

Policy Name	Reporting Disciplinary Actions to the Data Bank		Policy Number	76-10.05	
Section Title	Case Decision and Discipline	Section Number	76-10	Former Policy No.	76-3.5
Approval Authority	Agency Director		Effective Date	5/14/2018	
Responsible Executive	Chief Deputy Director		Revised Date	10/18/2017	
Responsible Office	Administrative Proceedings		Last Reviewed	10/30/2018	
Responsible Reviewer	Yeatts, Elaine				

### Purpose:

To comply with federal law for transmittal of adverse action reports to The Data Bank (per Title IV, Public Law 99-660, the Health Care Quality Improvement Act of 1986), as amended; and 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:

1. 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.

2. 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.

3. 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.

4. Actions taken by the agency against health care practitioners may be reportable to both the NPDB and HIPDB.
5. Section 6403 of the Patient Protection and Affordable Care Act (ACA) which was signed into law on March 23, 2010, required that the duplication between the NPDB and the HIPDB be eliminated. On May 6, 2013, the NPDB, Section 1921 NPDB and the HIPDB merged and became known as The Data Bank.
6. Additional information available at: [www.npdb.hrsa.gov](http://www.npdb.hrsa.gov)

---

**Policy:**

All publicly available disciplinary actions taken by the health regulatory boards (“boards”) within the Department will be transmitted to The Data Bank within thirty (30) days of the entry of the final action.

---

**Definitions:**

HIPDB = Healthcare Integrity and Protection Data Bank

NPDB = National Practitioner Data Bank

---

**Procedures:**

Responsibilities of Health Regulatory Boards:

1. Ensure that all final disciplinary actions are promptly closed in the Department’s case management database-My License Office (“MLO”).
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.

Responsibilities of Administrative Proceedings Division:

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

Responsibilities of Director, Administrative Proceedings Division.

1. Serve as agency proponent for The Data Bank, providing executive oversight of the program.
2. Serve as or oversee administrator/authorized submitter/certifying official for purposes of reporting to The Data Bank.
3. Ensure Data Bank Identification Number and password is maintained in current status to enable DHP access to The Data Bank.
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 Bank.
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 above.

