Compliance and New Initiatives

Data Bank Agent & Composite Board Education Forum
October 20, 2011
St. Louis, MO

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U.S. Department of Health and Human Services
Health Resources and Services Administration
Bureau of Health Professions
Division of Practitioner Data Banks
Presentation Outline

• Compliance Overview
• Recent Compliance Activities
• Compliance Activities Results
• Ongoing Learning
• Future Compliance Activities
• New DPDB Initiatives
• Resources
Compliance Overview

Compliance Focus:

• To educate reporting and querying entities

• To ensure that the reporting and querying requirements are met by all entities, thereby improving the completeness and accuracy of information in the Data Bank
Establishment of Compliance Efforts:

- Reached out to Governors requesting support and providing information regarding HRSA’s goals to improve the completeness and accuracy of the Data Bank
- A follow up letter was sent prior to the first publication of the Compliance Status of Government Agencies
Recent Compliance Activities

Compliance Activities to Date:

• Never Reported Profession Compliance Project
• Adverse Licensure Action Comparison Project
Never Reported Profession Compliance Project:

- Developed a list of State agencies responsible for licensing or certifying health care professionals
- List was compared to data in the HIPDB
- States received letters for professions for which no data were found in the HIPDB
Recent Compliance Activities

Adverse Licensure Action Comparison Project:

• 13 Nursing Boards

• Six frequently queried professions
  • Nurses, Pharmacists, Physician Assistants, Podiatrists, Psychologists, and Social Workers

• Physicians and Dentists

• Three additional professions
  • Chiropractors, Optometrists, Physical Therapists
Recent Compliance Activities

Adverse Licensure Action Comparison Project:

• Compared publicly available disciplinary data with HIPDB data

• In some cases, requested data from State Boards and Agencies if we could not find data

• Requested reconciliation of data that were not matched to reports in the Data Bank
Recent Compliance Activities

Education for State Licensing Boards and Agencies:

• Throughout the Compliance Monitoring initiatives, technical assistance sessions were provided to State Boards and Agencies with limited Data Bank experience

• Over 400 people from all 50 states attended seven sessions between February and May 2010

• The Data Bank is committed to providing continuous technical assistance for other initiatives on a one-on-one basis
Recent Compliance Activities

Reporting Compliance Status of State Licensing Boards and Agencies:

• **Publication Dates:**
  - July 1, 2010
  - October 1, 2010
  - April 1, 2011
  - July 1, 2011
  - October 1, 2011

• **Available on the Data Bank website:**
Recent Compliance Activities

Reporting Compliance Status of State Licensing Board and Agencies:

• Each State and the professions reviewed within that State are listed
• A written response was required for HRSA to make a determination
• Results were initially published on one table prior to April 1, 2011
• Revised posting more accurately differentiates Compliance Monitoring initiatives
Recent Compliance Activities

Compliance Status Reporting

The Data Bank - Reporting Compliance

Health Care Organizations

Reporting

Reporting Compliance Status of Government Agencies

U.S. Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA) has undertaken efforts to improve the completeness and accuracy of data reported to the Healthcare Integrity and Protection Data Bank (HIPDB) and the National Practitioner Data Bank (NPDB). The Secretary of HHS is exercising legal authority as defined under Section 1128E(b)(6)(B) of the Social Security Act to publish a report listing Government agencies that have failed to meet their HIPDB reporting requirements.

For more information about the reporting compliance process and definitions of terms, see About Reporting Compliance.

The following tables include the compliance status as of April 1, 2011 for Government Agencies contacted for the Adverse Action Comparison Project and Never Reported Professions Compliance Effort. The tables include only those States and professions that HRSA has reviewed or is currently reviewing. The compliance status listed in the tables are one of five possible determinations: Compliant, Non-Compliant, Working Toward Compliance, Under Review, or Not Reviewed.
Recent Compliance Activities

Compliance Status Reporting

Never Reported Professions Compliance Effort

For this compliance effort a list of current State Agencies and Licensing Boards responsible for licensing or certifying health care professionals was compared to data reported to the HIPDB and NPDDB and Government agencies (i.e., State Licensing Boards) that may not have reported any adverse actions on specific professions were identified. HRSA contacted these agencies and determined the professions subject to the reporting requirements and worked with agencies to ensure appropriate reporting.

View Status of Compliance Effort

<table>
<thead>
<tr>
<th>State/Agency Professions</th>
<th>Status as of 7/1/2010</th>
<th>Status as of 10/1/2010</th>
<th>Status as of 4/1/2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accountant</td>
<td>Under Review</td>
<td>Non-Compliant</td>
<td>Compliant</td>
</tr>
<tr>
<td>Ambulance Driver</td>
<td>Working Toward Compliance</td>
<td>Working Toward Compliance</td>
<td>Compliant</td>
</tr>
<tr>
<td>Associate Licensed Counselor</td>
<td>Compliant</td>
<td>Compliant</td>
<td>Compliant</td>
</tr>
<tr>
<td>Athletic Trainer</td>
<td>Compliant</td>
<td>Compliant</td>
<td>Compliant</td>
</tr>
<tr>
<td>Certified Nurse Aide</td>
<td>Compliant</td>
<td>Compliant</td>
<td>Compliant</td>
</tr>
<tr>
<td>Certified Respiratory Therapist</td>
<td>Working Toward Compliance</td>
<td>Non-Compliant</td>
<td>Working Toward Compliance</td>
</tr>
</tbody>
</table>
### Adverse Licensure Action Comparison Project

For this compliance effort HRSA compared publicly available disciplinary licensure actions published online at State websites for several years with data currently stored in the HIPDB. HRSA contacted Government agencies with the results of the comparison and sent letters indicating which actions were not found in the Data Banks and requested agencies review these and report as appropriate.

#### View Status of Comparison Project

<table>
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<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dentist</td>
<td>Not Reviewed</td>
<td>Not Reviewed</td>
<td>Working Toward Compliance</td>
</tr>
<tr>
<td>Nursing Related Professions (Other Than Certified Nurse Aide)</td>
<td>Not Reviewed</td>
<td>Working Toward Compliance</td>
<td>Compliant</td>
</tr>
<tr>
<td>Physician - Allopathic</td>
<td>Not Reviewed</td>
<td>Not Reviewed</td>
<td>Compliant</td>
</tr>
<tr>
<td>Physician - Osteopathic</td>
<td>Not Reviewed</td>
<td>Not Reviewed</td>
<td>Compliant</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Not Reviewed</td>
<td>Compliant</td>
<td>Compliant</td>
</tr>
<tr>
<td>Podiatrist</td>
<td>Under Review</td>
<td>Non-Compliant</td>
<td>Non-Compliant</td>
</tr>
<tr>
<td>Psychologist</td>
<td>Under Review</td>
<td>Compliant</td>
<td>Compliant</td>
</tr>
<tr>
<td>Social Worker</td>
<td>Not Reviewed</td>
<td>Compliant</td>
<td>Compliant</td>
</tr>
<tr>
<td><strong>Back to Top</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Alaska**

<table>
<thead>
<tr>
<th>State/Agency Professions</th>
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<th>Status as of 10/1/2010</th>
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<td>Not Reviewed</td>
<td>Compliant</td>
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<tr>
<td>Nursing Related Professions</td>
<td>Not Reviewed</td>
<td>Working Toward Compliance</td>
<td>Compliant</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Under Review</td>
<td>Under Review</td>
<td>Compliant</td>
</tr>
</tbody>
</table>
Recent Compliance Activities

Reporting Compliance Status of State Licensing Boards and Agencies:

• Four categories were created:
  - Compliant
  - Working Toward Compliance
  - Under Review
  - Non-compliant

• Business rules outlined criteria for each status and initiative
Increase in Registered Users:

- 1,953 entities have registered to become Data Bank users since February 2010

Data as of October 1, 2011
Results for Never Reported Professions

Compliance Project:

• 21,546 licensure reports on fields of licensure not reported on as of February 2010 have been submitted to the Data Bank

Data as of October 1, 2011
Recent Compliance Activities

Results for Adverse Licensure Action Comparison Project:

- 7,367 licensure reports on Nurses, Pharmacists, Physician Assistants, Podiatrists, Psychologists, and Social Workers with action dates from 2006-2009 have been submitted to the Data Bank
  - 741 of these reports have been disclosed in one-time queries

- 1,251 licensure reports on Physicians and Dentists with action dates from 2006-2009 have been submitted to the Data Bank
  - 874 of these reports have been disclosed in one-time queries

- 436 licensure reports on Chiropractors, Optometrists and Physical Therapists with action dates from 2006-2009 have been submitted to the Data Bank
  - 18 of these reports have been disclosed in one-time queries

Data as of October 1, 2011
Results for Never Reported Professions by Status

July 1, 2010

- Compliant: 248 (43%)
- Non-Compliant: 107 (19%)
- Working Toward Compliance: 141 (24%)
- Under Review: 76 (13%)

*Pie chart displays rounded percentage values.
Compliance Activities Results

Results for Never Reported Professions by Status

October 1, 2010

- 401 (70%): Compliant
- 89 (15%): Non-Compliant
- 78 (14%): Working Toward Compliance
- 4 (1%): Under Review

*Pie chart displays rounded percentage values*
Results for Never Reported Professions by Status

April 1, 2011

- **Compliant**: 481 (84%)
- **Non-Compliant**: 47 (8%)
- **Working Toward Compliance**: 46 (8%)
- **Under Review (Not shown; negligible)**: 21

*Pie chart displays rounded percentage values*
Results for Never Reported Professions by Status

July 1, 2011

491 (86%)
34 (6%)
49 (8%)

Compliant
Non-Compliant
Working Towards Compliance
Under Review (Not shown; negligible)

*Pie chart displays rounded percentage values
Compliance Activities Results

Results for Never Reported Professions by Status

October 1, 2011

- 494 (86%) Compliant
- 43 (7%) Working Toward Compliance
- 22 (4%) Non-Compliant
- 19 (3%) See Comparison Project
## Results for Never Reported Professions by Status

<table>
<thead>
<tr>
<th></th>
<th>Compliant</th>
<th>Non-Compliant</th>
<th>Working Toward Compliance</th>
<th>Under Review</th>
<th>See Comparison Project</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>July 2010</strong></td>
<td>263 (40%)</td>
<td>80 (12%)</td>
<td>154 (23%)</td>
<td>160 (24%)</td>
<td>-</td>
</tr>
<tr>
<td><strong>October 2010</strong></td>
<td>416 (68%)</td>
<td>96 (16%)</td>
<td>83 (13%)</td>
<td>16 (3%)</td>
<td>-</td>
</tr>
<tr>
<td><strong>April 2011</strong></td>
<td>496 (83%)</td>
<td>48 (8%)</td>
<td>52 (9%)</td>
<td>0 (0%)</td>
<td>-</td>
</tr>
<tr>
<td><strong>July 2011</strong></td>
<td>493 (85%)</td>
<td>34 (6%)</td>
<td>52 (9%)</td>
<td>0 (0%)</td>
<td>-</td>
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</tbody>
</table>

*Table displays rounded percentage values*
### Compliance Activities Results

#### Results for Never Reported Professions by Status

<table>
<thead>
<tr>
<th>Review Period</th>
<th>Non-Compliant to Compliant</th>
<th>Working Toward Compliance to Compliant</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1, 2010 – October 1, 2010</td>
<td>23</td>
<td>76</td>
</tr>
<tr>
<td>October 1, 2010 – April 1, 2011</td>
<td>36</td>
<td>42</td>
</tr>
<tr>
<td>April 1, 2011 – July 1, 2011</td>
<td>4</td>
<td>20</td>
</tr>
<tr>
<td>July 1, 2011 – October 1, 2011</td>
<td>14</td>
<td>11</td>
</tr>
</tbody>
</table>
Results for Adverse Licensure Action Comparison
Project: Six Frequently Queried Professions

October 1, 2010

- Compliant: 183 (64%)
- Non-Compliant: 63 (22%)
- Working Toward Compliance: 30 (11%)
- Under Review: 9 (3%)

*Pie chart displays rounded percentage values*
Results for Adverse Licensure Action Comparison Project: Six Frequently Queried Professions

April 1, 2011

- 262 (92%) Compliant
- 19 (7%) Working Toward Compliance
- 4 (1%) Non-Compliant
- 0 (0%) Under Review (Not shown; negligible)

*Pie chart displays rounded percentage values*
Results for Adverse Licensure Action Comparison Project: Six Frequently Queried Professions

July 1, 2011

- Compliant: 274 (96%)
- Non-Compliant: 3 (~1%)
- Working Toward Compliance: 6 (2%)
- Under Review: 2 (~1%)

*Pie chart displays rounded percentage values*
Results for Adverse Licensure Action Comparison Project: Six Frequently Queried Professions

October 1, 2011

- Compliant: 276 (97%)
- Non-Compliant: 3 (1%)
- Working Toward Compliance: 6 (2%)
- Under Review (Not shown, negligible)
## Results for Adverse Licensure Action Comparison Project: Six Frequently Queried Professions

<table>
<thead>
<tr>
<th></th>
<th>Compliant</th>
<th>Non-Compliant</th>
<th>Working Toward Compliance</th>
<th>Under Review</th>
</tr>
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<td>3 (≈ 1%)</td>
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<td>2 (≈ 1%)</td>
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<td><strong>October 2011</strong></td>
<td>276 (97%)</td>
<td>3 (1%)</td>
<td>6 (2%)</td>
<td>0</td>
</tr>
</tbody>
</table>

*Table displays rounded percentage values*
Results for Adverse Licensure Action Comparison Project: Six Frequently Queried Professions

• Changes in Compliance Status from October 1, 2010 to April 1, 2011:
  • Non-compliant to Compliant → 5 Professions
  • Working Toward Compliance to Compliant → 53 Professions

• Changes in Compliance Status from April 1, 2011 to July 1, 2011:
  • Non-compliant to Compliant → 0 Professions
  • Working Toward Compliance to Compliant → 12 Professions

• Changes in Compliance Status from July 1, 2011 to October 1, 2011:
  • Non-compliant to Compliant → 1 Profession
  • Working Toward Compliance to Compliant → 1 Profession
Results for Adverse Licensure Action Comparison
Project: Physicians and Dentists
April 1, 2011
(Not Reviewed in October 2010)

Total Number of Actions Reviewed: 2,725

<table>
<thead>
<tr>
<th>Status</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compliant</td>
<td>85</td>
<td>75%</td>
</tr>
<tr>
<td>Non-Compliant</td>
<td>6</td>
<td>5%</td>
</tr>
<tr>
<td>Working Toward Compliance</td>
<td>20</td>
<td>18%</td>
</tr>
<tr>
<td>Under Review</td>
<td>2</td>
<td>2%</td>
</tr>
</tbody>
</table>

Pie chart displays rounded percentage values
Results for Adverse Licensure Action Comparison
Project: Physicians and Dentists

July 1, 2011

Total Number of Actions Reviewed: 2,725

Compliant: 102 (90%)
Non-Compliant: 1 (1%)
Working Toward Compliance: 10 (9%)
Under Review: 0 (0%)

*Pie chart displays rounded percentage values
Compliance Activities Results

Results for Adverse Licensure Action Comparison
Project: Physicians and Dentists

October 1, 2011

- 108 (94%) Compliant
- 7 (6%) Working Toward Compliance
- 0 (0%) Under Review
- 0 (0%) Non-Compliant

Total: 115

Project: Physicians and Dentists
## Compliance Activities Results

**Results for Adverse Licensure Action Comparison Project: Physicians and Dentists**

<table>
<thead>
<tr>
<th></th>
<th>Compliant</th>
<th>Non-Compliant</th>
<th>Working Toward Compliance</th>
<th>Under Review</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>April 2011</strong></td>
<td>85 (75%)</td>
<td>6 (5%)</td>
<td>20 (18%)</td>
<td>2 (2%)</td>
</tr>
<tr>
<td><strong>July 2011</strong></td>
<td>102 (90%)</td>
<td>1 (1%)</td>
<td>10 (9%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td><strong>October 2011</strong></td>
<td>108 (94%)</td>
<td>0</td>
<td>7 (6%)</td>
<td>0</td>
</tr>
</tbody>
</table>

*Table displays rounded percentage values*
Compliance Activities Results

Results for Adverse Licensure Action Comparison Project: Chiropractors, Optometrists and Physical Therapists

October 1, 2011

182 (97%)

1 (1%)

4 (2%)

0 (0%)

Compliant
Non-Compliant
Working Toward Compliance
Under Review (Not shown; negligible)
## Results for Adverse Licensure Action Comparison
### Project: Chiropractors, Optometrists and Physical Therapists

<table>
<thead>
<tr>
<th></th>
<th>Compliant</th>
<th>Non-Compliant</th>
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<td>182 (97%)</td>
<td>1 (1%)</td>
<td>4 (2%)</td>
<td>0 (0%)</td>
</tr>
</tbody>
</table>
### Compliance Activities Results

**Adverse Licensure Action Comparison Project: Fully Compliant Boards, No Missing Data, No Intervention Needed**

<table>
<thead>
<tr>
<th>Profession</th>
<th>States</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nurse</td>
<td>Hawaii</td>
</tr>
<tr>
<td>Pharmacist</td>
<td>Delaware, District of Columbia, Hawaii</td>
</tr>
<tr>
<td>Physician Assistant</td>
<td>Alabama, Arkansas, Delaware, Hawaii, Iowa, Louisiana, Massachusetts, Montana, Nevada, New Hampshire, New York, Oregon, Rhode Island, Vermont, West Virginia</td>
</tr>
<tr>
<td>Podiatrist</td>
<td>California, Colorado, District of Columbia, Hawaii, Idaho, Iowa, Louisiana, Maine, Mississippi, Virginia, New Jersey, West Virginia, Wisconsin</td>
</tr>
<tr>
<td>Psychologist</td>
<td>Arizona, Hawaii, Louisiana, Montana, Nevada, South Dakota, Washington, Wyoming</td>
</tr>
<tr>
<td>Social Worker</td>
<td>Hawaii, Iowa, Montana, Oregon, Vermont, Virginia, West Virginia</td>
</tr>
<tr>
<td>Physician Allopathic</td>
<td>North Dakota</td>
</tr>
<tr>
<td>Physician Osteopathic</td>
<td>Alabama, Delaware, Montana, New Hampshire, North Dakota, Rhode Island, Vermont, Washington</td>
</tr>
<tr>
<td>Dentist</td>
<td>Arkansas, Delaware, District of Columbia, Idaho Montana, North Carolina, South Dakota</td>
</tr>
<tr>
<td>Chiropractor</td>
<td>Alabama, Alaska, Arkansas, Delaware, District of Columbia, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, South Dakota, Vermont, West Virginia, Wyoming</td>
</tr>
</tbody>
</table>
Ongoing Learning

• Examples of Reportable Actions that Boards and Agencies have not been consistently reporting:
  - Civil Money Penalties
  - Actions Taken Against Deceased Practitioners
  - Unlicensed Practice

• Other Common Issues or Themes
  - Boards and Agencies that do not participate in Data Bank Reporting

• Webinars for Stakeholders
  - Reporting and Data Element Issues
Future Compliance Activities

• Hospitals, Other Health Care Entities, and Health Plans
  – Clinical privilege reporting

• Medical Malpractice Payment Reporting
New Initiatives at the Division of Practitioner Data Banks
The Guidebook

• The current Data Bank Guidebook is being updated:
  - Will incorporate Section 1921 statutory reporting and querying requirements effective March 1, 2010
  - A major draft was completed in April 2011 and is currently being reviewed by Data Bank leadership
New DPDB Initiatives

The Guidebook

- New information added includes:
  - Continuous Query: How to enroll, receive report notifications, what the fees are, and how it meets Federal querying requirements and accreditation standards
  - QRXS: What it is and how it is used
  - The Practitioner’s Guide to the NPDB: Provides instructions on how to perform a self-query, dispute a report, and request Secretarial Reviews
  - Visual Charts: Makes policies throughout the Guidebook easier to understand
HIPDB Merger with NPDB

• Section 6403 of the Patient Protection and Affordable Care Act, signed into law on March 23, 2010, requires the elimination of duplication between the HIPDB and the NPDB

• The Act requires the implementation of a transition period to cease operating the HIPDB and to transfer HIPDB data to the NPDB

• During the transition, reporting and querying will be maintained

• The merge of the HIPDB into the NPDB is targeted for 2012; currently in the process of developing Proposed Rules
Secretarial Review Process

- 96 Secretarial Review cases currently under review (as of August 2011)
- 46 cases closed by HHS between January and August, 2011
- Exploring short, medium, and long-term operational enhancements to improve the efficiency of the process for practitioners and providers
  - Reorganization: Office of Dispute Resolution
  - Operational enhancements
  - Internal tracker system
  - Electronic file storage and retrieval
• **Web Site:** [http://www.npdb-hipdb.hrsa.gov](http://www.npdb-hipdb.hrsa.gov)
  › NPDB and HIPDB Guidebooks
  › Interactive Training
  › FAQs, Brochures, and Fact Sheets
  › Statistics
  › Annual Reports
  › Instructions for Reporting and Querying

• **Customer Service Center:**
  1-800-767-6732 or 1-800-SOS-NPDB
Contact Information

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