



# NPDB-HIPDB DATA BANK NEWS



National Practitioner Data Bank—Healthcare Integrity and Protection Data Bank

OCTOBER 2008

## Section 1921 Final Regulations: Close to Completion

The regulations implementing section 1921 of the *Social Security Act* are in the final stage of the Federal review process. Section 1921 regulations amend 45 CFR Part 60, which governs the National Practitioner Data Bank (NPDB). The Data Banks anticipate the publication of the final regulations in the near future, at which time it will begin the process of working with the entities and agencies affected by section 1921 requirements.

The intent of section 1921 is to protect program beneficiaries from unfit health care practitioners, and

otherwise improve the anti-fraud provisions of the Medicare and State health care programs. The following provides an overview of section 1921 querying and reporting requirements.

### REPORTING UNDER SECTION 1921

Section 1921 expands the scope of the NPDB to include adverse licensure actions against health care practitioners and health care entities by any State authority responsible for the licensing of such practitioner or entities. It also requires each State to report any negative action or finding that a State licensing authority, a

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peer review organization, or a private accreditation entity has finalized

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## PDS Is Here to Stay!

The Data Banks' Proactive Disclosure Service (PDS) is officially a permanent service for automatic and continuous querying of enrolled practitioners in the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB). Enrolled practitioners are, in effect, queried for adverse actions and medical malpractice payment history 24 hours per day/365 days per year. Newly filed reports on an entity's enrolled practitioners are sent to the entity within 1 day of receipt by the NPDB or HIPDB. Enrollment in the PDS also meets the legal and accreditation requirements to query the Data Banks.

The PDS was originally launched as a Prototype in May 2007. It was well-received by registered participating Data Bank entities, as well as by compliance and accrediting authorities. The Centers for Medicare and Medicaid Services (CMS), the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission, and the National Committee for Quality Assurance (NCQA) all support the use of the PDS.

Nearly 18 months after implementation, the PDS Prototype successfully completed a full monitoring cycle, including the opportunity for entities to renew their PDS enrollments for another 1-year period. The 97 percent renewal rate says it all! The service runs smoothly and entities participating in the program have expressed enthusiasm with the service. All registered entities are invited and encouraged to enroll their practitioners in PDS. Please visit [www.npdb-hipdb/hrsa.gov/PDS Invitation\\_Information.pdf](http://www.npdb-hipdb/hrsa.gov/PDS%20Invitation%20Information.pdf) for enrollment information. ❖

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against a health care practitioner or entity. This requirement is broader than the existing NPDB State licensure reporting requirements, as it mandates reporting on all licensed health care practitioners and entities (not just on physicians and dentists), and it includes all adverse licensure actions (not just those based on professional competence or conduct).

State licensing agencies that currently report to the Healthcare Integrity and Protection Data Bank (HIPDB) will also be required to report to the NPDB under section 1921 provisions. To decrease the burden of these licensing

agencies related to reporting to both Data Banks, the reporter will submit one report, and the system will automatically store the report in both the NPDB (under section 1921) and the HIPDB. Also, with the explicit permission of the State licensing agency, the Data Banks will designate all reports previously submitted to the HIPDB that also meet section 1921 reporting requirements as NPDB reports. This process eliminates the need for the licensing agency to report the action again.

In addition to licensing agencies, peer review organizations and private accreditation organizations (such

as the Joint Commission, National Committee for Quality Assurance [NCQA], URAC, and the Commission on Accreditation of Rehabilitation Facilities [CARF]) must report certain negative actions or findings taken against a health care practitioner or entity.

Examples of licensed practitioners that may be subjects of a section 1921 report are: chiropractors, podiatrists, pharmacists, physician assistants, optometrists, professional and paraprofessional nurses, physical therapists, respiratory therapists, and social workers. Examples of licensed entities that may be subjects of a

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**NPDB AFTER SECTION 1921  
(BASED ON SECTION 1921 STATUTORY REQUIREMENTS)  
REPORTS BY SUBJECT TYPE**

	PHYSICIANS/DENTISTS	ALL OTHER PRACTITIONERS	ORGANIZATIONS
MEDICAL MALPRACTICE PAYMENTS	X	X	
STATE LICENSURE ACTIONS	X	X	X
CLINICAL PRIVILEGES ACTIONS	X	OPTIONAL	
PROFESSIONAL SOCIETY MEMBERSHIP ACTIONS	X	OPTIONAL	
NEGATIVE ACTIONS OR FINDINGS BY STATE LICENSING AUTHORITIES, PRIVATE ACCREDITATION ORGANIZATIONS, AND PEER REVIEW ORGANIZATIONS	X	X	X
MEDICARE/MEDICAID EXCLUSIONS	X	X	X
DEA REGISTRATION ACTIONS	X	X	

Table 1. NPDB After Section 1921 outlines the specific types of actions taken against health care practitioners and organizations that the NPDB will collect after implementation of Section 1921.

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section 1921 report include: hospitals, ambulatory care and surgical centers, managed care organizations (MCOs), preferred provider organizations (PPOs), group practices, nursing homes, rehabilitation centers, hospices, and renal dialysis centers.

Table 1, on page 2, entitled "NPDB After Section 1921," outlines the specific types of actions taken against health care practitioners and entities that the NPDB will collect after implementation of section 1921.

### QUERYING UNDER SECTION 1921

The most notable change is that hospitals will have access to all

licensing board actions on all health care practitioners, not just physicians and dentists. Entities that currently have access to NPDB information will have access to both NPDB and section 1921 information. Entities that are provided with access to the NPDB through section 1921 will be allowed to query ONLY section 1921 information.

### IN SUMMARY

The NPDB as amended by section 1921 will serve as an invaluable resource for pre-employment background checks on physicians, dentists, and allied health practitioners, as it will be the only

national database of State licensing actions on all licensed health care practitioners that private sector hospitals may access.

The Data Banks look forward to this next phase of assisting you in providing quality health care and protecting the public. The final regulations for section 1921 will be published in the Federal Register, and posted on the Data Banks' Web site, at [www.npdb-hipdb.hrsa.gov](http://www.npdb-hipdb.hrsa.gov). In addition, the Data Banks will contact those entities that are directly affected by the new reporting requirements. ❖

## Outreach and Education Activities

**D**ivision of Practitioner Data Banks' (DPDB) representatives participate in a variety of outreach activities to share Data Bank information, talk with Data Bank users about their concerns, and learn from health care community experts and associations.

- **Western Regional Policy Education Forum** (San Francisco, CA, September 11–12). DPDB held a Forum designed for State licensing board members who submit queries and/or reports to the Data Banks. The purpose of the Forum was for Data Bank representatives to share information about National Practitioner Data Bank-Healthcare Integrity and Protection Data Bank (NPDB-HIPDB) current policies including hot topics related to submission of reports; adverse action classification codes and narrative descriptions; compliance with statutory reporting requirements; and new system enhancements that affect traditional and Proactive Disclosure Service (PDS) queries.
- **Data Banks Policy Education Forum and Annual National Association Medical Staff Services (NAMSS) Conference** (Milwaukee, WI, October 11-15). The Data Banks Policy Education Forum will convene during the pre-conference period of the 32nd Annual NAMSS conference, on October 12, 2008. NAMSS members who attend the Forum will receive 3.5 Continuing Education Units (CEUs). The Forum is designed for individuals who submit queries and reports to the NPDB and the HIPDB. Topics to be covered in the Forum include querying for multiple entities; multiple Data Bank Identification Numbers (DBIDs); compliance with statutory reporting requirements; delegated credentialing compliance; Data Bank confidentiality requirements; and system enhancements.

Following the Forum, Data Bank representatives will attend the NAMSS conference and answer questions from Data Bank users at the NPDB-HIPDB exhibit booth. The Acting Policy Branch Chief of DPDB will give a presentation on the Data Banks, the PDS, Section 1921, and compliance.

- **The National Healthcare Anti-Fraud Association (NHCAA) Institute 2008 Annual Training Conference** (Phoenix, AZ, November 17–20). The Data Banks will exhibit at the conference. ❖

## New Features Debut in November

**O**n November 17, 2008, the Data Banks will implement various user-friendly enhancements to the Proactive Disclosure Service (PDS). PDS Subscribers will soon be able to:

### ACCESS SUBJECT REPORTS IN PORTABLE DOCUMENT FORMAT (PDF)

In November, PDS subscribers will be able to access matched Data Bank reports in PDF for the duration of their enrollment. (Reports will no longer be viewable in HyperText Markup Language [HTML] format.) This enhancement makes printing reports much easier. Also, when required to print an "ad hoc" enrollment confirmation, users will have the option of including all matched reports.

### SPECIFY A FUTURE CANCELLATION DATE FOR PDS-ENROLLED SUBJECTS

Integrated Querying and Reporting Service (IQRS) users will be able to specify a future cancellation date for PDS subjects on the *Submitter Certification* screen. PDS entities employing *locum tenens* practitioners have expressed the desire to specify a future date to automatically cancel enrollments. Other entities wish to automatically integrate PDS enrollments into their Human Resources (HR) process. This new feature provides a safety net by permitting entities to supply an automatic cancel date, rather than requiring them to cancel at the time of the practitioner's departure. For example, if a practitioner is scheduled to retire, an entity can flag the PDS cancellation date at the same time as processing the rest of the practitioner's internal paperwork. Entities will not need to return to the PDS on the practitioner's retirement date to cancel the enrollment. Entities will also be able to modify or remove the future cancellation date if the employment circumstances change.

Currently, PDS subjects must be canceled manually and cancellation goes into effect immediately.

### PERFORM BATCH CANCELLATIONS

Feedback from PDS users indicates that the current process of cancelling (one subject at a time) is time-consuming. Entities will have the ability to select multiple practitioners for cancellation on the *Cancel PDS Enrollments* screen.

The Data Banks appreciate your comments and suggestions and strive to implement features that are important to you. Keep your feedback coming by e-mailing [help@npdb-hipdb.hrsa.gov](mailto:help@npdb-hipdb.hrsa.gov), or calling the Customer Service Center at 1-800-767-6732. ❖

# Helpful Hints from the Data Banks

## IMPORTANT REMINDER FOR REVISION-TO-ACTION REPORTS

When reporting a Revision-to-Action Report, do not use the initial date of action from the Initial Report as the date of the Revision-to-Action. Reporters must use the actual date of the revision to the action taken by the board or entity.

A Revision-to-Action Report modifies a previously reported action. The revision is stored as a second and separate report that is linked to the previously submitted report in the Data Banks. Revision-to-Action reasons include:

- Additional sanctions are taken against the subject, based on a previously reported incident.
- The length of action is extended or reduced.
- The original suspension or probationary period ends.
- Licensure, clinical privileges, professional society membership, or program participation is reinstated.

## USERS CAN PROVIDE PDS ENROLLMENT CONFIRMATION TO AUDITORS

Proactive Disclosure Service (PDS) enrollment confirmations may be easily printed to provide proof of enrollment for auditors. Select a subject name on the *Manage PDS Subjects* screen to view and print subject information including enrollment status and dates.

## WOULD YOU LIKE US TO SPEAK AT YOUR NEXT MEETING OR CONFERENCE?

Division of Practitioner Data Banks (DPDB) staff members participate in a variety of outreach and educational activities to share

Data Bank information. Let us know if you would like us to speak to your organization by completing the *Speaker Engagement Request*, located at [www.npdb-hipdb.hrsa.gov/outreach.html](http://www.npdb-hipdb.hrsa.gov/outreach.html).

## ELECTRONIC NOTIFICATIONS NOW AVAILABLE

Electronic Notifications are available via e-mail. Complete the Notification Preferences section on the *User Account Information* screen to receive Report Change Notifications, Query/or Report Confirmations, PDS Report Disclosures, and PDS Enrollment Confirmations (if enrolled in PDS).

## TAKE NOTE

Interface Control Document (ICD) Transfer Program (ITP) and Querying and Reporting XML Service (QRXS) users must update their *itp.ini* file to include a non-administrator user ID when submitting reports and queries. ITP users must ensure that their submission files include a non-administrator user ID as well, in addition to changing their *itp.ini* file. The Entity Data Bank Administrator account is limited to Administrator functions only. Entity users will not be allowed to submit queries and reports using the Entity Data Bank Administrator account. To submit reports through the Integrated Querying and Reporting Service (IQRS), QRXS and ITP, the Entity must create a separate user account.

## UPDATE YOUR BROWSER

The Data Banks support the following browsers: Mozilla Firefox 2.0, Internet Explorer 6.0 SP1, 6.0 SP2 or 7.0. Please update your browser to ensure successful use of Data Banks' services.❖



## Spotlight on PDS: Did You Know...

**D**id you know...that the Data Banks held a series of conference calls during the Proactive Disclosure Service (PDS) Prototype period to evaluate the service and gather feedback from users?

Not only has the service received endorsements from the Joint Commission, Centers for Medicare and Medicaid Services (CMS), and Commission on Accreditation of Rehabilitation Facilities (CARF), but PDS users also expressed their satisfaction. Here is what users are saying about PDS:

- "We thought it was best to go with a system that provided proactive disclosures, instead of receiving information when it was time to query...with all of my practitioners enrolled in PDS, I have one less thing to think of." *Barbara Herbert, Credentialing Coordinator, Rutland Regional Medical Center, Rutland, VT*
- "The PDS enrollment process is streamlined and easy...It just made sense to enroll practitioners in PDS. I don't have to wait 2 years to see if anything new has been reported." *Michelle D. Kelly, Supervisor, Medical Staff Services, Ingham Regional Medical Center, Lansing, MI*
- "Knowing the next day that a practitioner has a report disclosure is a great idea...I feel more secure knowing that I will be notified right away without having to do a query. Once a practitioner is enrolled, I don't worry

about not being aware of adverse events." *Judith LaDuke, VP Operations, Bedford Ambulatory Surgical Center, LLC Bedford, NH*

The best endorsement comes from the PDS subscribers' renewal rate: 98 percent of the first month's subscribers have renewed their practitioners! Don't miss out on this great service! PDS is the future of credentialing, and the number of subscribing entities is increasing every month. All registered entities are encouraged to review the PDS Invitation Information, located at [www.npdb-hipdb.hrsa.gov/pubs/PDS\\_Invitation\\_Information.pdf](http://www.npdb-hipdb.hrsa.gov/pubs/PDS_Invitation_Information.pdf).

**D**id you know...that renewing practitioner enrollments in PDS is easy?

PDS enrollments must be renewed on a yearly basis for you to continue to receive notice of new information within 24 hours of receipt. Entities receive a reminder e-mail 2 months prior, and again 1 month prior, to enrollment expiration. Before renewing, your Entity Data Bank Administrator must certify that the practitioners to be renewed are currently part of your organization, and that your organization is authorized to query on the practitioners. The *Options* screen displays easy-to-follow instructions. The *PDS Subject Renewal Schedule* screen displays the month of renewal and number of enrollment expirations. Enrollments may be renewed up to 2 months prior to the expiration date, for an additional full year of service. ❖

## Dear Data Banks...

**T**his column answers questions about the Data Banks' policies and procedures. If you have a question, please write to Dear Data Banks at P.O. Box 10832, Chantilly, VA 20153-0832 or e-mail your question to Dear Data Banks at [help@npdb-hipdb.hrsa.gov](mailto:help@npdb-hipdb.hrsa.gov). We look forward to hearing from you!

**Q**uestion: A patient who has an adverse reaction to an injection accepts a fee waiver as settlement to a written complaint. Is the fee waiver reportable to the National Practitioner Data Bank (NPDB) as a malpractice payment?

**A**nswer: A fee waiver or a waiver of a debt to settle a complaint is not considered a malpractice payment, and is not reportable to the NPDB.

**Q**uestion: Based on a finding of unprofessional conduct against a nurse, a State Board of Nursing suspended the nurse's license for 3 months and also imposed a 1-year probation. Should the State Board of Nursing submit one or two adverse licensure action reports to the Healthcare Integrity and Protection Data Bank (HIPDB)?

**A**nswer: The State Board of Nursing should submit only one adverse licensure report to the HIPDB. When reporting to the HIPDB, a licensing board may select up to five Adverse Action Classification Codes to describe the actions taken. If more than five actions are taken, the board should describe the remainder of its order in the narrative section of the report. This also applies to medical, dental, and all other licensure reports to the NPDB.

**Q**uestion: What is the deadline for submitting a Medical Malpractice Payment Report?

**A**nswer: Medical Malpractice payers, including self-insured entities, are required to report a payment within 30 days from the date the payment is made. However, missing the deadline does not excuse the reporter from filing a required report. The reporting entity must also send a copy of the final report to the applicable State licensure board.

**If you have an urgent question, please call the Customer Service Center at 1-800-767-6732. Information Specialists are available to speak with you weekdays from 8:30 a.m. to 6:00 p.m. (5:30 p.m. on Fridays) Eastern Time. The Customer Service Center is closed on all Federal holidays. ❖**

## Update: National Evaluation of the NPDB

**T**he January 2008 issue of *NPDB-HIPDB Data Bank News* noted that the U.S. Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA), was conducting a survey concerning the National Practitioner Data Bank. The survey measures satisfaction with the Data Banks and the utility of information received, and obtains suggestions for improving the Data Banks.

The contract was awarded to the Gallup Organization and the comprehensive evaluation consists of three main components:

- Reporting questionnaire (to gather feedback on the process of reporting malpractice payments and adverse actions to the Data Banks).
- Querying questionnaire (to gather feedback on the process of submitting queries on practitioners).

- Matched questionnaire (to gather feedback on the usefulness of the matched reports your entity receives on queried practitioners).

In June 2008, Gallup began collecting data from a sample of Data Bank users, via a secure, dedicated Web site, as well as through interviews during July and August 2008. Analysis of the collected data began in September 2008. A summary of the final results is expected in the January 2009 issue of *NPDB-HIPDB Data Bank News*. The full survey results will also be available to Data Bank users and the public on the Data Bank Web site at a later date.

We appreciate all who participated in this critical study. Be assured that all information submitted to the survey will be held under the strictest confidential protections of the *Privacy Act* and Data Bank regulations concerning confidentiality of information. ❖

## On the Horizon

As previously announced, *NPDB-HIPDB Data Bank News* is continuing its transition to a digital format. As of October, all users with e-mail addresses on file with the Data Banks will receive the newsletter electronically. The new electronic newsletter (e-newsletter) offers many user benefits. In addition to getting information to users faster, an e-newsletter saves money and natural resources. While reducing printing and mailing costs, the e-newsletter can be read, processed, and saved for future reference right on your computer, and can also be easily shared among users.

*NPDB-HIPDB Data Bank News* is available on the Web site, [www.npdb-hipdb.hrsa.gov/newsletter.html](http://www.npdb-hipdb.hrsa.gov/newsletter.html), and is also delivered to your e-mail inbox. Please remember to keep your e-mail address up-to-date on the *User Account Information* screen to ensure you will always receive your e-newsletter.

The e-newsletter is a “green” step forward to help protect our natural resources, while continuing to keep you informed on important Data Bank news! ❖

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HUMAN SERVICES

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Health Resources and Services Administration  
Bureau of Health Professions  
Division of Practitioner Data Banks  
Parklawn Building, Room 8-103  
5600 Fishers Lane  
Rockville, MD 20857

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