

Why State Record Expungement is Not a Valid Reason to Void Data Bank Reports

Data Bank policy permits reporters to void reports—in other words, withdraw reports from the Data Bank in their entirety—only in certain circumstances. The table below lists those instances in which a user would—and one instance in which a user would not—be authorized to void Data Bank reports:

May I void this report in the Data Bank?	
The report was submitted in error (e.g., the report named the wrong practitioner, or the report is a duplicate).	Yes
The action was not reportable under NPDB reporting requirements (i.e., should never have been reported in the first place).	Yes
The action was reversed or overturned on appeal.	Yes
The adverse action was removed from the public record; for example, a State Licensing Board expunged the action from its own state records (and none of the above three situations apply).	No

Several states have enacted, or are considering enacting, legislation that would authorize State Licensing Boards to make previously public disciplinary actions nondisclosable to the public under certain circumstances. In these cases, public Board orders would become confidential (or expunged from health care practitioners’ public records) if the practitioners complete certain stipulations, or after a certain period of time elapses and the practitioners remain in good standing. While these state laws may require State Licensing Boards to expunge disciplinary actions from their own records, these laws **do not** authorize the Board to entirely remove or void reports from the Data Bank.

How can State Expungement be Reflected in Data Bank Reports?

Data Bank reports are separate and distinct from state records, and they are not affected by expungement at the state level.

If an action is expunged from a practitioner’s record at the state level, the report may not be voided in the Data Bank, but the reporting entity may submit a Revision-to-Action Report indicating that the original action has been removed from the practitioner’s permanent record at the state level. This will provide Data Bank queriers with additional information about the original reports.

An expungement is not an overturning of an action, but rather a way for the states to stop disclosure of a record. The action still occurred, but will no longer be disclosed at the state level. Therefore, state expungement of an action cannot be the basis for voiding a report from the Data Bank because the action taken still exists, whereas an action that is overturned on appeal is viewed as never having existed. Data Bank reports are separate and distinct from state records and are not affected by expungement at the state level.

Data Bank Report Access

Data Bank information is considered confidential and is not publicly available. Therefore, Data Bank reports of subsequently state-expunged adverse actions only remain available to those organizations eligible by law to query and receive the Data Bank information for specific purposes. The Data Bank acts primarily as a flagging system and serves to alert users that a more comprehensive review of a health care practitioner's or an organization's past actions may be prudent. Data Bank information is intended to be used in combination with information from other sources in making determinations on employment, affiliation, certification, or licensure decisions, and not as a single information source for these purposes.

Clinical Privileges Actions: When to Submit Reports



The mandatory reporting requirement of clinical privileges actions for physicians and dentists is the focus of this month's spotlight. A reporting guidance [flowchart](#) (PDF – 191KB) that summarizes clinical privileges reporting requirements and scenarios is available for Data Bank reporters.

Clinical Privileges Actions Defined

A hospital or other health care entity must report to the Data Bank any professional review action it takes against a physician or dentist if the action:

1. Adversely affects clinical privileges (including privileges, medical staff membership, network participation, panel membership, and other circumstances) for a period of more than 30 days; **and**
2. Is based on the practitioner's professional competence or professional conduct that adversely affects, or could adversely affect, the health or welfare of a patient.

In addition, hospitals and other health care entities must report the acceptance of a physician's or dentist's surrender or restriction of clinical privileges while under investigation for possible professional incompetence or improper professional conduct

(whether or not the physician or dentist is aware of the investigation), or in return for not conducting an investigation or not taking a professional review action.

Reports are due to the NPDB within 30 days of the date the action was taken, and a copy of the report must be sent to the appropriate State Licensing Board. Reporting of physicians and dentists is **required**, while clinical privilege actions taken against other health care practitioners **may be** reported.

An action that adversely affects clinical privileges includes:

- Reduction, restriction, suspension, or revocation of privileges.
- Denial of privileges based on professional review (excluding denials based on failure to meet eligibility criteria, such as education or clinical practice hours, or an initial application withdrawal prior to a final professional review decision).
- Decision not to renew privileges while under or to avoid investigation.
- Summary suspension (lasting longer than 30 days) that results from a professional review action, even if the action is not final.

Common Reporting Situations and Report Types

The [flowchart](#) (PDF – 191KB) not only summarizes when Initial Reports are required, but also explains scenarios in which Corrections or Revision-to-Action Reports should be submitted to the Data Bank and identifies when organizations should void a report.

If your organization would like guidance on submitting clinical privileges actions to the Data Bank, view the Reporting Clinical Privileges Actions [flowchart](#) (PDF – 191KB) in addition to the reporting section of the [Guidebook](#). Other user resources are available on the Data Bank website, including additional reporting guidance flowcharts on [licensure actions taken by State Boards](#) (PDF – 269KB), [health care-related criminal convictions and civil judgments](#) (PDF – 267KB), [other adjudicated actions or decisions](#) (PDF – 260KB), and [medical malpractice payments](#) (PDF – 177KB).

Helpful Hints from the Data Bank

Avoid Using Abbreviations on Data Bank Forms

Complete, accurate and comprehensive information assures data quality in the Data Bank and supports health care quality and safety. To ensure accurate Data Bank information, avoid abbreviating entity names, address information, or professions, when completing forms such as the entity registration, query, and report forms. Please spell out the name of your organization and other field information completely and accurately, or use the auto-complete function where available.

Prevent Duplicate Entity Registrations

Data Bank organizations should not submit an entity registration form when they have **already registered** with the Data Bank. The National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) merged into one Data Bank, the NPDB, in May 2013 and organizations do not need multiple registrations. The chart below explains situations in which organizations should not submit a new registration form:

Situation	Solution
The organization is already registered with the Data Bank.	Organizations only register one time. Registrations may be updated or renewed, but the organization should not complete a new registration form.
The Data Bank Administrator forgets the password and needs a new one.	Contact the NPDB Customer Service Center to reset the organization's administrator password.
A new Data Bank Administrator is assigned and does not know the sign-in information.	Contact the NPDB Customer Service Center to retrieve sign-in information.
The organization must submit a registration renewal or an updated registration.	Update the organization's current registration. Do not complete a new registration form. Organizations may update some registration renewal and registration profile information instantly online.
A practitioner wants to perform a self-query.	Practitioners do not register, only organizations do. To self-query, go to the Data Bank website, select Start a Self-Query .

If you have questions about how to complete a Data Bank form, call the NPDB Customer Service Center at 1-800-767-6732.