

# Department of Health Professions

DIRECTOR'S POLICY # 76-3.5

## Reporting to NPDB, HIPDB and Section 1921 Data Banks

Effective Date: November 14, 2011

Approved By:

*D. Reynolds-Cane MD*

Dianne Reynolds-Cane, M.D., Director

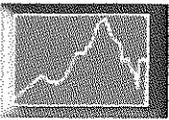
**76-3.5 Reports to the National Practitioner Data Bank and the Healthcare Integrity & Protection Data Bank, maintained by the Bureau of Health Professions, Health Resources and Services Administration, U.S. Department of Health and Human Services.**

### Purpose:

To establish policy for transmittal of adverse action reports to the National Practitioner Data Bank (NPDB) (per Title IV, Public Law 99-660, the Health Care Quality Improvement Act of 1986, as amended; and Section 1921 of the Social Security Act), and the Healthcare Integrity & Protection Data Bank (HIPDB) (per Section 1128E of the Social Security act, as amended by Sec 221(a) of Public Law 104-191, the Health Insurance Portability Act of 1996) which require state agencies that license health care practitioners to report disciplinary actions and adverse actions against all health care practitioners within thirty (30) days.

### Background:

- A. Title IV requires state boards of medicine and dentistry to report to the NPDB all adverse licensure actions on physicians and dentists, and professional competence or conduct, within 30 days. Actions to be reported include suspension, revocation, censure, reprimand, probation and surrender.
- B. Section 1921 of the Social Security Act expanded information to be reported to the NPDB, and who must report it. Under Section 1921, state agencies that license health care practitioners must report adverse state licensure actions taken against ALL health care practitioners, not just physicians and dentists, as well as negative actions or findings by state licensing authorities. State licensure action taken as a result of informal and formal administrative proceedings are reportable to NPDB and include:
  - Any adverse action, including revocation or suspension of a license, reprimand, censure or probation;
  - Any dismissal or closure of the proceedings by reason of the practitioner surrendering the license or leaving the state of jurisdiction;
  - Any other loss of the license, whether by operation of law, voluntary surrender (excluding those due to non-payment of licensure renewal fees, retirement or change to inactive status); or
  - Any negative action or finding that is publicly available information.



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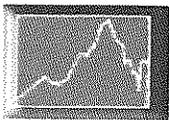
- C. Section 1128E of the Social Security Act requires state licensing agencies to report to the HIPDB any health care related criminal convictions and state licensure and certification actions.
- D. Actions taken by the agency against health care practitioners may be reportable to both the NPDB and HIPDB.
- E. Additional information available at: [www.npdb-hipdb.hrsa.gov](http://www.npdb-hipdb.hrsa.gov)

### Policy:

All publicly available disciplinary actions taken by the health regulatory boards ("boards") within the Department will be transmitted to the NPDB, the HIPDB, or both within thirty (30) days of the entry of the final action.

### Responsibilities:

- A. Director, Administrative Proceedings Division.
  - 1. Serve as agency proponent for the NPDB and HIPDB, providing executive oversight of the program
  - 2. Serve as or oversee administrator/authorized submitter/certifying official for purposes of reporting to NPDB/HIPDB
  - 3. Ensure Data Bank Identification Number and password is maintained in current status to enable DHP access to NPDB/HIPDB
  - 4. Update Agency Director (or designee) within one (1) week of any new Data Bank reporting requirements
  - 5. Provide a monthly copy to the Agency Director of the board's compliance rates on reporting publicly available disciplinary actions to the Data Banks
  - 6. Provide a yearly written summary to the Agency Director by June 1<sup>st</sup> on major Data Bank activities
  - 7. Perform tasks in accordance with procedures as outlined below
- B. Director, Data Division. Provides the Director of APD with data support, as required.
- C. Regulatory Board Executive Directors. Perform tasks in accordance with procedures as outlined below.



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- D. Deputy Director for Enforcement. Supports the Director of APD in administration of Data Bank reporting, as required

### Procedures:

#### Health Regulatory Boards:

1. Ensure that all final disciplinary actions are promptly closed in the Department's case management database-License 2000 ("L2K").
2. Provide the Director of APD with a copy of all correspondence received from any Data Bank entity.
3. Follow all appropriate tasks indicated in the attached Standard Operating Procedures.

#### Administrative Proceedings Division:

1. Ensure the prompt and accurate reporting of all required information for closed cases to the above mentioned Data Banks.
2. Follow all appropriate tasks indicated in the attached Standard Operating Procedures.

#### Attachments:

Attachment #1 – Required Information to be entered by the Boards in L2K for All Cases with Reportable Violations

Attachment #2 - Standard Operating Procedures for Data Bank Reporting

Attachment #3 – Department of Health Professions Procedures for HIPDB Query Requests

Attachment #4 – Department of Health Professions HIPDB Reporting Glossary

## Attachment #1

### Required Information To Be Entered By The Boards In L2K For All Cases With Reportable Violations

- In the "Person" tab under "Violations", Board staff will enter the Virginia Code and / or Board Regulation the Respondent was found to have violated in the Order or Consent Order.
- In the "General" tab under the "Edit Categories", Board staff will enter ALL HIPDB Basis for Action ("BFA") Codes which apply to the findings in the Order or Consent Order for each Respondent.
- The information required above must be entered by Board staff for ALL cases closed with a violation of Virginia Code and / or Board Regulation with the exception of ALL SUMMARY SUSPENSIONS. The HIPDB Action Codes need to be entered by the Board's staff at the time a Summary Suspension is entered as well as any additional codes which may be required following the signing of a Consent Order or a Formal Hearing and the case is closed.
- Board staff must also verify the Respondent's full name, full address of record, date of birth, social security number (Databank does not accept driver's license numbers) and the Respondent's license number and update L2K with any necessary changes at the time a case is closed by the Boards.
- Board staff shall send copies of all disciplinary decision documents to APD, such as IFC Orders, FH Orders, PHCO, CO, Summary Suspension Orders, etc.
- AT NO TIME SHOULD ANY HIPDB ACTION CODES BE ENTERED FOR CASES CLOSED WITH A CONFIDENTIAL CONSENT AGREEMENT!

## Attachment #2

### Standard Operating Procedure for Data Bank Reporting

- On the first business day of the week, an e-mail notification will be sent to a designated APD Staff person ("APD Staff") from a designated Data Staff person ("Data Staff") stating that the new weekly Action List is available. Upon receipt of this e-mail, APD Staff will open the HIPDBUser Icon and click on the Tables button and then click on the tActionReport-1-User button. This action opens the new Action List of possible reportable cases for that week.
- APD Staff will copy and paste the new Action List into the Excel Action Table Shell located on the APD S drive in the Ex Action Tables sub folder in the HIPDB Folder and change the page set up to Landscape-Legal Size-Print Gridlines. Once the new Action List is created in the shell, APD Staff will do "save as" to the same folder titling the list as the current week's date followed by "Action" [example: 10-3-7-2011-Action] and print the list on legal size paper.

- APD Staff will check each Respondent listed and verify that all corresponding orders have been provided to APD by the appropriate Board staff. APD Staff will verify in L2K that the correct HIPDB Basis for Action (“BFA”) code has been entered by the Board staff by reviewing the Conclusions of Law stated in each Order.
- APD Staff will check the Violations and Action tab in the Compliance module in L2K to verify that Board staff has entered the correct Disposition and Effective dates (on the Violations tab) and that all actions listed in the “Order” section have been entered correctly in the Actions tab with the correct Start dates.
- For any orders in which the respondent is granted a license, certification or registration by the Board pending their successful completion of required boards, exams, tests, etc., but has not yet been issued the license, certification or registration, these orders will be submitted to HIPDB prior to the issuance of the license, certification or registration number. After the Board has issued the license, certification or registration an e-mail will be sent by the Board to APD which will contain the license, certification or registration number and the date it was issued to the respondent.
- For any incorrect Disposition, Effective and Start dates as well as any incorrect actions or basis for action codes, APD will complete the corrections in the appropriate fields in L2K and will list these changes/corrections in the Board specific Changes/Corrections table and will send a copy of this table to the appropriate Board staff as an e-mail attachment.
- In L2K on the “Prosecution” tab in the “Dockets for Complaints” box, APD Staff will enter either an i (Indefinite), s (Specific) or p (permanent) as it applies to each case depending on the length of the sanction. Should the current order be a revision to a previous action, APD Staff will pull the initial order and corresponding HIPDB report (from the HIPDB IQRS Historic Reports screen) and enter the DCN (“data control number”) number from the initial HIPDB report into the “Reference Cause” box. Also, for revisions, APD Staff must enter ALL (4 digit) corresponding revision codes into the HIPDB Subcategories box located on the General tab in L2K.
- After verifying that all of the information in L2K is correct for each case, APD Staff will indicate next to the case on the Action Table if this case is to be reported as an Initial (I), Revision (R) or a Correction(C).
- If a case is required to be reported as a Revision (to a previous case), the case will be highlighted in yellow on the list and a pink flag with the word “Revision” will be attached to the copy of the Order. The HIPDB report of the previous case and a copy of the previous Order will be paper clipped together with the most recent Order on top.
- Each week a Competency and Conduct (“CCB”) list will be generated and updated. To generate the list, APD Staff will open the HIPDBUser Icon, click on the Tables button and then click on the tCCB-1 button. This will open the new CCB list.

- APD Staff will copy and paste the 1CCB-1 list into the CCB Table Shell located on the APD S drive in the Excel CCB Tables subfolder in the HIPDB folder and change the page set up to Landscape-Letter Size-Print Gridlines. Once the new CCB list is created, APD Staff will do “save as” to the same folder titling it with the current week’s date followed by “CCB Table” [example: 10-3-7-11-CCB Table] and print the new list. For all cases with reportable violations which were committed by either a Dentist (0401) or MD (0101) or DO (0102), APD Staff will indicate in the last column of this list either a Y (yes) or N (no) regarding Competency and Conduct as it applies to each case.
- Each week APD staff will generate and distribute a Missing Information List to each Board that has a case that is missing licensure information on this list; such as missing or incorrect dates of birth or missing or incorrect Social Security numbers, missing education information (professional school & year of graduation), missing FEIN’s for facilities, etc. To generate this list, APD Staff will open the HIPDBUser Icon, click on the Reports button and then click on the Missing Info for Board button. This will open the new Missing Information List.
- APD Staff will copy and paste the Missing Information List into the Shell for Missing Info Reports located on the APD S drive in the Missing Information subfolder in the All Boards subfolder in the HIPDB folder. Once the new Missing Information List has been created, APD Staff will do a “save as” to the same folder titling it with the current week’s dates followed by All Boards [example: 10-3-7-11-All Boards].
- Using the current week’s Missing Information List, APD Staff will copy and paste all cases for ONE Board that has missing or incorrect licensure information to a blank Excel shell in the individual Board’s subfolder and save as the current week’s dates followed by the Board [example: 10-3-7-11-Nursing]. Once individual missing information lists have been created for each Board that has cases that have missing or incorrect licensure information on the All Boards Missing Information List, APD Staff will send the Missing Information List as an e-mail attachment to the designated Board staff along with the cover memo.
- For each Board’s Excel Missing Information List, APD Staff will create a cover memo (from MS Word) from the existing shells located on the APD S drive in the Missing Information subfolder in the individual Board’s subfolders in the HIPDB folder. The memo outlines the instructions for the Board’s to complete the missing licensure information in L2K for each of the cases on the list and provide a date for completion so these cases can be considered for reporting to HIPDB the following week. These memoranda also list the names of the individuals at the Boards who need to receive the Missing Information Lists and cover memos.
- For cases on the Missing Information List that are missing disciplinary information, APD will enter in L2K the correct missing disciplinary information, such as missing dates, actions, basis for action codes, etc., and will enter into the Board’s Changes/Additions table the missing disciplinary information that was entered in L2K for each case. The Board’s Changes/Additions table will be e-mailed as an attachment to the appropriate Board staff by Noon on Thursday’s (or the next to the last working day of the week) allowing the Board staff to respond to APD by Noon on Friday’s (or the last business day of the week).

- The APD Director reviews and approves the list of all initial cases that are reported with a length of action and CCB designation.
- Once all cases have been reviewed and approved, as indicated above, if a case cannot be reported, it must be removed from the tAction-Report-1-User list in the HIPDBUser Icon. All cases that will be submitted as Initial reports must have an I entered in the last column next to the case on this list, all cases that will be reported as Revisions must have an R entered in the last column next to the case and all cases that will be reported as Corrections must have a C entered in the last column next to the case.
- When all the lists have been updated and the reports are ready for submission to HIPDB, APD Staff will send an e-mail to Data Staff (including supervisor), the APD Director and designated APD support staff indicating that the reports are approved to be sent to HIPDB. The e-mail must indicate the Action table is ready for submission along with the CCB table, the Unlicensed Do Not Report table and the RevisionList-M table if they were used [example: The tActionReport-1-User table for this week has been completed, approved, and is now available for submission to HIPDB, along with the RevisionList-M, tUnlicensedDoNotRpt, and tCCB-1tables].
- The RevisionList-M table is only used if there are revision cases that need to be submitted, but do not appear on the Action table.
- The UnlicensedDoNotRpt table is used if a respondent was approved to take their Boards but have not completed the Boards and have not yet been issued a license, certification or registration to practice at the time the case appeared on the Action table for reporting.

### Attachment #3

#### Department of Health Professions Procedure for HIPDB Query Requests

- The designated Enforcement or Board staff will e-mail all query requests to APD Staff providing all of the following information required by HIPDB:
  - Practitioner's full name;
  - Practitioner's address of record;
  - Practitioner's Social Security Number;
  - Practitioner's license number(s)-should they hold more than one license (i.e. RN, LNP) all must be provided;
  - Practitioner's date of birth; and
  - Practitioner's professional school and year of graduation.

- APD Staff will print a copy of the query request and will log into the HIPDB Integrated Querying and Reporting Screen (“IQRS”) located on the Data Bank website. This will open the Options menu where the APD Staff will click the Query button under Query Options which opens the Subject Type menu.
- On the Subject Type menu, APD Staff will click the “Use a Blank Query Form” button located under “Individual Subject” which will open a blank query form.
- Using the practitioner information provided by Enforcement or Board Staff, APD Staff will complete the form, and click on the Continue button at the bottom of the form which will open the Payment page. The Agency issued credit card information will be entered on this page.
- Once the payment information page has been completed, APD staff will click on the Continue button located at the bottom of the page which opens the Query Certification Page.
- At the top half of the Query Certification Page there is a drop down list where APD Staff will select either “Licensing” or “Fraud and Abuse Investigation” depending upon the case. Note: there are other reasons that appear in this drop down list; however, the two options listed above are the only two that State Licensing Boards can use (per HIPDB). Once a reason has been selected, APD staff will click the Submit button located at the bottom of this page. This opens to a Temporary Record of Submission.
- APD Staff will print a copy of the Temporary Record of Submission and attach it to the query request.
- HIPDB will notify via e-mail the APD Staff person that submitted the query when the query is ready. Upon notification that the query is ready, the APD Staff person will log into the HIPDB IQRS and will select the Query Responses button on the Options page, this opens the Query Responses list.
- APD Staff will double click on the Data Control Number (“DCN”) next to their name which will open the Subjects page and then APD staff will double click on the name of the practitioner they queried and this will open the report.
- With the report open, APD Staff will send as an e-mail attachment a copy of the report to the Enforcement or Board staff person that requested the HIPDB query and will also print a copy of the HIPDB report.

- APD Staff will open the Query Request List located on the APD S drive in the Queries folder and will add the request to the bottom of this list which will provide the Request Number to be used on the Visa Approval form also located on the S drive in the Queries folder.
- APD Staff will open the Visa Approval form and will fill in the Request Number, the Request Date and the Requested By fields and will print the completed form.
- APD Staff will attach the Visa Approval form and the copy of the HIPDB report to the copy of the query request e-mail and the Temporary Record of Submission and will send the package to the Enforcement Division or the Board to have the Visa Approval form signed by their Cost Center Manager or Designee.
- When the signed form is returned to APD, the APD Staff person that submitted the query request will maintain the copy of the query request package.

#### Attachment #4

#### Department of Health Professions HIPDB Reporting Glossary

**Action List** - Weekly list of cases with adverse actions to be reviewed for possible reporting to NPDB/HIPDB ("The Data Bank").

**Action Tab** - Tab located in the Compliance module of the License 2000 ("L2K") data base where the Boards list all adverse actions taken against a licensed practitioner.

**Adverse Action** - A disciplinary action taken against a practitioner's license.

**CCB Button** - Button located within the HIPDB User Icon that, when accessed, will open the current week's Competency and Conduct ("CCB") List.

**Competency and Conduct List ("CCB")** - List which identifies cases for physicians and dentists that have had disciplinary action taken by the Board that is related to a practitioner's professional competency or professional conduct.

**Correction** - A report which corrects an error or omission in a previously reported action by taking the place of the current report. The organization which submitted the original report must also be the one to submit the correction.

**DCN** - Data Bank Control Number. The identification number assigned by the Data Bank that is used to identify each query and report. This number is used when submitting a correction, revision, or void to the Data Bank.

**Disposition Date** - The date a Board Order is entered / signed. This is entered by the Board when a case is closed with a disposition of "1. Violation".

**Effective Date** - The date a Board Order is final. This is entered by the Board when a case is closed with a disposition of "1. Violation".

**"HIPDB"** - Healthcare Integrity & Protection Data Bank. An information clearing house created by Congress to improve healthcare quality, protect the public and reduce healthcare fraud and abuse in the U.S. HIPDB receives and discloses information related to final adverse actions taken against health care practitioners, providers, and suppliers.

**HIPDB Basis for Action (“BFA”) Codes** - Codes used by the Data Bank to identify the reason adverse actions were taken against a licensed health care practitioner. The Boards enter these codes in the L2K data case in the Case Management module on the General tab in the “Complaint Categories-Subcategories” box.

**HIPDB Folder** - Folder located on the APD S drive titled as “HIPDB” which contains multiple subfolders that are related to HIPDB reporting and submitting NPDB/HIPDB query requests.

**HIPDB IQRS** – “Integrated Querying and Reporting Service”. An electronic, Internet based system for querying and reporting to the Data Bank.

**HIPDB IQRS Historic Reports** - A button located on the Options page within the HIPDB IQRS titled “View Historical Reports”. When accessed, this opens to the “Historic Reports Selection” page that contains the form that must be filled out to view any of the Department of Health Professions’ (“DHP”) reports from June 1, 2000 through the current date.

**HIPDBUser Icon** - Icon which contains the HIPDB report documents and tables used for reporting adverse actions to the Data Bank.

**Initial** - The original record of an adverse action reported by DHP.

**L2K** - License 2000 - A DHP data base in which licensure information and disciplinary actions are stored.

**Missing Information List** - List that contains cases that were closed by the Board that are missing required information. The list contains the Board that closed the case, the case number, the practitioner’s name and the information that is missing from L2K.

**NPDB** - National Practitioner Data Bank. An information clearing house created by Congress to improve healthcare quality, protect the public and reduce healthcare fraud and abuse in the U.S. The NPDB receives and discloses information related to the professional competence and conduct of physicians and dentists.

**Prosecution Tab** - Located within L2K in the Compliance Module. This tab is where APD Staff enters the Length of Action (“LOA”) codes which are based on the sanctions in the Order.

**Query** - A request for information submitted to the Data Bank via the IQRS format.

**Reference Button-Cause Box** - The Reference Button is in L2K located within the Prosecution Tab and the Cause Box is next to the Reference Button. This is where the DCN from an Initial Report must be entered when reporting a Revision case to the Data Bank.

**Revision** - An action relating to and modifying an adverse action that was previously reported to the Data Bank.

**Start Date** - The date the Order was signed / entered. This is entered by the Board when a case is closed with a disposition of “1. Violation”.