

Legal Note: National Practitioner Data Bank Letters

The Division of Practitioner Data Banks, the unit that administers the National Practitioner Data Bank (NPDB) for the Secretary of Health and Human Services, will be sending letters to all hospitals for which it has no record of their having queried the NPDB and/or submitted a report to the NPDB. According to the American Hospital Association, these letters are expected to go out on or about July 30. Over the past several years, the Division has made an attempt to assess compliance with NPDB requirements, and its current focus is hospitals.

The NPDB is an information clearinghouse to collect and release information related to the professional competence and conduct of physicians, dentists and other healthcare practitioners, which was established under Title IV of the Health Care Quality Improvement Act of 1986 (HCQIA). *Hospitals are required by HCQIA to report and query the NPDB under certain circumstances.* A hospital is required to report the following actions to the NPDB:

- a professional review action adversely affecting a physician's clinical privileges for a period longer than 30 days; or
- a physician's voluntary surrender of clinical privileges while under investigation of possible incompetence or improper conduct or in return for not conducting such an investigation or proceeding.

The HCQIA and related regulations set out the information that must be reported and the definitions of terms such as a "professional review action" and "adversely affecting."

In addition to their reporting duties, hospitals must query the NPDB when a practitioner applies to be on the medical staff or for clinical privileges and every two years on practitioners on the medical staff or holding privileges. Hospitals also are required to query the NPDB when a practitioner wishes to add to or expand existing privileges and when a practitioner submits an application for temporary privileges. Any hospital that does not query on a practitioner as required is presumed to have knowledge of any information reported to the NPDB concerning the practitioner.

The HCQIA, applicable regulations, a NPDB guidebook, the current NPDB fee structure and other resource materials are available online at <http://www.npdb-hipdb.hrsa.gov/>.

Suggested topics for the Legal Note may be submitted to elisawhite@arkhospitals.org. The Legal Note is provided solely for informational purpose and does not constitute legal advice. Readers are encouraged to consult with their own attorneys about any legal issues, including those discussed in this article.

