

Norman F. Gant, MD.
Executive Director, ABOG
2915 Vine St.
Dallas, TX 75204
April 4, 2008

Dear Dr. Gant,

The American Association of Pro-Life Obstetricians and Gynecologists appreciates the recognition the American Board of Obstetrics and Gynecology has given to the diversity of opinion regarding the abortion issue among its Diplomates. We are also grateful that more than a decade ago, in deference to this fact, the Board removed abortion from the list of cases to be used in oral exams.

As you are well aware, concern has been raised by the recent American College of Obstetricians and Gynecologists Committee Opinion #385, "The Limits of Conscientious Refusal in Reproductive Medicine," which makes a number of controversial ethical recommendations. One of these recommendations suggests that all obstetrician/gynecologists who do not perform abortions should routinely refer patients requesting abortion to a provider who will perform the procedure. This recommendation, together with language contained in The Diplomat, Maintenance of Certification: Final Version 2007, published by the Board, has led to concern that this issue could become entangled in the process of acquiring or maintaining Diplomat status. As you know, board certification has a great impact in the ability of obstetrician/gynecologists to practice their profession in a hospital setting since most hospitals now require board certification for hospital privileges. The potential use of a physician's stance on elective abortion, or referral for elective abortion, as a discriminating criteria for passage or retention of Board Certification is a topic of great concern to us. Loss of certification has the potential to significantly impact our ability to earn a living.

We appreciate your response to Secretary Leavitt of the U.S. Department of Health and Human Services with the assurance that this "issue is not a consideration in the applications or in the examinations administered by the American Board of Obstetrics and Gynecology in any of its certification or in its Maintenance of Certification requirements or examinations."

However, we feel that there are still a few items that could be clarified for the sake of all interested parties. In the The Diplomat, Maintenance of Certification: Final Version 2007 under the section "Limitation and Revocation of Diplomat Status" the following statement is found: "3.0 Disqualification or Diplomat revocation also may occur whenever: . . .3.6 the physician shall have violated any of 'The Ethical Considerations in the

Practice of Obstetrics and Gynecology' currently published by The American College of Obstetricians and Gynecologists and adhered to by the ABOG."

It does not appear that the document "The Ethical Considerations in the Practice of Obstetrics and Gynecology" is extant. Therefore it must be clarified what publication(s) of the American College of Obstetricians and Gynecologists regarding ethics are considered relevant by the American Board of Obstetrics and Gynecology, in determining disqualification or Diplomate revocation.

It would seem reasonable to assume that the currently published "Code of Professional Ethics of ACOG" would be the document that the American Board of Obstetrics and Gynecology is referring to in this matter. If this is the case, it is important to note that the corpus of this work is frequently included together with the Committee Opinions of the Ethics Committee. If these Committee Opinions are not binding in conjunction with the "Code of Professional Ethics of ACOG" for the American Board of Obstetrics and Gynecology then this needs to be made clear.

This issue becomes more pressing when certain vague language in the "Code" is examined. For example:

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2) The obstetrician-gynecologist should consult, refer, or cooperate with other physicians, health care professionals, and institutions to the extent necessary to serve the best interests of their patients.

The recommendations of Committee Opinion #385 could easily be put in juxtaposition with this statement from the "Code" to suggest that anyone who didn't refer for abortion wasn't serving "the best interests of their patients" and hence this could then become grounds for revocation of Diplomate status, if indeed the "Code" is the ACOG ethical document to which the Board adheres.

For these reasons the American Association of Pro-Life Obstetricians and Gynecologists respectfully requests an official written statement from the American Board of Obstetrics and Gynecology clarifying these issues. We particularly desire the assurance of the Board that exercising a conscientious objection to performing or referring for abortion will not be construed as grounds for failure to grant Diplomate status, or grounds to limit, or revoke Diplomate status, either now or in the future.

Thank you for your consideration.

For the AAPLOG Board of Trustees,

William Stalter M.D., FACOG

Nathan Hoeldtke M.D., FACOG

CC: Dr. Kenneth Noller, MD
President, ACOG

CC: Michael Leavitt, Secretary
U.S. Dept. HHS