



State Licensure Reporting Requirements

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Nettie Richards, Compliance Officer

Paul Lotterer, Dispute Resolution Manager

Division of Practitioner Data Bank, Bureau of Health Workforce (BHW)

Vision: Healthy Communities, Healthy People



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Agenda

- 1 • General Overview
- 2 • Reporting Requirements for State Licensure Actions
- 3 • Compliance Review Process
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General Information



General Overview – NPDB Statistics

Aggregate Data

1.7+ million REPORTS



859 thousand PRACTITIONER SUBJECTS



24 thousand REGISTERED ENTITIES



2022 Data

65+ thousand NEW REPORTS



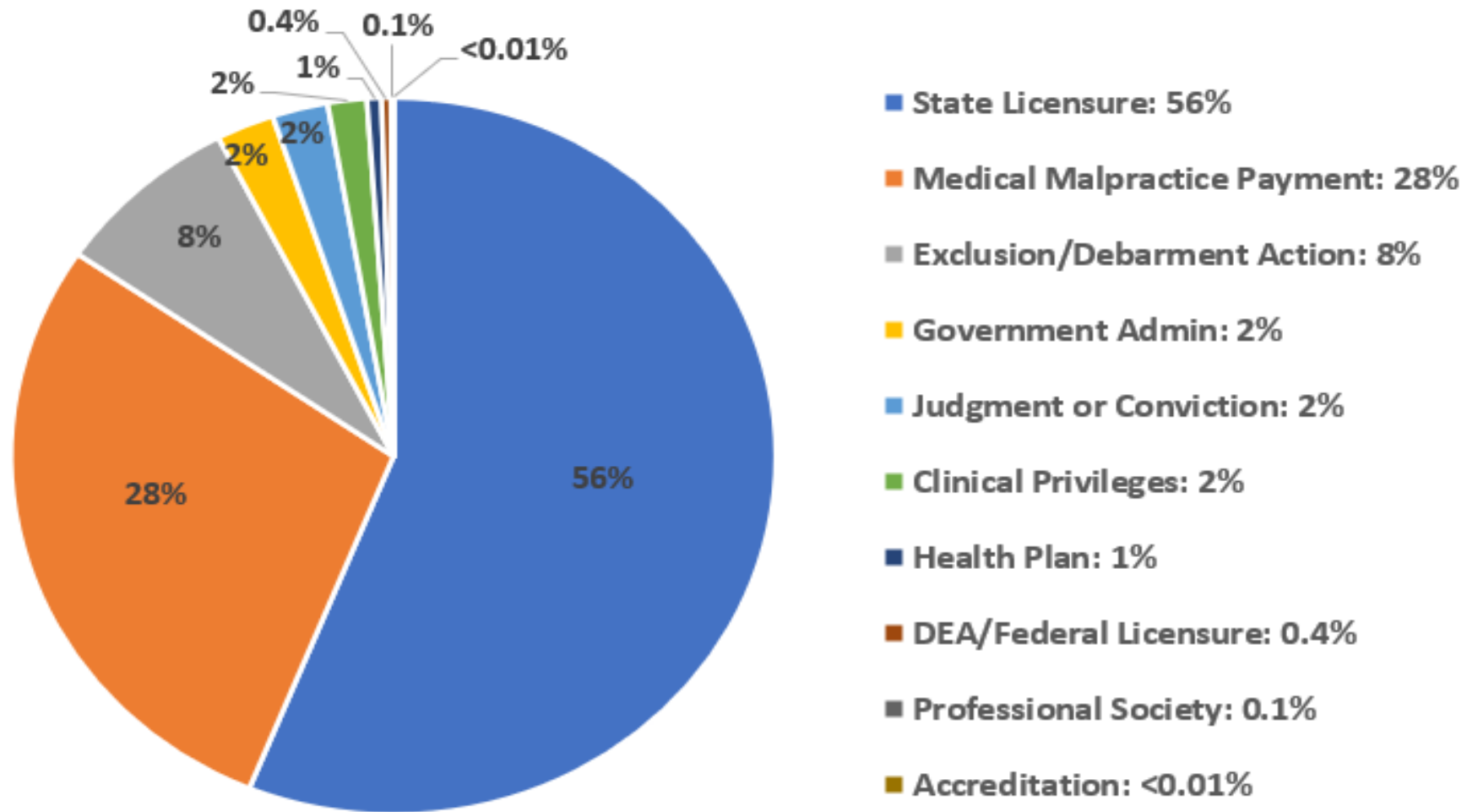
11.6+ million QUERIES



2.1+ million DISCLOSURES



Reporting – NPDB Reports by Type



1.7M+ reports as of December 31, 2022



General Provisions

Recovering Costs

- By law, the NPDB must recover the full cost of operations. It does so by collecting fees for each query.

Types of Transactions

- Reporting (no charge)
- Querying (by hospitals and health care organizations)
 - \$2.50 for a one-year continuous query subscription
 - \$2.50 for a one-time query
 - \$3.00 for a digitally certified self-query; additional \$3.00 for each paper copy requested



General Provisions

Confidentiality

- Information reported to the NPDB is confidential, not available to the general public, and may not be disclosed, except as provided by law.
- Penalty up to \$25,076 per confidentiality violation.



Reporting Requirements for State Licensure Actions



Basic Reporting Requirements

45 CFR §60.9 Reporting licensure and certification actions taken by states

(a) *What actions must be reported.* Each state is required to adopt a system of reporting to the NPDB actions...which are taken against a health care practitioner, health care entity, provider, or supplier (all as defined in §60.3 of this part). The actions taken must be as a result of formal proceedings (as defined in §60.3).



Reporting Requirements – Formal Proceeding

45 CFR 60.3 *Formal proceeding* means a proceeding held before a state licensing or certification authority, peer review organization, or private accreditation entity that maintains defined rules, policies, or procedures for such a proceeding.



Reporting Requirements – Adverse Actions

State Licensing Boards must report:

Any adverse action, including revocation or suspension of a license, reprimand, censure, or probation.

- Not defined by state law
- Must be the result of a formal proceeding
- Includes all adverse actions – not limited to revocations, suspensions, reprimands, or probations
- Not limited to final actions – summary or emergency suspension must be reported
- Does not need to be publicly available



Question & Answer

Question 1:

A board of medical examiners denies a practitioner's initial license. Is the denial reportable?

- A. Yes, it is reportable.
- B. No, it is not reportable.
- C. It depends.



Question & Answer

Response 1:

C. It Depends. If the board of medical examiners is denying the application because of an adverse reason (e.g., practitioner misrepresented his/her credentials, etc.), and the denial is the result of a formal proceeding, the denial would be reportable.

However, if the board of medical examiners denies the application because the practitioner did not meet the threshold criteria for licensure or certification, it would not be reportable.



Reporting Requirements – Negative Action or Finding

State Licensing Boards must report:

- Any publicly available negative action or finding (includes a health care-related administrative fine or citation).



Reporting Requirements – Negative Action or Finding

Definition of Negative Action or Finding

The term “negative action or finding” is defined at 45 CFR § 60.3 as “[a]ny negative action or finding that, **under the state’s law**, is **publicly available information** and is rendered by a licensing or certification authority, including but not limited to, limitations on the scope of practice, liquidations, injunctions, and forfeitures.”

This definition excludes administrative fines or citations and corrective action plans and other personnel actions, *unless* they are: (i) Connected to the delivery of health care services; or (ii) Taken in conjunction with other adverse licensure or certification actions such as revocation, suspension, censure, reprimand, probation, or surrender.



Reporting Requirements – Negative Action or Finding

Administrative or Technical Fines

Fines that are considered *administrative or technical* in nature must be reported to the NPDB **only if** they meet the NPDB definition of negative actions or findings.

- Must be publicly available information.
- Connected to the delivery of health care services, *or*
- Taken in conjunction with other adverse licensure or certification actions, such as revocation, suspension, censure, reprimand, probation, or surrender.



Question & Answer

Question 2:

As a result of a formal proceeding, a state licensing or certification authority reprimanded a practitioner. In addition, the authority imposed a publicly available, technical, administrative fine, which is not an adverse action, in the amount of \$500. Should this administrative fine be reported to the NPDB?

- A. Yes, it is reportable.
- B. No, it is not reportable.
- C. It depends.



Question & Answer

Answer 2:

A. Yes, it is reportable. State licensing or certification authorities must report administrative fines (i.e., fines that are administrative or technical in nature) if they are publicly available information and if they are either connected to the delivery of health care services *or* taken in conjunction with other adverse licensure or certification actions. The scenario described provides insufficient information to determine if the fine was connected to the delivery of health care services. However, because the fine was taken in conjunction with another adverse licensure or certification action (the reprimand), the fine, along with the reprimand, must be reported.



Question & Answer

Question 3:

A nurse allowed her license to lapse while continuing to work. The Board issued her a disciplinary fee of \$2,000. The agreement between the nurse and the Board was confidential. The Board reported the nurse to the NPDB. The nurse disputed the report saying that the fee did not meet the definition of a negative action or finding because it was not publicly available. Is the fee reportable?

- A. Yes, it is reportable.
- B. No, it is not reportable.
- C. It depends.



Question & Answer

Response 3:

A. Yes, it is reportable. In this situation, the board considers the \$2,000 disciplinary fee as an adverse action for continuing to work on an expired license. Adverse actions do not need to be publicly available to be reportable.



Reporting Requirements – Failure to Renew & Surrenders

State Licensing Boards must report:

- Any other loss of license or right to apply for/renew license by operation of law, voluntary surrender, or nonrenewal, etc. (excluding non-payment of fees, retirement, inactive status).
- A dismissal or closure of a formal proceeding because the practitioner surrendered license or left jurisdiction.



Reporting Requirements – Investigations

Investigations

- Investigations by themselves are not reportable. However, withdrawal or failure to renew or voluntary surrenders while under investigation are reportable.
- Focus must be on a particular practitioner,
- Ongoing until decision-making authority takes final action.
- Must show evidence that the practitioner was notified of an investigation, but actual knowledge of the investigation by the practitioner is not required.
- Generally should be the precursor to a licensure or certification action.



Question & Answer

Question 4:

A board of medical examiners initiated an investigation related to a physician's professional conduct. Two weeks later, the physician allowed his license to expire. Since the physician's license lapsed prior to any proposed agreement or board decision, must the lapse be reported to the NPDB?

- A. Yes, it is reportable.
- B. No, it is not reportable.
- C. It depends.



Question & Answer

Response 4:

B. Yes. It is reportable. A nonrenewal of a license while under or to avoid an investigation must be reported to the NPDB.



Reporting Requirements – Types of Reports

Types of Reports

- ▶ **Initial:** The first report of a medical malpractice payment, adverse action, or judgment or conviction submitted to and processed by the NPDB.
- ▶ **Correction:** A Correction Report corrects an error or omission in a previously submitted report by replacing it.
- ▶ **Revision-to-Action:** A Revision-to-Action Report is a report of an action that modifies an adverse action previously reported to the NPDB.
- ▶ **Void:** A Void Report, also referred to as a Void, is the withdrawal of a report in its entirety.



Reporting Requirements – Government Admin Actions

Government Administrative Actions

- Actions taken with respect to *certification agreements or contracts for participation in government health care programs*
- Common examples:
 - Nurse Aide Registry
 - Telehealth Registry



Reporting Requirements – Additional Topics

Additional Topics

- Stays
- Expungements
- Letters of Concerns



Compliance Review Process



Compliance Review

State Board Compliance Overview

Every 2 years all state licensing boards renew their registration with the NPDB. A subset of these boards are selected to participate in the NPDB compliance review process to assess the completeness and accuracy of reportable actions submitted.


www.npdb.hrsa.gov









Compliance Review

Results Posted

After NPDB review, the compliance and attestation results are shared publicly on the NPDB Compliance Map.



 Compliant All reportable actions are submitted.	 Attested All required actions are submitted.
 Not Fully Compliant At least 95% of reportable actions are submitted.	 Could Not Attest Cannot certify all required actions are submitted.
 Non-Compliant Reportable actions and/or data are not submitted.	 Failed to Attest Attestation not completed by due date.

* Compliance Review Methodology: <https://www.npdb.hrsa.gov/resources/npdbstats/npdbMap.jsp>

** An NPDB compliance officer may send a data request on actions taken



U.S. Department of Health and Human Services



Administrative Corner



Certified Self-Query Response

Home Tools NPDB Output Doc... x Sign In

Certified by Health Resources and Services Administration <help@npdb.hrsa.gov>, National Practitioner Data Bank, certificate issued by Entrust Class 3 Client CA - SHA256. Signature Panel

NATIONAL PRACTITIONER DATA BANK
NPDB
P.O. Box 10832
Chantilly, VA 20153-0832
<https://www.npdb.hrsa.gov>

7910000175425474
Process Date: 06/08/2021
Page: 1 of 1

To: TESTING, JOSHUA
123 MAIN ST

Certification by Health Resources and Services Administration <help@npdb.hrsa.gov> is invalid.

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Protected View: This file originated from a potentially unsafe location, and most features have been disabled to avoid potential security risks. This file is certified by a valid signer and has not been modified since it was certified. Enable All Features

The enclosed information is released by the National Practitioner Data Bank (NPDB) for restricted use under the provisions of Title IV of Public Law 99-660, the Health Care Quality Improvement Act of 1986, as amended; Section 1921 of the Social Security Act; and Section 1128E of the Social Security Act.

Title IV established the NPDB as an information clearinghouse to collect and release certain information related to malpractice payment history

- Open the file using the latest free version of **Adobe Reader**.
- Adobe will show the certification information and display an error message if any content has been altered.
- Printed copies of Self-Query responses **will not** display this certification.



Certified Self-Query Response

Benefits:

- Receive responses in minutes
- Eliminates excess paper
- Maintains authenticity

The NPDB encourages all state licensing boards to accept digitally certified Self-Query responses for faster, more secure, and eco-friendly operations.



Resources

Help When You Need It

- Website: www.npdb.hrsa.gov
- [Infographics](#)
- [NPDB Guidebook](#)
- [Recorded webinars](#)
- [Regulations](#)



**NPDB Customer Service
Center**

800.767.6732

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- The survey will close on Friday, June 30, 2023.



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Popular Questions and Open Q&A Forum



Popular Questions

- 1. Can a state licensing or certification authority use the NPDB as a screening tool for pre-licensure and for randomized renewal audits.**
- 2. How should a state licensing or certification authority report actions when they are changed by court order?**

