

From: Melina Mann <Melina.Mann@llr.sc.gov>
To: Pisarik, HollyHollyPisarik@gov.sc.gov
Date: 9/18/2015 8:25:37 PM
Subject: Fwd: Reporting to the Data Bank

Sent from my iPhone

Begin forwarded message:

From: Melina Mann <Melina.Mann@llr.sc.gov>
Date: September 17, 2015 at 9:24:42 AM EDT
To: 'Byron Roberts' <Robertsb@scdhhs.gov>
Subject: FW: Reporting to the Data Bank

Byron,
As we discussed, I'm forwarding the email I received several years ago from the NPDB. I also encourage you to call Bill West if the links in the email aren't helpful. Let me know if you have any additional questions.

Thanks,
Melina

From: West, William (HRSA) [mailto:WWest@hrsa.gov]
Sent: Friday, October 26, 2012 9:04 AM
To: Melina Mann
Subject: RE: Reporting to the Data Bank

Hi Melina,
Thanks for your email.
Yes, temporary, summary, or emergency suspensions are reportable under the NPDB.

<http://www.npdb-hipdb.hrsa.gov/resources/1921.jsp>

" (A) Any adverse action taken by such licensing authority as a result of the proceeding, including any revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or probation."

If the suspension is lifted and other actions are taken, a revision report should be filed.

Thank-you, B i l l

Bill West M.A., R.N.

(: 301-443-8441 | 7 : 301-443-6725 | * : wwest@hrsa.gov | 5600 Fishers Lane, Rm.8C-26, Rockville, MD 20857

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From: Melina Mann [mailto:Melina.Mann@llr.sc.gov]
Sent: Thursday, October 25, 2012 9:35 AM
To: West, William (HRSA)
Subject: RE: Reporting to the Data Bank

Bill

One last question. What about temporary suspension orders? Are we required to report those? They are done usually before a formal proceeding and sometimes are lifted quickly, other times, they remain in effect during the investigation and formal hearing.

From: West, William (HRSA) [<mailto:WWest@hrsa.gov>]
Sent: Monday, September 17, 2012 11:27 AM
To: Melina Mann
Subject: RE: Reporting to the Data Bank

Hello Melina,

As you requested, and for your reference; here is the statutory basis for the Data Bank reporting requirements you are subject to.

You will find detailed information explaining the three authorities that govern Data Bank reporting here:

1) Section 1921 of the Social Security Act (these are the "changes" you referred to in your email) - <http://www.npdb-hipdb.hrsa.gov/resources/section1921.jsp>

Section 1921 of the Social Security act <http://www.npdb-hipdb.hrsa.gov/resources/1921.jsp> which became effective in 2010, authorized the National Practitioner Data Bank (NPDB) to expand the information it collects. With this legislation, disciplinary records of allied health care professionals became accessible to private sector hospitals, nursing homes, and other organizations to inform employment, affiliation, certification, or licensure decisions.

2) Title IV of the Health Care Quality Improvement Act - <http://www.npdb-hipdb.hrsa.gov/resources/titleiv.jsp>

3) Section 1128E of the Social Security Act - <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=6b6d3f40776dc831c70892bee225fa10&rgn=div5&view=text&node=45:1.0.1.1.30&idno=45>

I have also attached a reporting guide that reflects all of the current regulations concerning the reporting of licensure related actions.

It is also important for you to know that the two data banks (NPDB & HIPDB) are being merged to reduce duplication and streamline reporting. When licensing authorities submit actions to us, the report is automatically filed in the correct area of the Data Bank. The merge will not affect any aspect of reporting or querying for our end users.

Here is the applicable NPDB regulation:

45 CFR §60.9 Reporting licensure actions taken by States. <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=8359d8d5080cb7f49ecb792cb77929ac&rgn=div5&view=text&node=45:1.0.1.1.29&idno=45#45:1.0.1.1.29.2.1.6>

§60.9 (emphasis added):

(a) What actions must be reported. Each State is required to adopt a system of reporting to the NPDB actions, as listed below, which are taken against a health care practitioner, physician, dentist, or entity (as defined in §60.3). The actions taken must be as a result of formal proceedings (as defined in §60.3). The actions which must be reported are:

- (1) Any adverse action taken by the licensing authority of the State as a result of a formal proceeding, including revocation or suspension of a license (and the length of any such suspension), reprimand, censure, or probation;
- (2) Any dismissal or closure of the formal proceeding by reason of the health care practitioner, physician, dentist, or entity surrendering the license, or the practitioner leaving the State or jurisdiction;
- (3) Any other loss of the license of the health care practitioner, physician, dentist, or entity, 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; and
- (4) Any negative action or finding by such authority, organization, or entity regarding the health care practitioner, physician, or dentist, or entity.

Here is the applicable HIPDB regulation:

45 CFR § 61.7 Reporting licensure actions taken by Federal or State licensing and certification agencies.

[http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=6b6d3f40776dc831c70892bee225fa10&rgn=div5&view=text&node=45:1.0.1.1.30&idno=45#45:1.0.1.1.30.2.1.4)

[c=ecfr&sid=6b6d3f40776dc831c70892bee225fa10&rgn=div5&view=text&node=45:1.0.1.1.30&idno=45#45:1.0.1.1.30.2.1.4](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=6b6d3f40776dc831c70892bee225fa10&rgn=div5&view=text&node=45:1.0.1.1.30&idno=45#45:1.0.1.1.30.2.1.4)

a) *What actions must be reported* Federal and State licensing and certification agencies must report to the HIPDB the following final adverse actions that are taken against a health care provider, supplier, or practitioner (regardless of whether the final adverse action is the subject of a pending appeal)—

(1) Formal or official actions, such as revocation or suspension of a license or certification agreement or contract for participation in Federal or State health care programs (and the length of any such suspension), reprimand, censure or probation;

(2) Any other loss of the license or loss of the certification agreement or contract for participation in Federal or State health care programs, or the right to apply for, or renew, a license or certification agreement or contract of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewal (excluding nonrenewals due to nonpayment of fees, retirement, or change to inactive status), or otherwise; and

(3) Any other negative action or finding by such Federal or State agency that is publicly available information.

Additional considerations for your review:

- The definition of “Any negative action” elaborated under Section §60.3 specifies that the action taken must be publicly available.

- Under Section §60.9(a)(1) there is no indication that the adverse action taken must be public.

- The term “formal proceeding” is very broadly defined in Section §60.3 as “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.”

(See §60.3 of the regulations for definitions of ‘Formal proceeding,’ and ‘Negative action or finding’ referenced here [http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=8359d8d5080cb7f49ecb792cb77929ac&rgn=div5&view=text&node=45:1.0.1.1.29&idno=45#45:1.0.1.1.29.1.1.3)

[c=ecfr&sid=8359d8d5080cb7f49ecb792cb77929ac&rgn=div5&view=text&node=45:1.0.1.1.29&idno=45#45:1.0.1.1.29.1.1.3](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=8359d8d5080cb7f49ecb792cb77929ac&rgn=div5&view=text&node=45:1.0.1.1.29&idno=45#45:1.0.1.1.29.1.1.3))

I have probably provided you more information than you actually need... In any case, take a look and let me know if you have any questions, or if I can assist you.

Thank-you, B i l l

Bill West M.A., R.N.

(: 301-443-8441 | 7 : 301-443-6725 | * : wwest@hrsa.gov | 5600 Fishers Lane, Rm.8C-26, Rockville, MD 20857

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From: Melina Mann [<mailto:Melina.Mann@lrr.sc.gov>]

Sent: Friday, September 07, 2012 11:08 AM

To: West, William (HRSA)

Subject: Reporting to the National Practioner Data Bank

Bill,

Thank you for speaking with me last week regarding whether the counselor and social work boards at the South Carolina Department of Labor, Licensing and Regulation were required to report to the Data Bank. I know there have been some changes to the reporting requirement in the last few years and we are requesting guidance as to the statutory basis for the requirement so we can inform our licensees.

Thank you again,
Melina

Melina Mann
General Counsel

South Carolina Department of Labor, Licensing & Regulation

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