



**106th Annual Meeting
National Association of Boards of Pharmacy**

**State and Federal Agencies Protecting the
Public
The National Practitioner Data Bank**

May 25, 2010

**Shari W. Campbell, DPM, MSHS
Bureau of Health Professions
Health Resources and Services Administration
Department of Health and Human Services**



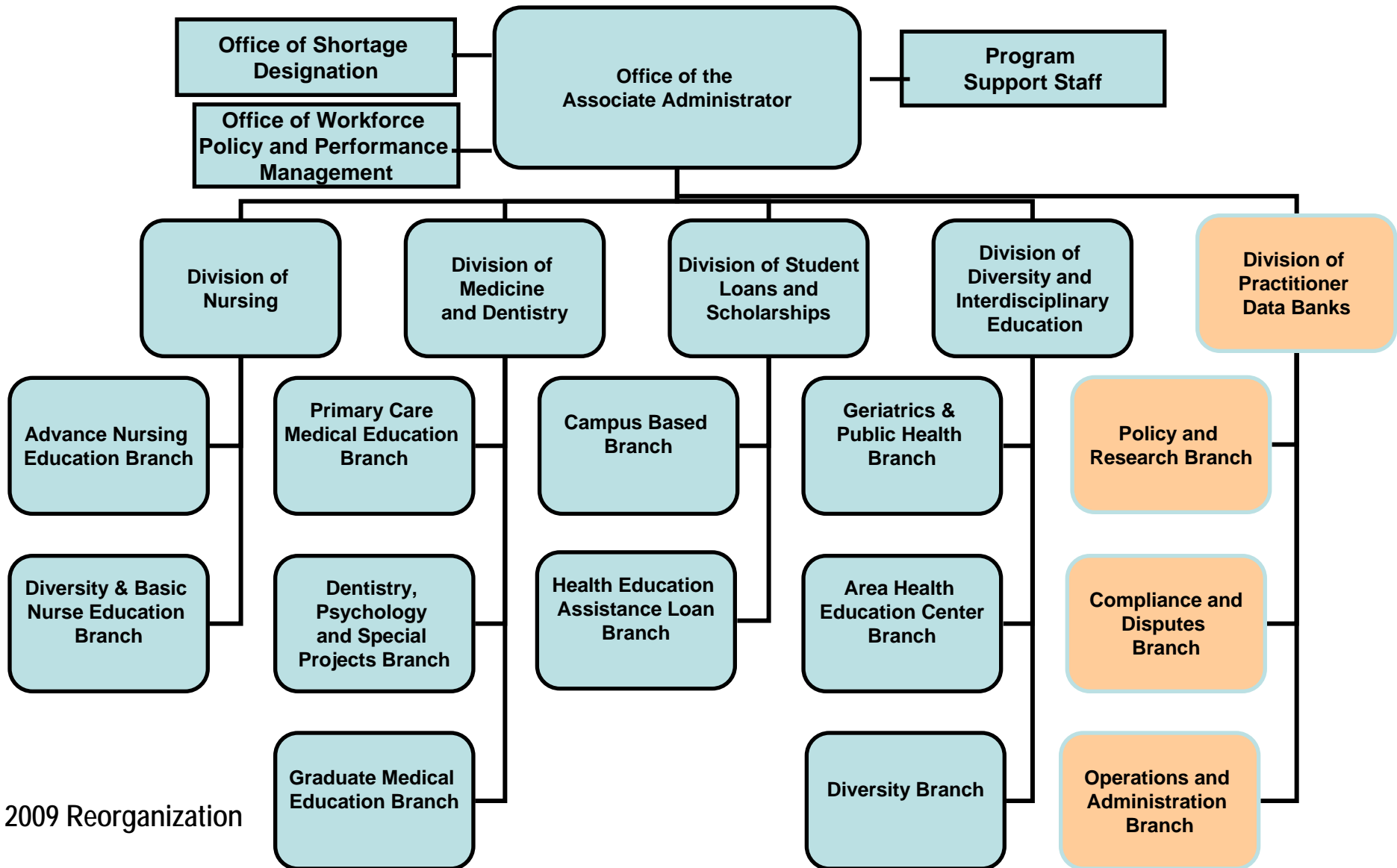
Presentation Overview



- Bureau of Health Professions
- National Practitioner Data Bank (NPDB)
- Expanding NPDB: Section 1921 of the *Social Security Act*
- Healthcare Integrity and Protection Data Bank (HIPDB)
- Proactive Disclosure Service
- Compliance Activities



Bureau of Health Professions



2009 Reorganization



BHP_r Mission



Increase the population's access to health care by providing national leadership in the development, distribution and retention of a diverse, culturally competent health workforce that can adapt to the population's changing health care needs and provide the highest quality of care for all



National Practitioner Data Bank (NPDB)



NPDB



- Established through Title IV of Public Law 99-660, the *Health Care Quality Improvement Act of 1986* (HCQIA), as amended
- Part A – Promotion of Professional Review Activities
 - Established immunity provisions
 - Developed through case law, not Federal regulations
- Part B – Reporting of Information
 - Established the NPDB
 - Final regulations governing the NPDB are codified at 45 CFR Part 60



Who Reports to NPDB? Prior to Section 1921



- Medical and Dental State licensing boards
- Malpractice insurers and self-insured organizations
- Hospitals, managed care organizations, other health care entities with formal peer review
- Professional societies with formal peer review
- Drug Enforcement Administration ★
- HHS Office of Inspector General ★



What is Reported? NPDB before Section 1921



- Adverse licensure actions on physicians and dentists★
- Adverse clinical privilege/membership actions★
- Adverse professional society actions★
- Medical malpractice payments
- Drug Enforcement Administration actions
- Medicare/Medicaid exclusions

★ *Based on the practitioner's professional competence or conduct.*



Adverse Clinical Privileges/Membership NPDB before Section 1921



Must report:

- Professional review actions which:
 - Involve physicians or dentists★
 - Are based on professional competence or conduct that adversely affects, or could adversely affect, the health or welfare of a patient
 - Adversely affect clinical privileges or panel membership for a period longer than 30 days
 - ★ *Other practitioners may be reported*
- Voluntary surrender or restriction of clinical privileges/panel membership while under, or to avoid, investigation
- Summary or emergency suspensions resulting from a professional review action



NPDB: Who May Query?



- Hospitals _____ query by law:
 - When physicians, dentists, other health care practitioners apply for medical staff appointment or for clinical privileges.
 - Every 2 years on physicians, dentists, and other health care practitioners on the medical staff or who hold clinical privileges at the hospital.
- may
-
- Other health care entities (with a formal peer review process)
- Professional societies (with a formal peer review process)
- Practitioners (self-query only)
- Researchers (non-identifying data only)



NPDB: Other Provisions



- Submit reports within 30 days of the adverse action date or the medical malpractice payment date
- Medical malpractice payers and health care entities send a copy of the report to the appropriate State licensing board
- Sanctions for failure to report and query (mandatory hospital queries only)
- Confidentiality of NPDB information
- By law, the NPDB must recover full cost of operations. The current fee is \$4.75 per query.



Expanding NPDB: Section 1921 of the *Social Security Act*



NPDB Expansion: Section 1921



- Section 1921 of the *Social Security Act*:
 - Expands the information collected and disclosed by the NPDB
 - Authorizes new types of organizations to query and receive Section 1921 information
- Section 1921 was implemented March 1, 2010



Section 1921



The intent of Section 1921 is to protect beneficiaries participating in the *Social Security Act*'s health care programs from unfit health care practitioners and improve the anti-fraud provisions of these programs.

- Public Law 100-93, Section 5 of the *Medicare and Medicaid Patient and Program Protection Act of 1987* (Section 1921 of the *Social Security Act*)
- Section 1921 amended by the *Omnibus Budget Reconciliation Act of 1990*, Public Law 101-508
- Final regulations codified at 45 CFR Part 60



Who Reports under Section 1921?



- State agencies responsible for licensing health care practitioners or entities★
- Peer review organizations
 - excludes Quality Improvement Organizations
- Private accreditation organizations
 - e.g., Joint Commission, URAC (formerly known as the Utilization Review Accreditation Commission), National Council for Quality Assurance (NCQA)

★ *Health care entity provides health care services and follows a formal peer review process to further quality health care.*



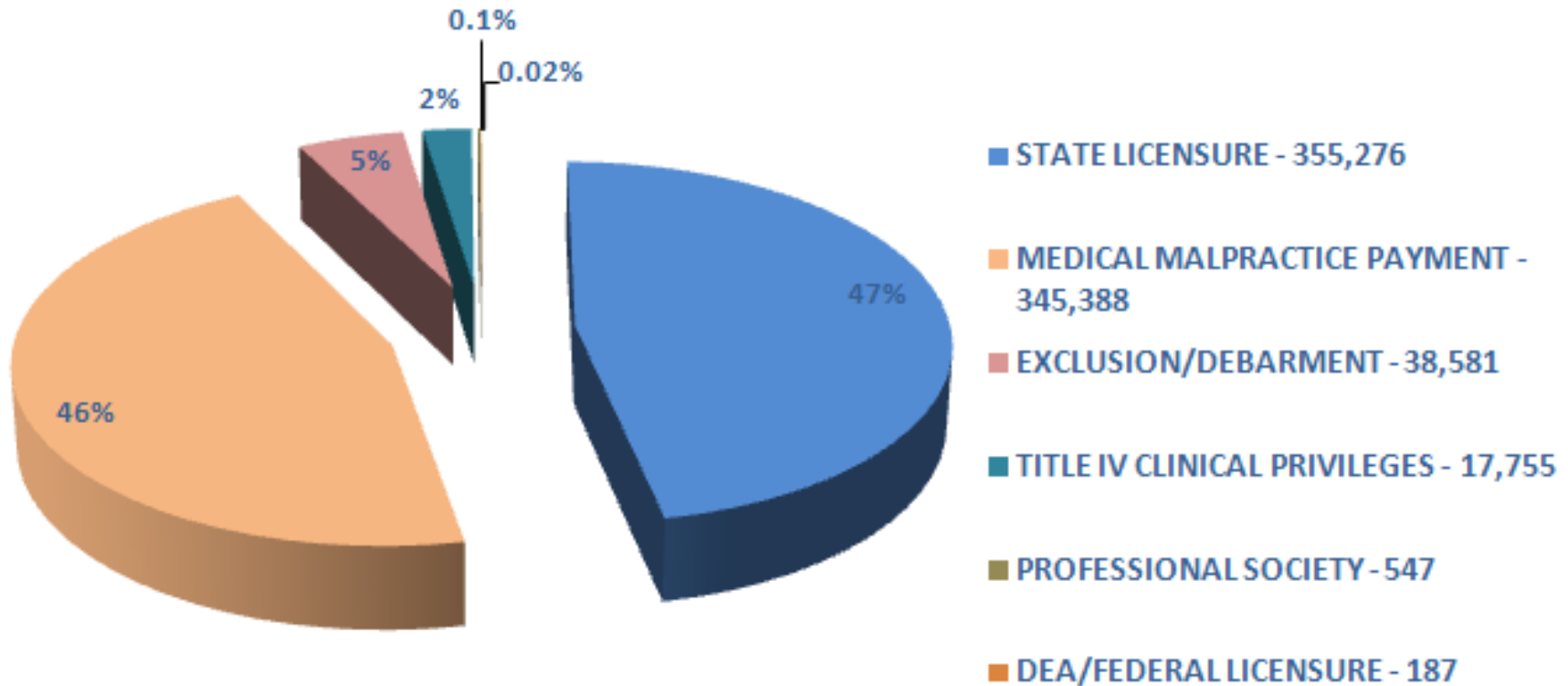
Information Added by Section 1921



- Adverse State licensure actions taken against all health care practitioners and entities
- Negative actions or findings by State licensing authorities
- Negative actions or findings by peer review organizations and private accreditation organizations



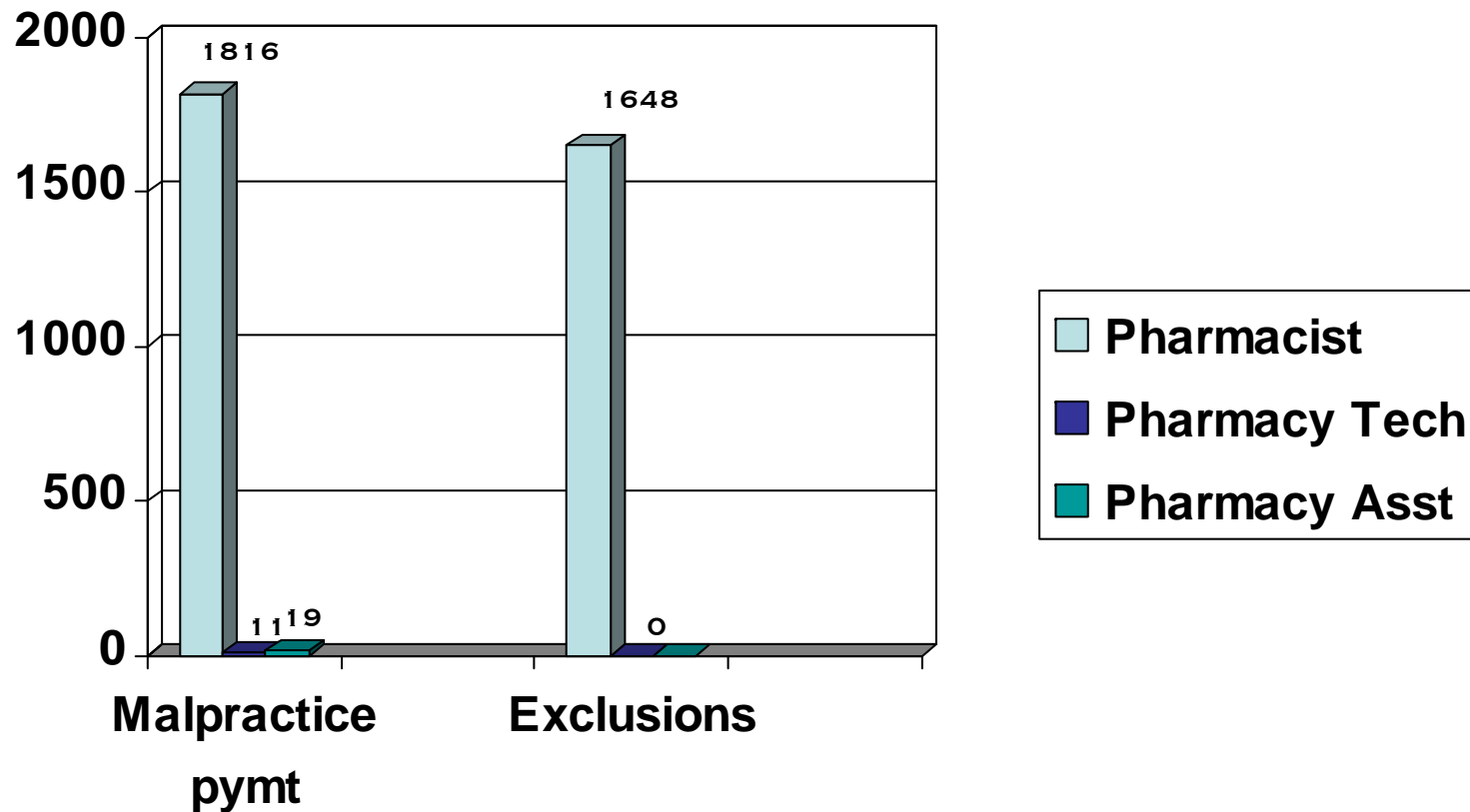
NPDB Under Section 1921



NPDB Reports as of 3/31/2010



Pharmacy Reports in the NPDB 1990 - 2009



NOTE: Exclusions refer to Medicare and/or Medicaid programs; Malpractice payments are for individuals



State Licensure Actions Under Section 1921



Section 1921 expands reporting requirements for NPDB adverse licensure actions in two ways:

- State licensing authorities must report adverse **all health care practitioners** not just physicians and dentists, as well as those actions taken against .

all adverse
(not just those based on professional competence and conduct).



Section 1921: Licensure Actions



State licensure actions taken as a result of formal proceedings are reportable to the NPDB, including:

- Any adverse action
- Any dismissal or closure of the proceedings

or jurisdiction.

- , whether by operation of law, voluntary surrender (excluding those due to non-payment of licensure renewal fees, retirement, or change to inactive status), or otherwise.

- Any negative action or finding that is publicly available information



Peer Review Organizations and Accreditation Actions Under Section 1921



- **Negative action or finding by a peer review organization -**



- **Negative action or finding by a private accreditation organization -**

quality of health care services [health care entities only] ★

★ Must be the result of final formal proceedings



Who May Query? Under Section 1921



- Entities that are currently allowed to query the NPDB have access to *all* Section 1921 reports
 - e.g., hospitals, health care entities, State boards
 - Other Entities that have access to the NPDB through Section 1921 are allowed to query **ONLY** Section 1921 information★
 - Practitioners and entities (self-query only)
 - Researchers (non-identifying data only)
- ★ *These entities also have access to Medicare/Medicaid exclusions*



Who Are Section 1921 Entities?



Entities authorized to query only Section 1921 information:

- State agencies that license health care entities
- Agencies (or their contractors) administering Federal health care programs
- State agencies administering State health care programs
- Medicaid Fraud Control Units
- U.S. Attorney General and other law enforcement
- U.S. Comptroller General
- Quality Improvement Organizations



Healthcare Integrity and Protection Data Bank (HIPDB)



HIPDB



- Established under Section 1128E of the *Social Security Act* as added by Section 221(a) of the *Health Insurance Portability and Accountability Act of 1996* (HIPAA)
- Final regulations governing the HIPDB are codified at 45 CFR Part 61
- to deter fraud and abuse in the health care system and to promote quality health care by collecting and disseminating final adverse actions taken against health care practitioners, providers, and suppliers



HIPDB: Who Must Report?



- **Federal and State Agencies:**
 - Licensing and certification agencies
 - Department of Justice, law enforcement agencies, Medicaid Fraud Control Units (MFCUs)
 - Department of Health and Human Services (e.g., Centers for Medicare & Medicaid Services (CMS), U.S. Food and Drug Administration (FDA), Office of Inspector General)
 - Agencies that administer or pay for the delivery of health care services (e.g., Dept. of Veterans Affairs).
- **Health Plans**



HIPDB: What is Reported?

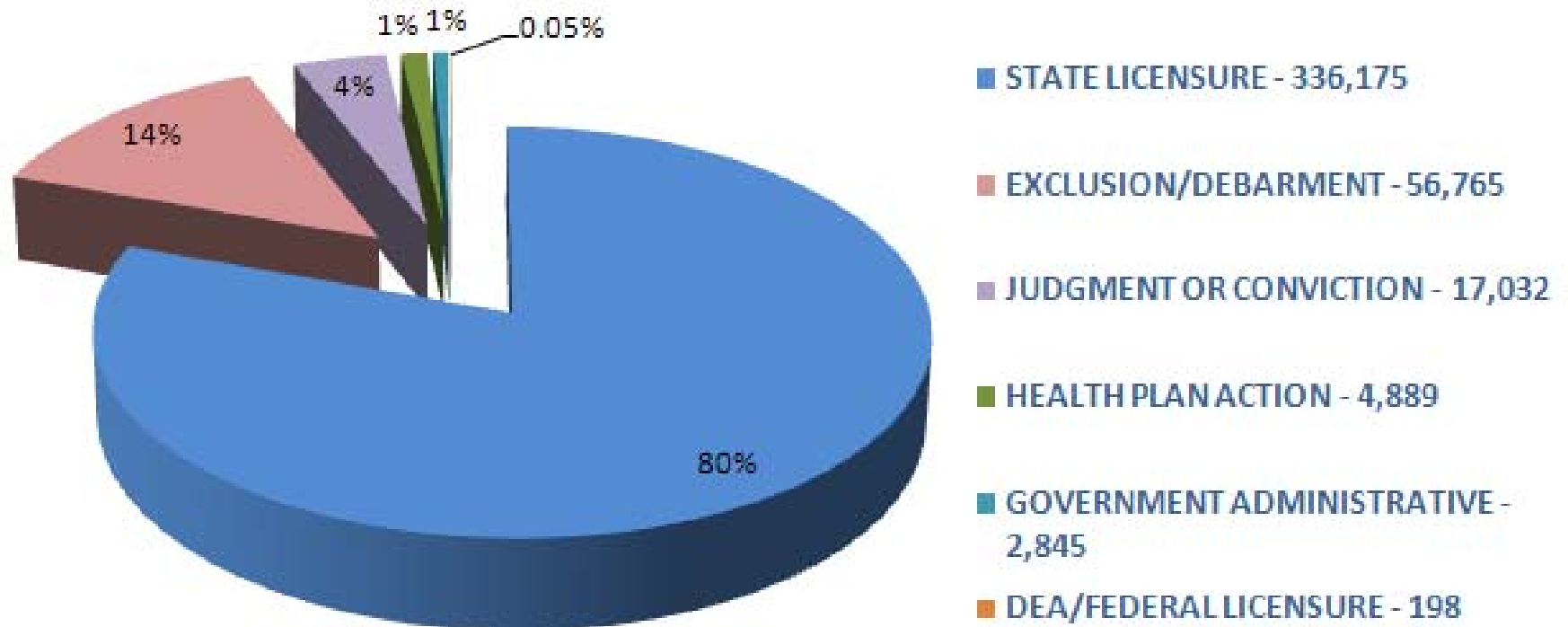


- Health care-related criminal convictions
- Health care-related civil judgments
- Exclusions from Federal or State health care programs
- Federal and State licensure and certification actions against health care practitioners, providers and suppliers
- Other adjudicated actions or decisions: ★
 - Formal final actions that include the availability of due process
 - Based on acts or omissions that affect, or could affect, the payment, provision or delivery of a health care item or service

May 25, 2010 ★ *Specifically excludes clinical privileges or panel membership action.*



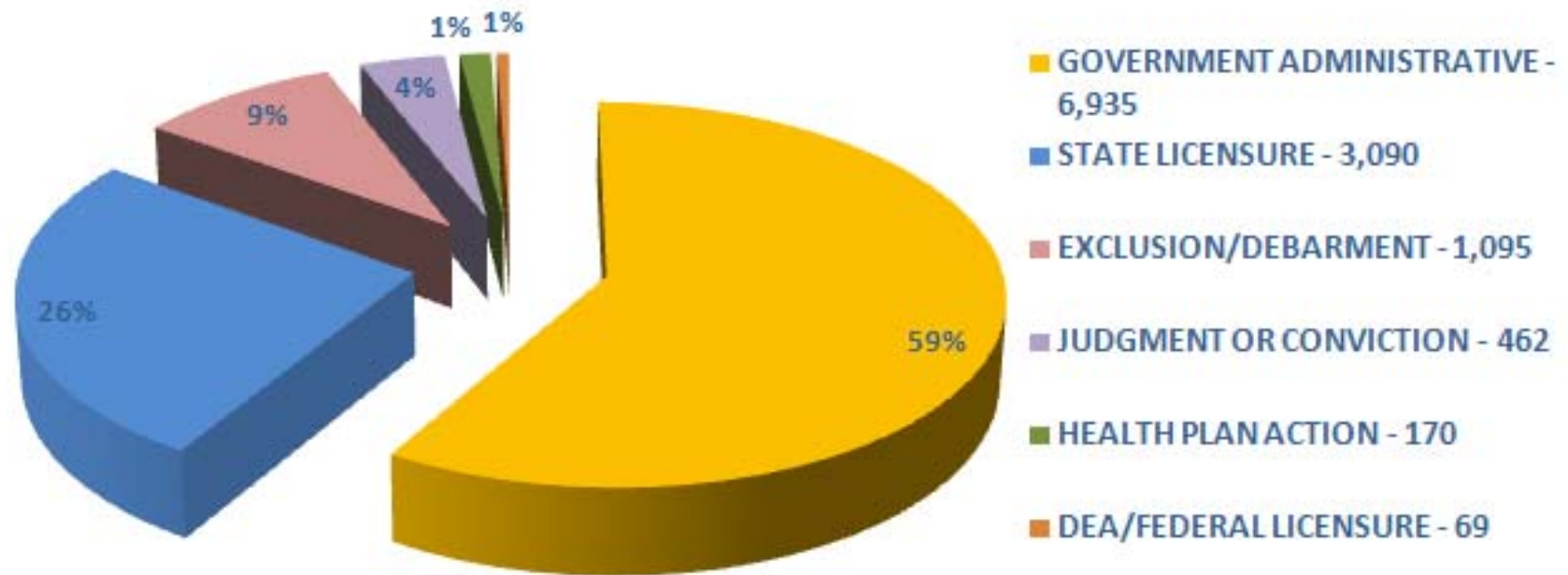
What is in the HIPDB? Practitioner Reports



HIPDB Individual Reports as of 3/31/2010



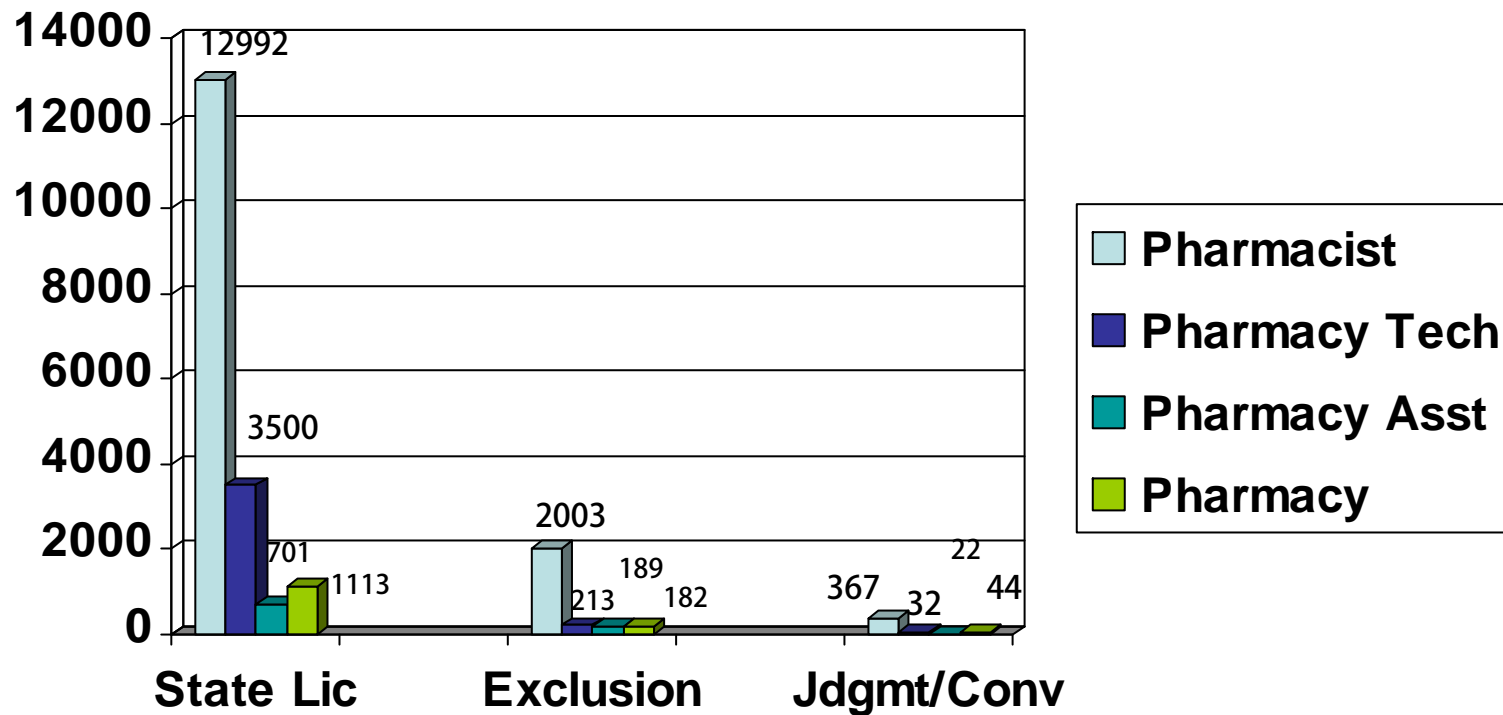
What is in the HIPDB? Organization Reports



HIPDB Organization Reports as of 3/31/2010



Pharmacy Reports in the HIPDB



NOTE: Exclusions are Medicare and Medicaid exclusions



HIPDB: Who May Query?



- Federal Agencies
- State Agencies
- Health Plans
- Practitioners, Providers, Suppliers (self-query only)
- Researchers (non-identifying data only)



HIPDB: Other Provisions



- Timeframe for reporting – generally within 30 days
- Civil liability protection for reporters
- Sanctions for failure to report
- The HIPDB must recover full cost of operations. The current fee is \$4.75 per query.



The HIPDB Merger with NPDB



Patient Protection and Affordable Care Act

-
-
- Requires the Secretary to implement a transition period to:
 - cease operating the HIPDB
 - transfer HIPDB data to the NPDB
- Intent is to transition HIPDB operations to the NPDB while maintaining reporting and querying requirements.



Proactive Disclosure Service (PDS)



Proactive Disclosure Service



- PDS was designed and developed to help meet new accreditation standards that require ongoing monitoring of practitioners
- PDS is a subscription service that notifies the subscriber of new information on any of their enrolled practitioners within 24 hours of the Data Banks receipt of the information



Traditional Query Process



- Health care entities, including hospitals, Managed Care Organizations (MCOs), State and Federal agencies, query the Data Bank by requesting information on a routine schedule
- Users query in preparation for reappointment or during the re-credentialing process (typically every 2 or 3 years)
- Query fee is \$4.75 per name, per Data Bank



The PDS Way



- PDS replaces the traditional query
 - PDS requires the same practitioner information
 - Continue using your subject database
- Annual subscription fee is \$3.25 per enrollee, per Data Bank—no separate query fee
- Upon enrollment, receive the same report information as a query response
- PDS continuously queries on your behalf and notifies you of any new reports
 - No need to re-query for reappointments or temporary privileges extensions



The PDS Way



- Renew your enrolled practitioners annually for the same \$3.25 per enrollee, per Data Bank
 - PDS can renew your enrollments automatically
- Utilize the on-demand access to any report for all enrolled practitioners
- Cancel enrollments when you no longer need to monitor a practitioner
 - PDS can cancel an enrollment on a future date of your choice



PDS Adoption



- Enrollment statistics as of January 2010:
 - 1,350 total entity subscribers, predominately hospitals
 - 511,000 practitioner enrollments
 - 13% of reports received this year were disclosed via the PDS
 - Overall renewal rate of 96%
- Customer feedback—Excellent!



PDS vs. Traditional Query



- **302 days**
- **PDS – Will notify subscribers of a report on 24 hours**



PDS - Enrollment



- Enrollment is based on an entity's current registration
- For each practitioner, you receive an initial query and continuous monitoring for a period of one year for each Data Bank in which the practitioner is enrolled



PDS - Enrollment



- **Enrollment Confirmation:**
 - Returned for every enrolled subject
 - Documents that a practitioner is enrolled in the PDS
 - May be used to demonstrate compliance with accreditation standards
 - Includes:
 - Subject information
 - PDS enrollment dates
 - Enrollment status
 - Any reports on the practitioner



PDS - Enrollment



National Practitioner Data Bank
 Healthcare Integrity and Protection Data Bank
 P.O. Box 10832
 Chantilly, VA 20153-0832
<http://www.npdb-hipdb.hrsa.gov>

PDS ID: 30000000054804
 DCN: 795000052224259
 Process Date: 04/28/2009 Page: 1 of 1
 RED, BENJAMIN
 For authorized use by:
 TEST ENTITY

CONFIRMATION OF PDS ENROLLMENT AS OF 04/28/2009

Subject is currently monitored in: The National Practitioner Data Bank
 The Healthcare and Integrity Protection Data Bank

A. REPORTS ON FILE WITH THE DATA BANK(S) AS OF 04/28/2009

Based on the subject identification information provided, a search of the NPDB has located no reports:

Medical Malpractice Payment Report(s):	No Reports	Professional Society Action(s):	No Reports
DEA/Federal Licensure Action(s):	No Reports	Exclusion or Debarment Action(s):	No Reports
State Licensure Action(s):	No Reports	Government Administrative Action(s):	No Reports
Health Plan Action(s):	No Reports	Peer Review Organization Action(s):	No Reports
Clinical Privileges Action(s):	No Reports	Judgment or Conviction Report(s):	No Reports

B. SUBJECT IDENTIFICATION INFORMATION (Recipients should verify that subject identified is, in fact, the subject of interest.)

Subject Name: RED, BENJAMIN
 Entity Subject Identification Number:
 Gender: MALE
 Date of Birth: 08/04/1973
 Other Name(s) Used:
 Organization Name: TEST ENTITY
 Organization Type:
 Work Address: FHELPS ST SUITE 999
 City, State, ZIP: BALTIMORE, VA 22222
 Home Address: 8888 S. MAIN STREET
 City, State, ZIP: BALTIMORE, VA 22222
 Social Security Numbers (SSN): 111-11-1115
 Individual Taxpayer Identification Numbers (ITIN):
 Professional School(s) & Year of Graduation: EXCELLENT SCHOOL OF MEDICINE (2003)
 Occupation/Field of Licensure (Code): PHYSICIAN INTERN/RESIDENT (MD) (015)
 State License Number, State of Licensure: P999999, VA
 Drug Enforcement Administration (DEA) Numbers:
 National Provider Identifiers (NPI):
 Federal Employer Identification Numbers (FEIN):
 Unique Physician Identification Numbers (UPIN):

C. ENROLLMENT INFORMATION

NPDB Enrollment Status: Enrolled
 NPDB Enrollment Dates: 04/28/2009 - 04/30/2010*
 * Unless enrollment is canceled by the entity prior to this date
 HIPDB Enrollment Status: Not Enrolled
 HIPDB Enrollment Dates:

D. ENTITY INFORMATION

Entity Name: TEST ENTITY (DBID ending in ...33)
 Authorized Agent: TEST AGENT CVO
 Authorized Submitter's Name: John D Doe
 Authorized Submitter's Title: Director
 Authorized Submitter's Telephone: (703) 555-5555

CONFIDENTIAL DOCUMENT - FOR AUTHORIZED USE ONLY



PDS Notification of Information



- Notifications are sent for:
 - New reports
 - Corrections
 - Revisions
 - Voids
 - Subject statements
 - Disputed status/Secretarial Review



PDS - Report Notification



A new NPDB-HIPDB response to a query, PDS enrollment, or report submission is now available for you to view. Please log into the NPDB-HIPDB [Integrated Querying and Reporting Service \(IQRS\)](#) at www.npdb-hipdb.hrsa.gov to view the response(s) for:

Entity: TEST ENTITY (FAIRFAX, VA) (DBID ending in ...33)

If you wish to stop receiving notifications:

1. Log into the [IQRS](#).
2. Select Update User Account on the Options page.
3. Update your response notification preference.

Please do not reply to this e-mail address. If you have questions or comments, please e-mail the [NPDB-HIPDB Customer Service Center](#) or call 1-800-767-6732 weekdays from 8:30 a.m. to 6:00 p.m. (5:30 p.m. on Fridays) Eastern Time.



PDS - Renewal



- **Manual renewal process:**
 - PDS subscriber receives an email notice two months in advance to renew practitioners
 - A reminder is sent monthly until the subscribing entity renews the practitioners
 - A grace period of one month is provided
- **Automatic renewal process option**
 - Enrollment is automatically renewed and charged



PDS - Canceling



- An entity must cancel PDS enrollment when a practitioner is no longer a part of the organization
- A canceled practitioner's information can be returned to the IQRS subject database
- Canceled enrollment data is retained for four years
 - Enrollment confirmation is available for canceled enrollments



PDS Monthly Summary



All users receive a monthly email summarizing PDS activities that month, including:

- Upcoming renewals
- The number of proactive disclosures
- The number of enrollments submitted
- Renewals processed
- Scheduled cancellations
- Total enrollments



PDS Monthly Summary



Proactive Disclosure Service (PDS) activity for April 2009

TEST ENTITY (FAIRFAX, VA) (DBID ending in ...33)

- Your organization has PDS subject enrollments that are scheduled to be automatically renewed soon:
 - 49 subject enrollments will be automatically renewed on 05/31/2009.
 - 57 subject enrollments will be automatically renewed on 06/30/2009.

Subject enrollments for your organization are scheduled to be renewed automatically. To cancel enrollments for any subjects that have left your organization, please log into the [Integrated Querying and Reporting Service \(IQRS\)](#) at www.npdb-hipdb.hrsa.gov.

- Your organization received 6 proactive disclosures.
 - There are 3 unviewed proactive disclosures.

You can access your proactive disclosures in the IQRS under *Proactive Disclosure Service, Report Disclosures*.

- Your organization enrolled 54 new subjects.
 - There are 2 unviewed initial enrollment confirmations.

Your enrollment confirmations are available for 60 days from submission.

- Your organization renewed 61 subject enrollments.

You can generate and view enrollment confirmations for your subject renewals in the IQRS under *Proactive Disclosure Service, Renew Subjects, View Recent Renewal Charges*.

- Your organization canceled 12 subject enrollments.
 - There are 3 subjects scheduled for cancellation in May.

You can view an enrollment confirmation for your subject cancellations in *Proactive Disclosure Service, Manage Subjects, Generate Ad hoc Enrollment Confirmations*.

- At the end of April, your organization had a total of 683 enrolled subjects.

You can manage your subjects in *Proactive Disclosure Service, Manage Subjects*.

If you wish to stop receiving notifications:

1. Log into the [IQRS](#).
2. Select Update User Account on the Options page.
3. Update your PDS Notices and Report Change Notifications preference.

Please do not reply to this e-mail address. If you have questions or comments, please e-mail the [Customer Service Center](#) or call 1-800-767-6732 weekdays from 8:30 a.m. to 6:00 p.m. (5:30 p.m. on Fridays) Eastern Time.



PDS Endorsements



- The Joint Commission
- National Council for Quality Assurance (NCQA)
- Commission on Accreditation of Rehabilitation Facilities (CARF)
- URAC (formerly known as Utilization Review Accreditation Commission)
- The Centers for Medicare & Medicaid Services (CMS)
- PDS meets the HCQIA mandatory querying requirement as long as the practitioner remains enrolled in PDS



PDS Customized Reports



PDS provides several on-demand reports for you to prove compliance with accreditation standards

– Subject Listing

- Shows all practitioners, their enrollment status, and period of enrollment

– Proactive Disclosure History

- Shows all proactive report disclosures, and by whom and when the disclosure was viewed



PDS Subject List



National Practitioner Data Bank
 Healthcare Integrity and Protection Data Bank
 P.O. Box 10832
 Chantilly, VA 20153-0832

Process Date: 01/14/2010 Page: 1 of 1
 For authorized use by:
 TEST ENTITY

<http://www.npdb-hipdb.hrsa.gov>

PDS SUBJECT LISTING

Subjects Found: 5

Subject Name: DAWSON, BEATRICE	Subj ID:	DOB: 03/06/1957
NPDB Enrollment Status: Enrolled	HIPDB Enrollment Status: Enrolled	
NPDB Enrollment Dates: 01/07/2010 - 01/31/2011	HIPDB Enrollment Dates: 01/07/2010 - 01/31/2011	
Subject Name: GIARRUSSO, KAREN	Subj ID:	DOB: 08/23/1969
NPDB Enrollment Status: Enrolled	HIPDB Enrollment Status: Enrolled	
NPDB Enrollment Dates: 01/07/2010 - 01/31/2011	HIPDB Enrollment Dates: 01/07/2010 - 01/31/2011	
Subject Name: SDFSDFSD, FSDSDFSD	Subj ID:	DOB: 05/05/1905
NPDB Enrollment Status: Enrolled	HIPDB Enrollment Status: Not Enrolled	
NPDB Enrollment Dates: 12/23/2009 - 12/31/2010	HIPDB Enrollment Dates:	
Subject Name: SPANGLER, THOMAS	Subj ID:	DOB: 07/14/1958
NPDB Enrollment Status: Enrolled	HIPDB Enrollment Status: Enrolled	
NPDB Enrollment Dates: 01/07/2010 - 01/31/2011	HIPDB Enrollment Dates: 01/07/2010 - 01/31/2011	
Subject Name: VYAS, HARDIK	Subj ID: 7600000014 139128	DOB: 08/21/1979
NPDB Enrollment Status: Enrolled	HIPDB Enrollment Status: Enrolled	
NPDB Enrollment Dates: 01/08/2010 - 01/31/2011	HIPDB Enrollment Dates: 01/08/2010 - 01/31/2011	



PDS Disclosure History



National Practitioner Data Bank
 Healthcare Integrity and Protection Data Bank
 P.O. Box 10832
 Chantilly, VA 20153-0832
<http://www.npdb-hipdb.hrsa.gov>

DCN: 7910000000000123
 Process Date: 06/01/2010
 Page: 1 of 1
 For authorized use by:
 TEST ENTITY

PROACTIVE DISCLOSURE HISTORY

The following is a history of proactive disclosures for reports disclosed after the initial enrollment.

Filter Criteria:

Disclosure Date: 04/02/2010 - 06/01/2010

Current Report DCN	Report Type	Disclosure DCN	Disclosure Type	Disclosure Date	Report Viewed	First Viewed Date	Viewed By
7910000057666669	AAR	7910000057666669	Correction Report	05/30/2010	No		
		7910000057666102	Subject Action†	05/09/2010	Yes	05/10/2010	Pat Johnson
		7910000057666009	Initial Report	05/06/2010	No*		
7910000057666001	JOCR	7910000057666001	Revision Report	04/26/2010	Yes	04/27/2010	James Smith
7910000057665909	AAR	7910000057665909	Initial Report	04/24/2010	Yes	04/25/2010	Sally Jackson
7910000057666877	MMPR	7910000057666898	Void Report	04/20/2010	Yes	04/21/2010	Pat Johnson
		7910000057666877	Initial Report	04/01/2010	Yes	04/03/2010	Pat Johnson

† Subject-initiated action taken on the report, such as adding a statement to the report or filing a dispute concerning the report. Subject-initiated actions do not change the originally reported data.

* Before the report was viewed, the report was removed and replaced by the above updated report.



PDS Benefits



- – PDS queries for you 24 hours a day, 365 days a year; receive email alerts as soon as new reports are added.
- – After your practitioners are enrolled, you no longer have to worry about missing a new, revised, corrected or voided report.
- – No need to run individual queries during busy re-credentialing cycles; no need to wait 2 or 3 years to see if anything new has been reported.
- – PDS is approved by the Joint Commission, NCQA, CMS, CARF, and URAC. It also meets legal standards for querying the Data Banks under the *Health Care Quality Improvement Act*.
- **Easy to Use** – Using PDS makes it easy to manage all your practitioner enrollments and customize your notification preferences through the current Data Banks system.



Compliance Activities



- NPDB and HIPDB
- summary payment reports (*Supplement A to Schedule T*).
- Provide Notice of non-compliance with reporting requirements.
 - State Licensure Authorities
 - Hospitals



Compliance Activities, cont' d



- Conduct regular data audits that will provide data back to the State licensure boards for verification and correction of missing data elements
- Provide education and training programs for State licensing boards staff on maintaining and reporting health practitioner licensure data
- Explore opportunities to make reporting easier
- Establish a process for public reporting of entities that fail to meet their reporting requirements



RESOURCES



- Web Site - www.npdb-hipdb.hrsa.gov
 - NPDB and HIPDB Guidebooks
 - Interactive Training
 - FAQs, Brochures, and Fact Sheets
 - Statistics
 - Annual Reports
 - Instructions for Reporting and Querying
- Customer Service Center - 1-800-767-6732.
(1-800-SOS-NPDB)



Contact Information



scampbell@hrsa.gov