



The Federal Tort Claims Act (FTCA) Program and the National Practitioner Data Bank (NPDB)

WORKING TOGETHER TO SUPPORT QUALITY CARE AND PATIENT SAFETY

**Division of National Practitioner Data Bank
Bureau of Health Workforce (BHW)
Health Resources and Services Administration (HRSA)**





What is the NPDB?

Mission: To improve health care quality, protect the public, and reduce health care fraud and abuse in the United States.

- The NPDB is a workforce tool created by Congress to assist organizations in making well-informed hiring, credentialing, privileging, and licensing decisions.
- It is a central repository of information about medical malpractice payments and certain adverse actions related to health care practitioners, entities, providers, and suppliers.

FTCA Deeming Requires Health Center Queries

Health Center FTCA Deeming Requirement

CREDENTIALING AND PRIVILEGING

All questions in this section are required

1(A). I attest that my health center has implemented a credentialing process for all clinical staff members (including for licensed independent practitioners and other licensed or certified health care practitioners who are health center employees, individual contractors, or volunteers). I also attest that my health center has operating procedures for the initial and recurring review of credentials, and responsibility for ensuring verification of all the following:

- i. Current licensure, registration, or certification, using a primary source;
- ii. Education and training for initial credentialing, using:
 - a. Primary sources for licensed independent practitioners;
 - b. Primary or other sources for other licensed or certified practitioners and any other clinical staff;
- iii. **Completion of a query through the National Practitioner Data Bank(NPDB);**
- iv. Clinical staff member's identity for initial credentialing using a government issue picture identification;
- v. Drug Enforcement Administration registration(if applicable); and
- vi. Current documentation of Basic Life Support training.

Source: CY 2020 Requirements for FTCA Coverage for Health Centers and their covered individuals



What's in the NPDB?

WHAT'S IN THE NPDB?



Adverse Action Reports (AARs)

Certain adverse licensure, certification, and clinical privileges actions taken by state and federal licensing and certification authorities, hospitals, and other health care organizations.

>877,000
AARs are in
the NPDB



Medical Malpractice Payment Reports (MMPRs)

Payments made for the benefit of a health care practitioner relating to a written claim or judgment for medical malpractice.

>431,000
MMPRs are in
the NPDB



Judgment or Conviction Reports (JOCRs)

Health care-related civil judgments or criminal convictions taken in a federal or state court.

>31,000
JOCRs are in
the NPDB



BPHC Funding Requires Querying NPDB

Health Center Program Requirement: Chapter 5 Clinical Staffing [here](#)

c. The health center has operating procedures for the initial and recurring review (for example, every two years) of credentials for all clinical staff (licensed independent practitioners(LIPs), other licensed or certified practitioners (OLCPs), and other clinical staff providing services on behalf of the health center) who are health center employees, individual contractors, or volunteers. These credentialing procedures would ensure verification of the following, as applicable:

- Current licensure, registration, or certification using a primary source
- Education and training for initial credentialing, using:
 - Primary sources for LIPs
 - Primary or other sources (as determined by the health center) for OLCPs and any other clinical staff
- **Completion of a query through the National Practitioner Data Bank(NPDB)**
- Clinical staff member's identity for initial credentialing using a government-issued picture identification

NOTE: Even if you use an agent to query and/or report, you must be a registered user of the NPBD

When do I Query?

Health Centers Query on Health Care Practitioners:

- When the practitioner applies to the health center for staff appointment or clinical privileges;
- When the practitioner has entered (or may be entering) an employment or affiliation relationship;
- When the practitioner is undergoing professional review activity;
- When the health center is credentialing a practitioner or renewing a practitioner's credentials; or
- As required per Health Center Program requirements (PIN 2002-22 and PIN 2001-16)



How Do I Query?

There are two types of query services available through the NPDB website:

- [Continuous Query](#) allows you to receive a query response **and** all new or updated report notifications during the year-long enrollment for each practitioner.
- [One-Time Query](#) allows you to receive a query response for a practitioner or organization. You will not be notified of any new reports submitted to the NPDB after the initial query date.

The cost for a single One-Time Query response or one-year enrollment in Continuous Query is \$2.00.

Health Centers are required to report to the NPDB

Reporting is required for entities that meet these requirements

NPDB Regulations:

(2) An entity that provides health care services and engages in professional review activity through a formal review process for the purpose of furthering quality health care, or a committee of that entity;

NPDB Web Site Health Center Page:

If your organization is a health center with a formal peer-review process, federal law requires you to report certain clinical actions that they have taken against physicians and dentists. If you have taken any reportable clinical actions, you must submit the report within 30 days of taking the action. As part of our commitment to improving health care quality, organizations that report these actions should attest that they have submitted all reportable actions.



Why is reporting important to health centers and their patients?

- Querying is only as good as the quality and quantity of reports submitted
- Since providers often move to other similar settings or practices, reporting by one health center can protect other health centers

Health Center Reporting Required for Physicians and Dentists (1/2)

Adverse Clinical Privileges Actions – Clinical Privileges

- Professional Review Actions – i.e., actions based on a physician's or dentist's professional competence or professional conduct that:
 - Adversely affect the clinical privileges of a physician or dentist; and
 - Last for a period of more than 30 days.

Health Center Reporting Required for Physicians and Dentists (2/2)

Adverse Clinical Privileges Actions – Investigations

- Acceptance of the surrender of clinical privileges, or any restriction of such privileges, by a physician or dentist:
 - While under investigation related to incompetence or improper professional conduct; or
 - In return for not conducting such an investigation or proceeding.

Health Center Optional Reporting on Other Practitioners

Adverse Clinical Privileges Actions

- If you privilege other health care practitioners besides physicians and dentists, you *may* report adverse clinical privileges actions lasting more than 30 days that are related to professional competence or conduct
- Not required
- Reporting on other practitioners adds to the value of the data in the NPDB



Use of Agents

- Eligible entities may elect to have an [authorized agent](#) query the NPDB on their behalf.
 - Authorized agents may be agents for more than one eligible entity.
 - Authorized agents must query the NPDB *separately* on behalf of each eligible entity.
 - The response to an NPDB query submitted for one entity cannot be disclosed to another entity.
- The entity that used the agent must be registered in the NPDB to receive any query results from the agent.



NPDB Attestation: One Last Role for Health Centers

The goals of Attestation are to:

- Ensure the accuracy and completeness of the information in the NPDB
- Educate users about their reporting obligations



What is Attestation?

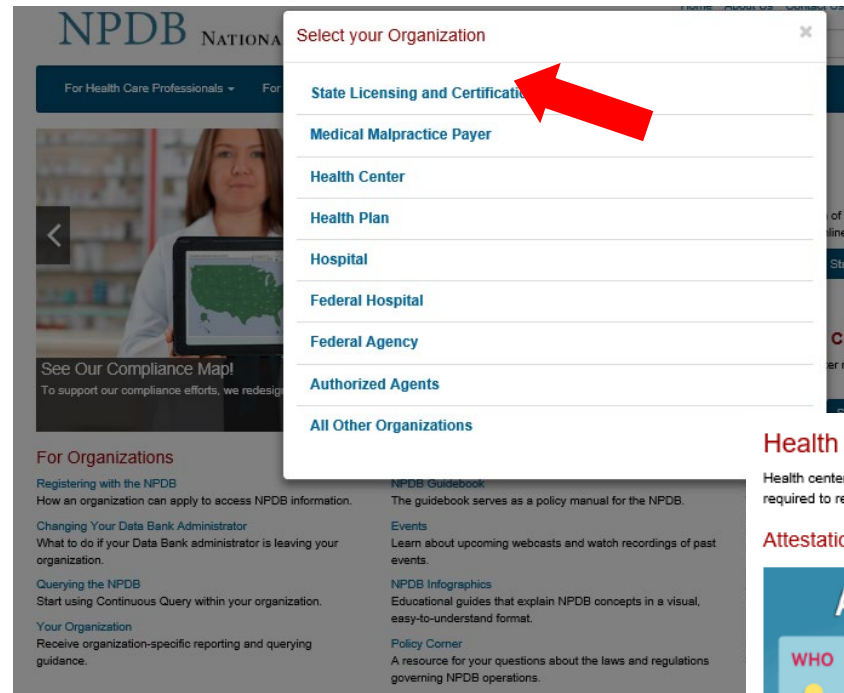
- National education and outreach initiative that ensures all users understand how and when to report and query the NPDB and their legal obligations for reporting, querying, and confidentiality
 - Affirm you have followed NPDB reporting and query guidelines
 - Attest all legally required reports have been submitted to the NPDB



Attestation Resources



The image shows the NPDB National Practitioner Data Bank homepage. At the top, it says "NPDB NATIONAL PRACTITIONER DATA BANK" with a search bar. Below that, there are navigation tabs: "For Health Care Professionals", "For Organizations", and "NPDB Resources". A large banner reads "GET YOUR NPDB SELF-QUERY" with a circular graphic containing numbers 1, 2, and 3. Below the banner, there are sections for "For Organizations" and "Popular Resources". In the "For Organizations" section, the link "Your Organization" is circled in red.



The image shows a dropdown menu titled "Select your Organization" with a close button (X) in the top right corner. A red arrow points to the "State Licensing and Certification" option. The menu lists the following options: "State Licensing and Certification", "Medical Malpractice Payer", "Health Center", "Health Plan", "Hospital", "Federal Hospital", "Federal Agency", "Authorized Agents", and "All Other Organizations".

Health Centers

Health centers that have a formal peer-review process meet the regulatory definition of a health center required to report.

Attestation



The graphic is titled "ATTESTATION 101" and features five icons in a row: "WHO" (person icon), "WHAT" (checkmark icon), "WHEN" (calendar icon), "WHERE" (location pin icon), and "WHY" (question mark icon). To the right of the icons, it says: "Attestation is our national requirement for health center administrators to attest all reportable actions."

If your organization is a health center with a formal peer-review process, federal law requires your health center to report actions taken against physicians and dentists. If you have taken any reportable action, you must report it within 30 days of taking the action. As part of our commitment to improving health care, we require health centers to attest that they have submitted all reportable actions.

Where can I get more information?

- BPHC has resources on Risk Management
- NPDB has a number of resources on querying and reporting

NPDB Resources

- **NPDB Website**
 - www.npdb.hrsa.gov
- **NPDB Customer Service Center**
 - help@npdb.hrsa.gov
 - 1-800-767-6732
- **NPDB Policy Mailbox**
 - npdbpolicy@hrsa.gov





Important Dates

- **April 19:** At midnight the EHB System will be closed to transition to the new FTCA applications.
- **April 23:** EHB opens to accept health center redeeming and initial applications.
 - VHP redeeming and initial applications can be submitted with the health center annual redeeming application.
- **June 25:** Health center redeeming applications are due.
- **July 15:** EHB will begin accepting VHP supplemental applications.



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