

Legal Penalty Vascular Surgeons Must Face for Not Having an Independent Board

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The specialty of vascular surgery continues to evolve. With the establishment of the primary certificate in vascular surgery, many believe that the need for a separate board no longer exists. Although the primary certificate is certainly an appropriate first step in the establishment of an independent American Board of Vascular Surgery, it falls far short of fulfilling the needs of the vascular surgical community. Specifically, since certification remains under the auspices of the American Board of Surgery, the primary certificate fails to clearly establish the field of vascular surgery as a separate specialty. It continues to be considered a “subspecialty” of general surgery. One of the most important ramifications of this lack of identity of vascular surgery as a separate specialty is the legal system’s subsequent willingness to accept expert testimony in vascular surgery cases from untrained or poorly trained physicians. In many states, because vascular surgery does not have its own board, cardiologists, radiologists, general surgeons, and even podiatrists are permitted to testify against vascular surgeons in medical malpractice cases. Although it is inappropriate in most cases for general surgeons to testify against vascular surgeons, it is particularly unreasonable, and in truth dangerous, to allow cardiologists and radiologists to testify as to the standard of care for the treatment of vascular disease by a vascular surgeon. In most instances, no one but another cardiologist can legally establish the standard of care for the treatment of cardiac disease by a cardiologist. Yet vascular surgeons, because they do not have their own board, are potentially subject to a standard of care determined by specialists who have far less training and understanding of vascular disease.

Although it can be argued that some progress has been made in the establishment of vascular surgery as a distinct specialty of medicine, it is clear that for the practicing vascular surgeon, we have not come far enough. Vascular surgeons must impress upon the lay community including the legal community, that vascular surgery is a separate entity and that the standard of care for the treatment of patients with vascular disease is best determined by those physicians who have the most training, and hence the most knowledge of vascular disease, vascular surgeons. This can only be accomplished by the establishment of an independent American Board of Vascular Surgery.