

HOD ACTION: Council on Medical Education Report 12 adopted as amended and the remainder of the report filed.

REPORT OF THE COUNCIL ON MEDICAL EDUCATION

CME Report 12-A-12

Subject: Transparency in the National Resident Matching Program Match Agreement
(Resolution 918-I-11, Resolve 2)

Presented by: David E. Swee, MD, Chair

Referred to: Reference Committee C
(J. Mack Worthington, MD, Chair)

1 Resolution 918-I-11, Transparency in the National Resident Matching Program Match Agreement,
2 introduced by the Medical Student Section, asked that our American Medical Association (AMA):
3

- 4 1. Ask the National Resident Matching Program (NRMP) to publish data regarding waivers
5 and violations with subsequent consequences for both programs and applicants while
6 maintaining the integrity of the Match and protecting the identities of both programs and
7 participants; and
8
- 9 2. Advocate for the word “training” in section 7.2.1 of the NRMP Match agreement be
10 changed to “residency training” and specifically state that NRMP cannot prevent an
11 applicant from maintaining their education through rotating, researching, teaching, or
12 otherwise working in positions other than resident training at NRMP affiliated programs.
13

14 The House of Delegates (HOD) adopted the first resolve that addresses concerns expressed in
15 testimony about the inadvertent release of identifiable personal data on individual students (Policy
16 D-310.974 [4], Policy Suggestions to Improve the National Resident Matching Program, AMA
17 Policy Database). However, the second resolve was referred for further study with the purpose to
18 increase the transparency of the Match process to protect medical students who might seek a
19 different career path within health care, research, or medical education.
20

21 BACKGROUND

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23 Over the past several years, the competition for residency positions has heightened. In the 2012
24 NRMP Main Residency Match, more than 4,400 GME programs offered 24,034 first-year and
25 2,738 second-year positions. More than 31,000 applicants registered for the 2012 Match; of those,
26 31,355 submitted rank order lists of programs and 22,934 matched to first-year positions.¹
27

28 It is possible for a medical student to not be matched to a GME program. Prior to 2012, students
29 who did not match went through a process called the “Scramble.” In this process, students were
30 forced to apply en masse to whatever programs remained available, frequently having to change
31 their intended specialty in the process. Most residencies filled within the first few hours of the
32 Scramble, and nearly all in the first 48 hours. In 2012, the NRMP debuted the Supplemental Offer
33 and Acceptance ProgramSM (SOAPSM), a new process developed to streamline, equalize, and
34 automate the process for applicants who are not matched initially. After processing the matching
35 algorithm, 1,131 positions were placed in the SOAP, and of these, 1,033 were filled, mostly by US
36 seniors, leaving many other applicants without a residency position.²

1 The NRMP has established principles and policies to guide participants (sponsoring institutions,
2 residency programs, medical schools, and applicants) through the Match application and rank
3 ordering process. SOAP will be covered by the same NRMP policies.

4
5 NRMP MATCH AGREEMENT

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7 All applicants to GME residency positions and sponsoring institutions that register for any
8 programs in the Matching Program must sign a binding agreement with the NRMP.³ The NRMP is
9 responsible for monitoring compliance and adherence to the NRMP agreements and its policies.
10 When registering for the Match, all participants must agree to conduct their match-related affairs in
11 a manner consistent with those policies. The agreement has strict terms and conditions, and failure
12 of a Match participant to comply with one or more of the policies is referred to as a “Match
13 violation.” The NRMP's Policy and Procedures for the Reporting, Investigation, and Disposition of
14 Violations of NRMP Agreements governs the NRMP's handling of Match violations.⁴

15
16 *Match Violations*

17
18 Some match violations are committed with full awareness that the action is a violation. However,
19 in many cases the violation occurs because the participants are unaware of what constitutes a
20 violation of the Match Participation Agreement. Section 8.2 (formerly 7.2.1) of the Agreement
21 holds participants responsible for being informed about Match violations.

22
23 Examples of Match violations cited on the NRMP website that can occur before the Match include:

- 24
- 25 • “A program accepts and signs an agreement with a senior student in a US allopathic
26 medical school before Match Day.
 - 27 • An applicant requests a contract before the announcement of Match results.
 - 28 • An applicant commits to a concurrent year training position outside the NRMP Match and
29 does not withdraw from the NRMP Match. (This includes an applicant who matches to a
30 concurrent year PGY-1 position in another match that precedes the NRMP Match.)
 - 31 • A program director guarantees an applicant that he/she will rank the applicant within the
32 program's quota, but only if the applicant will rank the program first on his or her rank
33 order list.
 - 34 • An applicant guarantees a program director that he/she will rank the program first on his or
35 her rank order list, but only if the program director will rank the applicant within the
36 program's quota.”⁵
- 37

38 Examples of violations cited on the NRMP website that could occur during Match week include:

- 39
- 40 • “An unmatched applicant contacts a program to seek a position before 2:00 p.m. eastern
41 time on Monday of Match Week, or uses a method other than ERAS to apply to programs.
 - 42 • A program director, anticipating that the program will not fill all of its positions, contacts a
43 student affairs dean prior to 2:00 p.m. eastern time on Monday of Match Week to find out
44 which students did not match.
 - 45 • A student affairs dean consults with the directors of unfilled programs, faculty, and/or
46 other colleagues about possible openings before the beginning of the Match Week
47 Supplemental Offer and Acceptance Program (SOAP).
 - 48 • A student affairs dean consults with students about their match status prior to the release of
49 applicants' Match results at 12:00 noon on Monday of Match Week.

- An applicant or program distributes or posts proprietary match information to a website or non-NRMP-related matching service.”⁵

Examples of not honoring the results of the Match cited on the NRMP website include:

- “An applicant who matched to a position or who accepted a position during SOAP decides not to honor the binding commitment and does not seek a waiver from the NRMP.
- An applicant who matched to a position or who accepted a position during SOAP accepts a concurrent year position in another program.
- An institution adds new appointment requirements that were not communicated to applicants prior to the rank order list deadline or during SOAP.
- A program director interviews an applicant who matched to or accepted a concurrent year position in another program and who has not obtained a waiver from the NRMP.
- A program director approaches an applicant who has a concurrent year binding commitment to explore the possibility of having the applicant switch programs.
- A program decides not to honor its binding commitment to an applicant who matched to or accepted a position during SOAP and who satisfies all the appointment requirements.
- A program involved in a waiver investigation fills the position prior to the NRMP approving the waiver request.
- A program offers a position to an applicant whose waiver request was denied, and training commences during the applicant's one-year prohibition from accepting or starting a position in any program sponsored by an NRMP match-participating institution.”⁵

The examples of Match violations noted are not all-inclusive. The NRMP maintains the authority to answer questions and provide clarifications about Match violations.

The consequences of Match violations can result in:

- “An applicant being pressured by a program director to reveal the program's place on the applicant's rank order list or to identify the names of other programs with which the applicant has interviewed.
- A program director being notified that a matched applicant will be a no show and finding that no other suitable candidates are available.
- An IMG being pressured by (or pressuring) a program director to sign a contract before Match Day.
- A student affairs dean counseling an unmatched student who believed a program director's promise that he/she would be ranked first.
- A matched applicant who could have matched to a more preferred program because that program now has an open position because another applicant was a no show.”⁵

Waiver

The Match Participation Agreement stipulates that programs and applicants can receive a waiver from their commitments when there is a serious and extreme hardship. The NRMP defines serious and extreme hardship as the occurrence of a highly unusual, unexpected, and unpredictable situation or circumstance that renders the fulfillment of the Match obligation impossible or would result in irreparable harm to any one of the committed Match participants. Examples of serious and extreme hardship include an applicant who failed to graduate on time; the closing of a program or institution; the death or serious illness of a family member that requires the applicant to alter the choice of residency location; or the loss of accreditation by a program or institution. However,

1 programs and applicants are not authorized to release each other from their binding commitment.
2 Once a party has matched or a position has been offered and accepted during SOAP, a waiver of
3 the binding commitment may be obtained only by petitioning the NRMP.⁵

4
5 *Consequences of a confirmed violation*

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7 Although the NRMP is only responsible for matching into residency training positions, Section 8.2
8 of the NRMP Match Agreement states that the NRMP can ban a violating applicant from accepting
9 a training position at participating institutions. As a result, applicants could be prevented from
10 pursuing research and non-residency positions at the participating institution.

11
12 The NRMP investigates all suspected violations and, if confirmed, a final report of the violation is
13 delivered to:

- 14
15 • the applicant's medical school official, with a request that the report be placed in the
16 applicant's permanent file;
17 • the Educational Commission for Foreign Medical Graduates if the applicant is a
18 student/international medical graduate (IMG);
19 • the NRMP institutional official and the director of the program to which the applicant
20 matched;
21 • the NRMP institutional official and director of the program to which the applicant has
22 applied or switched (if known);
23 • the party who originally reported the violation;
24 • the NRMP Executive Committee;
25 • the American Board of Medical Specialties;
26 • the applicant's residency program director if the violation occurred in a fellowship match;
27 • the Federation of State Medical Boards if the applicant is to be permanently identified as a
28 match violator or has been permanently barred from future NRMP matches; and
29 • any parties whom the NRMP has determined are relevant to its investigation.⁴

30
31 In addition, NRMP policy states that “the applicant may be barred from subsequent NRMP
32 matches and/or identified as a match violator to participating programs for a period of one-to-three
33 years or permanently, as determined by the NRMP. Violations committed prior to Match Day may
34 result in the applicant being withdrawn from the Match.”⁴

35
36 NRMP policy also states that “the applicant also may be barred from accepting or starting a
37 position in any program sponsored by an institution that participates in the Matching Program if the
38 position has a start date within one year from the date of the final report. If any of the programs
39 sponsored by the institution offers a position to that applicant to commence training during the one-
40 year period or if the applicant accepts or starts such a position, the NRMP will initiate an
41 investigation to determine whether the applicant, the program, and/or the institution has violated
42 the terms of the Participation Agreement.”⁴

43
44 The NRMP also decides if the decision conveyed in the final report should be displayed in the
45 Registration, Ranking, and Results (R3) System Applicant Match History for one-to-three years or
46 permanently.

1 AMA HOD POLICY

2
3 AMA Policy D-310.974 (4), Policy Suggestions to Improve the National Resident Matching
4 Program, directs the AMA to ask the NRMP to publish data regarding waivers and violations with
5 subsequent consequences for both programs and applicants while maintaining the integrity of the
6 Match and protecting the identities of both programs and participants.

7
8 DISCUSSION

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10 The AMA has passed resolutions as early as the 1920s that led to the development of the NRMP in
11 1952.⁶ The AMA Council on Medical Education continues to support the NRMP as an efficient
12 and effective placement system for filling positions in GME. A growing number of residents and
13 fellows successfully match each year. However, the current Match process provides the NRMP the
14 authority to implement wide-ranging repercussions for violations of its Match agreement, including
15 up to a permanent ban from the Match, as determined by the NRMP Review Panel. These
16 sanctions have extremely serious consequences for both applicants seeking residencies and
17 institutions seeking residents. A better understanding of the gradation of offenses and penalties
18 imposed is needed to ensure the integrity of the Match process. For IMGs, transparency and
19 clarification is most important to make cultural interpretation more apparent.

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21 SUMMARY AND RECOMMENDATIONS

22
23 The Council on Medical Education recommends that the following recommendations be adopted in
24 lieu of Resolve 2 of Resolution 918-I-11 and that the remainder of the report be filed.

- 25
26 1. That our American Medical Association (AMA) reaffirm Policy D-310.974 (4), Policy
27 Suggestions to Improve the National Resident Matching Program (NRMP). (Reaffirm HOD
28 Policy)
- 29
30 2. That our AMA advocate that the words “residency training” in section 8.2.10 of the NRMP
31 Match agreement be added to the second sentence so that it reads, “The applicant also may be
32 barred from accepting or starting a position in any residency training program sponsored by a
33 match-participating institution that would commence training within one year from the date of
34 issuance of the Final Report” and specifically state that NRMP cannot prevent an applicant
35 from maintaining his or her education through rotating, researching, teaching, or otherwise
36 working in positions other than resident training at NRMP affiliated programs. (Directive to
37 Take Action)
- 38
39 3. That our AMA work with the Educational Commission for Foreign Medical Graduates,
40 Accreditation Council for Graduate Medical Education, Association of American Medical
41 Colleges, and other graduate medical education stakeholders to encourage the NRMP to make
42 the conditions of the Match agreement more transparent while assuring the confidentiality of
43 the match and to use a thorough process in declaring that a violation has occurred. (Directive
44 to Take Action)
- 45
46 ~~4. That our AMA encourage the NRMP to strive to meet the needs of its constituents, namely, the~~
47 ~~applicants and program directors. (Directive to Take Action)~~

Fiscal Note: Less than \$500.

References

1. Results and Data: 2011 Main Residency Match. National Resident Matching Program. Available at: www.nrmp.org/data/resultsanddata2011.pdf (accessed 2-16-12).
2. National Resident Matching Program. Available at: www.nrmp.org/ (accessed 3-22-12).
3. Match Participation Agreements. National Resident Matching Program. Available at: www.nrmp.org/res_match/policies/index.html (accessed 2-16-12).
4. Policies and Procedures for Reporting, Investigation, and Disposition of Violations of NRMP Agreements. National Resident Matching Program. Available at: www.nrmp.org/res_match/policies/violations.html (accessed 2-16-12).
5. The Integrity of the NRMP Match. National Resident Matching Program. Available at: http://www.nrmp.org/res_match/about_res/ensuring.html (accessed 2-16-12)
6. Roth AE. The Origins, History, and Design of the Resident Match. *JAMA*. February 19, 2003;289(7):909-912.

ATTACHMENT

AMA HOD Policies regarding the National Resident Matching Program

H-310.925 National Resident Matching Program Reform – Our AMA supports the National Resident Matching Program as an efficient and effective placement system for filling positions in graduate medical education in the US. (CME Rep. 4, A-05; Reaffirmed: CME Rep. 15, A-06)

D-310.974 Policy Suggestions to Improve the National Resident Matching Program – Our AMA will: (1) request that the National Resident Matching Program review the basis for the extra charge for including over 15 programs on a primary rank order list and consider modifying the fee structure to minimize such charges; (2) work with the NRMP to increase awareness among applicants of the existing NRMP waiver and violations review policies to assure their most effective implementation; (3) request that the NRMP continue to explore measures to maximize the availability of information for unmatched applicants and unfilled programs including the feasibility of creating a dynamic list of unmatched applicants; and (4) ask the National Resident Matching Program (NRMP) to publish data regarding waivers and violations with subsequent consequences for both programs and applicants while maintaining the integrity of the match and protecting the identities of both programs and participants. (CME Rep. 15, A-06; Appended: Res. 918, I-11)

D-310.977 National Resident Matching Program Reform - Our AMA: (1) will work with the National Resident Matching Program to develop and distribute educational programs to better inform applicants about the NRMP matching process; (2) will actively participate in the evaluation of, and provide timely comments about, all proposals to modify the NRMP Match; (3) will request that the NRMP explore the possibility of including the Osteopathic Match in the NRMP Match; (4) will continue to review the NRMP's policies and procedures and make recommendations for improvements as the need arises; (5) will work with the Accreditation Council for Graduate Medical Education and other appropriate agencies to assure that the terms of employment for resident physicians are fair and equitable and reflect the unique and extensive amount of education and experience acquired by physicians; (6) does not support the current the "All-In" policy for the Main Residency Match to the extent that it eliminates flexibility within the match process; (7) will work with the NRMP, and other residency match programs, in revising Match policy, including the secondary match or scramble process to create more standardized rules for all candidates including application timelines and requirements; (8) will work with the NRMP and other external bodies to develop mechanisms that limit disparities within the residency application process and allow both flexibility and standard rules for applicant; and (9) encourages the National Resident Matching Program to study and publish the effects of implementation of the Supplemental Offer and Acceptance Program on the number of residency spots not filled through the Main Residency Match and include stratified analysis by specialty and other relevant areas. (CME Rep. 4, A-05; Appended: Res. 330, A-11; Appended: Res. 920, I-11)