July 1, 1992, the ABO issued only one type of certificate, which is not time-limited in its validity. 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 an MOC process prescribed by the ABO in order to obtain a new certificate, which also expires after ten years.
- 2.2 The current form of the MOC certificate is as follows:

THE AMERICAN BOARD OF OPHTHALMOLOGY  
hereby declares

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who was originally certified in Ophthalmology, has successfully fulfilled the recertification requirements of the Board and is recertified as a Diplomate of the American Board of Ophthalmology.

(Expiration Date)

(Date and Seal)

(Signatures of Chair and Executive Director)

### **RULE III: ELIGIBILITY FOR MOC**

- 3.1 Diplomates who hold time-limited certificates must satisfactorily complete a MOC process prescribed by the ABO in order to obtain a new certificate, which also expires after ten years. Ultimately, diplomates are required to complete each component in a specific timeframe over the ten-year certification cycle: the Office Record Review (ORR) once in years 3-4; 2 Periodic Ophthalmic Review Tests (PORTs) once in years 5-7; and the Demonstration of Ophthalmic Cognitive Knowledge (DOCK) once in years 8-10. During the transition to MOC, the components and their required timeframe are slightly different for each group of diplomates. The chart in Appendix A illustrates the specific requirements of diplomates according to their current certification status.
- 3.2 Diplomates who hold non time-limited certificates issued before 1992 are eligible to apply for MOC. The MOC pathways are identical to those offered to holders of time-limited certificates. Non time-limited certificate holders who pass the MOC process are entitled to retain their non time-limited certificate. Likewise, non time-limited certificate holders who fail to pass the renewal process are entitled to retain their non time-limited certificate.
- 3.3 Candidates whose Board certification has lapsed, been revoked, or been otherwise sanctioned must complete an MOC process prescribed by the Board in order to obtain a new certificate, which shall be valid for a period of ten years.
- 3.4 Both non time-limited certificate holders and candidates for MOC (as defined in 3.2 and 3.3) must enroll in MOC by submitting an enrollment application. The application enrollment period runs from January – April 1 of each year and requires applicants to register and pay for the September DOCK examination. Approved applications are valid until December 31 of the third year following application. Non time-limited certificate holders and candidates for MOC can complete the MOC components in any order, as they are offered.

## **RULE IV: REGISTRATION AND APPLICATION REQUIREMENTS FOR MOC**

4.1 A diplomate is required to satisfactorily participate in the MOC process in order to extend the validity of his/her certificate. MOC requires completion of four components over the ten-year certification cycle. The four MOC components include:

4.1.1 Evidence of Professional Standing: 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.

Diplomates/candidates must notify the Board of any final adverse action taken by a State Medical Board within sixty (60) days of such action. The definitions of restricted licensure are listed in section 10.1 and are subject to the exceptions noted in Section 10.1.2. The ABO monitors the electronic notification of disciplinary sanctions imposed on the licenses of diplomates/candidates.

4.1.1.1 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.

4.1.1.2 Ophthalmologists practicing outside of the United States, its territories, or Canadian provinces and who wish to undergo maintenance of certification when it is due must: maintain a current valid and unrestricted license to practice medicine in the United States, its territories, or Canadian provinces as of the date of application and at all times throughout the MOC process; and submit to the ABO at the time of registration for any MOC component, a current valid medical license in all jurisdictions in which they currently practice.

4.1.1.2.1 Notwithstanding the requirements of Section 4.1.1.2, if a physician is practicing full time in a country other than the United States, its territories, or Canada, the ABO in its sole discretion may allow the physician to maintain certification even though the physician does not have a full and unrestricted license in at least one jurisdiction in the United States, its territories, or Canada, provided that all of the following requirements are met: the physician has complied with all legal and regulatory requirements governing the practice of medicine in the country in which the physician is practicing medicine and has received any

necessary licensure for practice in that country; the physician's license to practice medicine in a state or territory of the United States or Canada has not been suspended or revoked and has not lapsed or been surrendered in one or more jurisdictions to avoid sanctions by the jurisdiction's licensing authority; and the physician has demonstrated to the satisfaction of the ABO that he or she is complying with appropriate standards of professionalism.

- 4.1.2 Evaluation of Practice Performance: The evaluation of practice performance requires diplomates/candidates to complete the Office Record Review (ORR). The purpose of the performance in practice component is to improve patient care through a continuous cycle in which diplomates/candidates review the care of their patients; compare the care with practice standards; acquire new knowledge and skills; and apply the new knowledge and skills to patients under their care. The ORR consists of over 30 ophthalmic diagnoses with specific criteria (ORR modules). ORR module content encompasses practice patterns related to the specific diagnosis. Self-review of patient charts via ORR modules is meant to assess the quality of practice through verification of the documentation of appropriate measurements, diagnosis, management, treatment, and follow-up.

The ORR is administered online and is available 24 hours a day, seven days a week through the ABO web site January through December 31 of each year. To complete the ORR, a diplomate/candidate must select three ORR modules and find five patient records for each that correspond to the modules' criteria (15 patient records in all). Diplomates/candidates must use the patient charts submitted during registration; no substitutions are allowed. Based on the information in each patient record, the diplomate/candidate completes the 15 ORR modules by indicating if the information requested is recorded, not recorded or not applicable. Upon completion, diplomates/candidates receive instant feedback on responses and overall performance.

The ORR must be completed within 30 days. The start date of the 30-day window begins when a diplomate/candidate finishes submitting the required information on all 15 charts he/she will review. Once started, the ORR can be accessed and re-accessed during the 30-day timeframe. Additionally, the ORR is administered during a calendar year. Any ORR that an examinee registers for in a particular year must be completed by December 31 of that same year.

ORR must be completed once during the MOC cycle. Ultimately, diplomates will complete the ORR in years 3-4 of each ten-year cycle; however, while the Board transitions to MOC, the timeframe requirements are slightly different for each group of diplomates. Diplomates can determine when they are eligible for ORR by reviewing the MOC timeframe chart in Appendix A. Non time-limited certificate holders who are voluntarily participating in MOC and candidates for MOC can

complete the ORR anytime during the three-year validity of his/her MOC application.

4.1.3 Evidence of a Commitment to Lifelong Learning and Self Assessment: To meet the requirements for the evidence of commitment to lifelong learning and self assessment, diplomates/candidates must complete Part A and Part B.

4.1.3.1 Part A: Diplomates must obtain an average of 30 Category 1 Continuing Medical Education (CME) credits per year from an Accreditation Council for Continuing Medical Education (ACCME) approved organization as of the date of certification and throughout the ten-year MOC cycle. Three CME credits must be in ethics. Diplomates/candidates have two options for CME submission: Option 1: A diplomate/candidate must submit a total of 30 credits multiplied by the year he/she is planning to sit for the cognitive examination as a requirement for registration. If a diplomate submits the required amount of CME, he/she will owe no additional CME towards MOC. Option 2: Diplomates/candidates who do not have the required number of CME at the time of registration must submit a total of 300 CME by the December 31 expiration date of their current certificate.

Non time-limited certificate holders who are voluntarily participating in MOC and candidates for MOC must submit a total of 300 CME by the December 31 expiration of their MOC enrollment application. CMEs obtained as of ten years prior to submitting an MOC enrollment application are accepted.

Diplomates/candidates can submit CME information either electronically via the CME tracking tool available on the ABO web site or a computer-generated paper listing mailed to the ABO office. Submissions are reviewed after the April 1 Demonstration of Ophthalmic Cognitive Knowledge (DOCK) registration deadline, and the CME balance for those who meet this option will be adjusted to reflect zero CME owed. Any submission received after the DOCK registration date will be subject to the rules of option 2.

The ABO's ethics requirement is designed to encourage ophthalmologists to recognize and resolve the ethical dilemmas which directly impact patient care. While there are no specific guidelines regarding courses that satisfy the ethics requirement, the course should contain the word ethics in the title or be designated as ethics by the sponsoring organization. The Board does not accept risk management or medico-legal courses as ethics courses. Even if an ACCME-sponsored organization designates a specific course as ethics, the ABO reserves the right to accept or reject any course submitted as ethics based on course content. Diplomates can submit documentation on the content of CME courses to the ABO office for further review as ethics.

4.1.3.2 Part B: Periodic Ophthalmic Review Tests (PORTs) are a series of 50-item, online self-review tests in Core Ophthalmic Knowledge (knowledge considered fundamental to the practice of ophthalmology regardless of the practice emphasis) and 10 Practice Emphasis Areas (PEAs). Two PORTs are required for most diplomates: one in core and one in a PEA of choice. The MOC timeframe chart in Appendix A indicates the exact requirements for each group of diplomates. Non time-limited certificate holders who are voluntarily participating in MOC and candidates for MOC can complete the PORT anytime during the three-year validity of their MOC applications.

Core modules include knowledge considered fundamental to the practice of ophthalmology regardless of an individual's practice emphasis. PEA modules include knowledge considered important to an ophthalmologist who has a particular practice emphasis. The ABO offers modules in nine PEAs and comprehensive ophthalmology, for PORT: Cataract/Anterior Segment, Comprehensive Ophthalmology, Cornea/External Disease, Glaucoma, Neuro-ophthalmology and Orbit, Oculoplastics and Orbit, Pediatric Ophthalmology/Strabismus, Refractive Management/Intervention, Retina/Vitreous, and Uveitis. There are three versions of all PORT modules, except Uveitis, which has two modules available. Content of the PORTs will reflect the content of the DOCK exam. The content of both the PORT and DOCK exams are based on the most current version of the Practicing Ophthalmologists Curriculum (POC), an ophthalmic knowledge base developed by ten panels of practicing ophthalmologists under the guidance of the American Academy of Ophthalmology that identifies and defines areas of clinically relevant knowledge.

All diplomates/candidates participating in MOC will have access to two PORTs: one in core and one in a PEA of choice at no charge. Diplomates/candidates can purchase additional PORTs for an annually determined fee. Diplomates/candidates receive instant feedback on responses and overall performance. A diplomate/candidate must achieve an annually determined percent correct to pass each PORT. All PORTs, in addition to the two PORTs provided to all diplomates/candidates, whether required, repeats or optional, must be purchased.

The PORT is administered online and is available 24 hours a day, seven days a week January 10 through December 31 of each year. A diplomate can have only one PORT open at a time. A diplomate/candidate has 30 days to complete each PORT once it is started. During the 30-day timeframe, users can access and re-access the PORT at any time. If a diplomate/candidate fails to complete the PORT by the end of the 30-day time limit, the PORT window will automatically close. Any PORT with a minimum predetermined number of questions answered will be scored

(the number of questions required is determined by the annually established pass rate).

PORTs are administered during a calendar year. Any PORT(s) that a diplomate/candidate registers for in a particular year must be completed by December 31 of that same year. For example, if a diplomate/candidate registers for a PORT on December 15, 2007, that PORT must be completed by December 31, 2007. Any diplomate/candidate who does not complete a PORT(s) by December 31 of the year he/she registered for it will forfeit the PORT(s).

- 4.1.4 Evidence of Cognitive Expertise: The Demonstration of Ophthalmic Cognitive Knowledge (DOCK) exam is a secure, proctored, 150-item computer-based examination designed to reflect individual practice and to evaluate clinically relevant knowledge important to the delivery of quality eye care. The DOCK is required for completion of MOC. DOCK is administered at test centers for a period of one month each year in September. DOCK is comprised of three 50-item modules: one in Core Ophthalmic Knowledge (Core: knowledge considered fundamental to the practice of ophthalmology regardless of the practice emphasis) and two in Practice Emphasis Areas (PEAs) of choice selected from: Cataract/Anterior Segment; Comprehensive Ophthalmology; Cornea/External Disease; Glaucoma; Neuro-ophthalmology and Orbit; Oculoplastics and Orbit; Pediatric Ophthalmology/Strabismus; Refractive Management/Intervention; Retina/Vitreous; and Uveitis. There are two versions of most PEAs; however, there is only one version of the Refractive Management/Intervention and Uveitis modules. Diplomates/candidates can opt to select two modules from one PEA or one module from two different PEAs.

Other areas to be covered in the DOCK include patient safety, environment of medical practice and ethics. The exam is administered in an approximately four hour testing period, which includes a tutorial. Diplomates will be required to achieve an overall passing grade based on the combined grades of all three modules. The content of DOCK is based on the most current version of the Practicing Ophthalmologists Curriculum (POC), an ophthalmic knowledge base developed by ten panels of practicing ophthalmologists under the guidance of the American Academy of Ophthalmology that identifies and defines areas of clinically relevant knowledge.

DOCK must be completed once during the MOC cycle. Ultimately, diplomates will complete the DOCK in years 8-10 of each ten-year cycle; however, while the ABO transitions to MOC, the timeframe requirements are slightly different for each group of diplomates. The MOC timeframe chart in Appendix A indicates the exact requirements for each group of diplomates. Eligible diplomates can apply online from January – April 1 for the September DOCK via the ABO web site. Approved diplomates/candidates will be sent instructions for scheduling an appointment at a test center. Late applications will be accepted until May 1.

## **RULE V: REGISTRATION/APPLICATION FOR MOC EXAMINATIONS**

- 5.1 Diplomates/candidates access all MOC activities via the ABO web site ([www.abop.org](http://www.abop.org)). To access the ABO web site, diplomates/candidates are provided with ABO-designated username and password. Diplomates/candidates are required to register and pay by credit card for MOC components and exams and complete some MOC components online. Registration for each MOC component requires users to update current contact information, provide information on current medical license(s), agree to the MOC Application and Agreement (as stated in 5.2) and provide an electronic signature.

Registration for the Office Record Review (ORR) and Periodic Ophthalmic Review Tests (PORT) is available on-demand January 1 – December 31 of each year.

Registration for the September DOCK examination is available annually January 1 – April 1 immediately preceding the examination. However, if candidates/diplomates pay a late fee, the deadline submitting the completed registration may be extended from April 1 to May 1. No exception to, including extensions of, these requirements will be made for any reason except as herein provided.

Both non time-limited certificate holders and candidates for MOC (as defined in 3.2 and 3.3) must enroll in MOC by submitting an enrollment application through the ABO web site. The application enrollment period runs from January – April 1 of each year and requires applicants to register and pay for the September Demonstration of Ophthalmic Cognitive Knowledge (DOCK) examination (late applications accepted until May 1). Approved applications are valid until December 31 of the third year following application. Non time-limited certificate holders and candidates for MOC can complete the MOC components in any order, as they are offered.

- 5.2 A diplomate/candidate who registers for a MOC component must certify that the information provided in his/her registration is true and accurate and must accept the terms and conditions specified in the Application and Agreement, Copyright Notice and Agreement, Non-Disclosure Policy, Exam Irregularity Policy and Acknowledgement/Cooperation Agreement, as stated below.

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, and that I have read and accept the terms and conditions of the Maintenance of Certification examinations set forth in the current brochure.

I understand and agree that eligibility for the Office Record Review (ORR), Periodic Ophthalmic Review Tests (PORTs) and Demonstration of Ophthalmic Cognitive Knowledge (DOCK) examination is determined by the Committee on Admissions, and that the ORR and PORT components are self-administered and the DOCK examination will be supervised by proctors 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 (electronically or otherwise), preparing notes from the exam, or otherwise giving or obtaining any unauthorized information or aid, evidenced by observation, statistical analysis of answers, or otherwise, on any portion of the MOC examinations 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 MOC 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 DOCK and the materials and questions utilized in the ORR and PORTs 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 to 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 and electronic transmission, 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 recertified or maintaining certification in the specialty of ophthalmology. I understand that I am 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.

- 5.3 A diplomate/candidate who cancels or fails to complete any MOC component for which he/she registered will not be re-registered for another such activity until he/she pays to the Board the fee then in effect.
- 5.4 The fees for the MOC process shall be established annually by the Board of Directors on the basis of the actual and anticipated costs of the Board in the administration of MOC and ABO business.
- 5.5 Time-limited certificate holders must successfully complete the MOC process prior to the expiration date listed on their certificates to maintain Board certification. A diplomate who fails to renew his/her time-limited certificate prior to the expiration date listed on his/her certificate will lose his/her Board Certified status until the MOC process is successfully completed.
- 5.6 Non time-limited certificate holders and candidates for MOC must successfully complete the MOC process prior to the expiration date of their current MOC enrollment applications in order to obtain recertification. Non time-limited certificate holders and candidates for MOC who fail to complete the MOC process prior to the expiration of their current MOC enrollment application will not obtain recertification, and any components of MOC successfully completed will become null and void.

#### **RULE VI: REVIEW AND VERIFICATION OF DIPLOMATE/CANDIDATE INFORMATION BY EXECUTIVE DIRECTOR**

- 6.1 Each registration for an MOC component 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 diplomate/candidate to be promptly notified of any deficiencies in the registration, but this notice shall not extend the filing deadline prescribed for the specific MOC component, as described in Rule 5.1. If a timely registration is not complete, the registration shall not be considered or acted upon for any purpose, including, without limitation, any of the procedures described in Rules VI or VII until it is timely completed.
- 6.2 Each completed registration 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 candidate/diplomate meets the Board's requirements for MOC, including, without limitation, persons and institutions named in the registration. As promptly as practicable after completing these inquiries, the Executive Director shall report to the Committee on Admissions whether or not the diplomate/candidate appears to meet the Board's requirements for participation in the MOC process.

#### **RULE VII: DECISION ON REGISTRATION BY COMMITTEE ON ADMISSIONS**

- 7.1 The Committee on Admissions shall determine whether each diplomate/candidate meets the Board's requirements for participation in the MOC process on the basis of a

completed registration, 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 4.1.1. The Committee shall cause the diplomate/candidate and the Board of Directors to be given prompt written notice of its determination.

- 7.2 If the Committee determines that a diplomate/candidate who has submitted a completed registration does not meet the Board's requirements for the MOC process, the notice to the diplomate/candidate and the Board of Directors shall also specify the reasons why the diplomate/candidate does not meet the Board's requirements for participation in the MOC process and the rights of the diplomate/candidate to appeal the Committee's determination to the Board of Directors for a hearing at its next regularly scheduled meeting and to attend and be represented by counsel at that hearing (See Rule 8.2). The notice may suggest steps for the diplomate/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 VIII. Unless and to the extent that the Committee's negative determination with respect to the registration submitted by the diplomate/candidate is modified or reversed in accordance with Rule VIII, a subsequent registration submitted by the diplomate/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 registration.

#### **RULE VIII: APPEALS TO BOARD OF DIRECTORS**

- 8.1 If the Committee on Admissions determines that a diplomate/candidate who has submitted a completed registration does not meet the Board's requirements for the MOC process, the diplomate/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; such written notice shall set forth the specific findings of the Committee which are alleged to be erroneous and shall indicate whether or not the diplomate/candidate wishes to attend the hearing and to be represented at the appeals hearing by counsel.
- 8.2 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 diplomate/candidate's appeal, if timely, shall be considered at the next regularly scheduled meeting, and the diplomate/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.
- 8.3 If a diplomate/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 diplomate/candidate nor the diplomate/candidate's counsel is present at the hearing. The Chair of the Board of Directors, or the Chair's designee, shall preside at each appeal hearing and shall ensure

that the only issue considered at the hearing is whether or not a diplomate/candidate meets the Board's requirements for participation in the MOC process and, if not, in what respect the diplomate/candidate is deficient in meeting those requirements. At the hearing, the burden shall be on the diplomate/candidate to prove by a clear preponderance of the evidence that he/she meets the Board's requirements for participation in the MOC process. 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 diplomate/candidate and the diplomate/candidate's counsel and the Board's counsel may be present at the hearing. The Chair of the Board or his/her designee shall summarize the determination of the Committee on Admissions with respect to the registration submitted by the diplomate/candidate and the errors asserted by the diplomate/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, or his/her designee, shall present the basis for the Committee's determination, including documentary evidence and testimony of witnesses, and the Chair of the Committee on Admissions, or his/her designee, and those witnesses shall be available for questioning by the diplomate/candidate or by the diplomate/candidate's counsel. The diplomate/candidate or the diplomate/candidate's counsel may present documentary evidence and testimony of witnesses in support of the diplomate/candidate's position that he or she meets the Board's requirements for the MOC process. The diplomate/candidate and each witness for the diplomate/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.

- 8.4 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 diplomate/candidate meets the Board's requirements for the MOC process and shall give written notice of its decision to the diplomate/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 diplomate/candidate does not meet the Board's requirements for the MOC process, the notice of the decision given to the diplomate/candidate shall specify the respects in which the diplomate/candidate does not meet the Board's requirements for the MOC process and may suggest steps for the diplomate/candidate to take in an attempt to remedy each determined deficiency.

#### **RULE IX: EXAMINATION OF DIPLOMATE/CANDIDATE**

- 9.1 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 in a non-discriminatory manner and in an effort to assure a fair and unbiased examination for each diplomate/candidate. Within a reasonable time after completion of such examinations, the diplomate/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 examinations will not be given over the telephone.

No candidate/diplomate shall be permitted, while taking any MOC component, to record or transmit any part or all of the examination on any device of any nature whatsoever. The ORR, PORT and DOCK are copyrighted by the Board, and the Board will strictly enforce its legal rights.

## **RULE X: BOARD POLICIES**

10.1 The definitions of restricted licensure are listed in section 10.1 and are subject to the exceptions noted in Section 10.1.2. 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:

1. shall have had his/her license revoked or surrendered his/her license in lieu of revocation;
2. shall have had his/her license suspended for a specified period of time and the suspension is still in effect;
3. may have been placed on probation and the probationary period had not expired;
4. 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) and 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 10.1, 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 10.1, 1-4 do not apply.

### 10.1.2 Consequences of License Revocation, Restriction or Surrender.

Upon receipt of Notice that a license has been "restricted," as herein defined in Section 10.1, such candidate/diplomate shall be disqualified from obtaining certification/recertification until such restriction has been removed or expires.

Upon receipt of Notice that a diplomate/candidate'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/diplomate status or to place his/her certificate on probation. Once revoked, the candidate/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. In the event that a diplomate's board certification has been revoked for any reason, the Board may determine whether to allow the former diplomate to obtain a new certificate or to have the original certificate reinstated, and may impose any conditions it deems appropriate on the new or reinstated certificate. All new or reinstated certificates will be subject to the Bylaws of the ABO at the time the certificate is issued or reinstated and will be subject to the same conditions, rules and regulations applicable to a newly awarded certificate at the time the certificate is issued or reinstated, including time limits and requirements for maintenance of certification.

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 10.1, 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 diplomate/candidate has the affirmative obligation to advise the Board of all restrictions and to inform the Board when such restrictions expire or are otherwise removed. Diplomates/candidates who are discovered not to have made disclosure shall be required to show cause why their diplomate/candidate status should not be withdrawn, deferred or otherwise sanctioned, and the Board may defer further consideration or reinstatement of diplomate/candidate status until such showing is satisfactorily made.

- 10.2 Disabilities: 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 (limited to the need for the modification or aid requested) 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. Individuals requesting accommodation for cognitive disabilities should contact the Board for more information regarding documentation requirements.

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 in a supplement to the application form the existence, the specific nature, and the extent of his/her disability and the specific modification requested. The candidate must 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. Additional documentation may be required pursuant to the current guidelines of the ABO with respect to the specific disability claimed by the candidate.

## **RULE XI: DISCIPLINARY SANCTIONS**

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

1. violation of Rules and Regulations of the Board relating to the MOC examination and/or the terms and conditions set forth in the Application and Agreement to take the examinations;

2. substantial misstatement or omission of a material fact to the Board in a registration or in any other information submitted to the Board;
3. 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 diplomate/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 diplomate/candidate or any other person(s) is currently or was previously certified by the Board, when that is not the case;
4. 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 10.1;
5. issuance of a certificate contrary to or in violation of the Rules and Regulations of the Board;
6. ineligibility of the person to whom the certificate was issued to receive the certificate; or
7. 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.

11.2 If the Board receives information suggesting that there may be a basis under Rule 11.1 for imposing disciplinary sanctions upon a diplomate/candidate, 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 diplomate/candidate 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 diplomate/candidate.

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 diplomate/candidate and/or his/her counsel is present at the hearing. The Chair of the Hearing Committee, or the Chair's designee, 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 11.1. 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 11.1 for imposing sanctions and may make such other introductory factual remarks as the Chair or the Chair's designee 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 designee and those witnesses shall be available for questioning by the diplomate/candidate and his/her counsel. The diplomate/candidate and his/her counsel may present documentary evidence and testimony of witnesses in support of the diplomate/candidate. The diplomate/candidate and each of his or her witnesses shall be available for questioning by members of the Hearing Committee and the Board's counsel.

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 diplomate/candidate and to the Board of Directors.

The Board of Directors, other than 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 diplomate/candidate 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. The diplomate/candidate 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 11.1.

Notwithstanding anything expressly or impliedly 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 diplomate/candidate's license(s) to practice medicine has ceased to be a valid and unrestricted license to practice medicine within the meaning of Rule 10.1, 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 diplomate/candidate through competent documentary evidence in lieu of an in-person hearing.

- 11.3 If the Board, after following the procedures outlined in Rule 11.1, 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;
- (b) the diplomate may be publicly or privately reprimanded, be placed on probation, or have appropriate conditions imposed upon his/her certificate;
- (c) issuance of a certificate to the diplomate/candidate may be withheld or delayed;
- (d) results of prior examinations and/or the completion of MOC components of the diplomate/candidate may be invalidated;
- (e) the diplomate/candidate may be temporarily barred from any one or more future examinations and/or from participation in the MOC process, for such period of time, and upon such terms and conditions, as the Board may determine;
- (f) the diplomate/candidate may be permanently barred from all future examinations and/or from participation in the MOC process.

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.