



National Council of State Boards of Nursing

National Practitioner Data Bank Reporting, Policy Center and Infographics

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NATIONAL PRACTITIONER DATA BANK

NPDB



NPDB Guidebook

April 2015

U.S. Department of Health and Human Services
Health Resources and Services Administration
Bureau of Health Workforce



- Completely updated April 2015
- Incorporates HIPDB info
- More examples
- More & clearer tables
- Live links
- Did NOT make revisions that require legislative or regulatory changes



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the DataBank

NATIONAL PRACTITIONER

Search

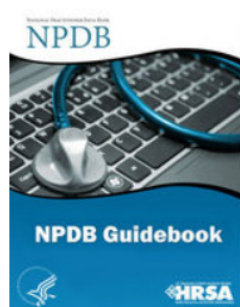
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Resources

About the Guidebook

The NPDB Guidebook is *the* starting point for new Data Bank users, and in addition, an essential reference for returning users. Whether you are looking for general information or answers to specific questions, the Guidebook can inform you on important topics such as eligibility, querying and reporting, and the dispute process.



NPDB Guidebook (PDF - 1.8 MB)

- [Chapter A: Introduction and General Information](#)
- [Chapter B: Eligible Entities](#)
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Updated April 2015

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Reportable State Licensure Actions

Three key points



actions taken against health care practitioners

as a result of formal proceedings

publicly available

actions taken against health care practitioners

Any adverse action taken by BON including:

- revocation or suspension of a license
- reprimand, censure
- probation
- or any dismissal or closure of a formal proceeding because the nurse surrendered the license or because the nurse left the jurisdiction

Any other loss of license or the right to apply for or renew a license whether by:

- operation of law
- voluntary surrender
- nonrenewal or otherwise (excluding nonrenewal due to nonpayment of fees, retirement or change to inactive status)



actions taken against **health care practitioners**

An individual who is licensed or otherwise authorized by the State to provide health care services

or

any individual who, without authority, holds himself or herself out to be so licensed or authorized



as a result of **formal proceedings**

The definition of formal proceedings is written broadly to include formal hearings as well as other processes that follow defined rules, policies, or procedures.

publicly available

Information accessible to the interested public which can occur in a variety of ways, including, but not limited to:

- ☐ Phone
- ☐ Writing
- ☐ Electronic media
- ☐ Other media available for general distribution to any member of the public

Reportable State Licensure Actions

actions taken against health care practitioners

yes

as a result of formal proceedings

yes

publicly available

yes

REPORTABLE?

yes



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Exceptions to the 3 Key Points

Exceptions to the ***Publicly Available*** key point

- An adverse action, including revocation, suspension, reprimand, censure or probation
- Any other loss of license or right to apply for/renew license by operation of law, voluntary surrender or nonrenewal, etc (except non-payment of fees, retirement, inactive status)
- A dismissal or closure of a formal proceeding because the practitioner surrendered license or left jurisdiction

Reportable Actions?

- Administrative Fines
- Denial of Initial Licensure or Renewal Licensure
- Withdrawals and failure to renew while under investigation
- Expungements

Administrative Fines & Formal Monetary Penalties

Reportable if:

- ✓ Adverse action
- ✓ Resulting from a formal proceeding

Fines considered administrative or technical in nature must be reported if:

- ✓ Publicly available
- ✓ Connected to the delivery of health care services
or
- ✓ Taken in conjunction with other action i.e. revocation, suspension, censure, reprimand, probation or surrender

Administrative Fines & Formal Monetary Penalty Examples

Nurse fails to report criminal conduct on renewal application Board Order: Fine

- ✓ Formal proceeding
- ✓ Publicly available fine
- ✓ BON considers fine an adverse action
- Reportable

BON does not consider the fine an adverse action

- Not reportable

Nurse fails to report criminal conduct on renewal application Board Order: Reprimand & \$500 fine

- ✓ Formal proceeding
- ✓ Taken in conjunction with other adverse action
- ✓ Administrative fine (not an adverse action)
- ✓ Publicly available
- Reportable

Denial of Initial and Renewal Applications

Reportable

- ✓ If adverse action
- ✓ Resulting from formal proceeding

Example

- ✓ After a formal proceeding, denied applicant because she misrepresented credentials
- ✓ After a formal proceeding, denied applicant because of criminal conduct

Not Reportable

- ❑ If denial is a result of the applicant not meeting threshold criteria for licensure

Examples

- ❑ Applicant did not meet educational requirements
- ❑ Applicant did not pass required exam

Withdrawals and Failure to Renew while under investigation

What constitutes an investigation?

- ✓ Focused on a specific nurse
- ✓ Nurse must be notified
- ✓ Runs from the start of an inquiry until a final decision is reached
- ✓ Not limited to a BON's gathering of facts or by the manner in which the BON defines the term "investigation"
- ❑ Routine criminal background check on all applicants is not an investigation

Examples

- ✓ CBC causes BON to further examine an applicant's record - Investigation
- ✓ BON begins a non-routine inquiry & ends when BON takes a final action or makes a decision not to further pursue the matter - Investigation

Withdrawals and Failure to Renew while under Investigation

Reportable

- ✓ Withdrawal of a **renewal** application for licensure, or failure to renew, while the BON is investigating the applicant

Not Reportable

- ❑ Investigation itself should not be reported to the NPDB
- ❑ Withdrawal, for any reason, of an **initial** application for licensure, even if the applicant is under investigation

State Expungement of Disciplinary Record

The NPDB does not recognize state expungements as a reason to void a NPDB record.

A *state* expungement removes the practitioner's *state* public record but does not vacate or change the NPDB record.

The BON should file a Revision-to-Action Report with the NPDB, to note that an expungement has occurred.

Process to remove an expunged action in Nursys while preserving the NPDB report

1. Edit Nursys discipline case

- ♦ **Add a Revision-to-Action** - code 1280 (*license restored or reinstated, complete*)
- ♦ **Narrative** - *Disciplinary action is expunged by the state of XX and will no longer be publically available at the state level*

2. Verify Revision-to-Action accepted by NPDB

- ♦ **After 1 day, verify the action was accepted by NPDB, new DCN number appears**

3. Mark the case for deletion

- ♦ Choose VOID and select *Discipline case was expunged.*

4. Verify the reason for the Nursys case deletion by email

- ♦ Executive Director must send an email to the Nursys Administrator
- ♦ *The particular discipline entry is approved for deletion*

Once the Nursys Administrator receives the e-mail, the Nursys Administrator will ensure that the Revision-to-Action report was accepted by NPDB and will delete the case from Nursys.



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NPDB Infographic

NEW

NPDB GUIDE TO REPORTING STATE LICENSURE ACTIONS

BEFORE SUBMITTING:

Did your board take one or more actions against a practitioner as a result of a formal proceeding (such as a formal hearing, settlement agreement, consent order, etc.) that includes one of the following?:

- An adverse action, including revocation, suspension, reprimand, censure, or probation
- Any other loss of license or right to apply for/renew license by operation of law, voluntary surrender, or nonrenewal, etc. (excluding non-payment of fees, retirement, inactive status)
- A dismissal or closure of a formal proceeding because the practitioner surrendered license or left jurisdiction
- Any publicly available negative action or finding (includes a health care-related administrative fine or citation)

Do not have to be publicly available to be reportable

SUBMIT AN INITIAL ADVERSE ACTION REPORT



within 30 days of when the action was taken

REPORT MODIFICATIONS (when needed):

The NPDB notifies the subject of the report when the report is submitted, and when any of these modifications are made.



Did your organization take an action that modifies or relates to a previously reported action (including reinstatements)?

SUBMIT A REVISION-TO-ACTION REPORT



Did your organization determine there is an error or omission in a previously submitted report?

SUBMIT A CORRECTION REPORT



Did your organization determine that an action should not have been reported because:

- 1 The report was erroneously submitted?
 - 2 The action is not reportable?
 - 3 The action was reversed or overturned?
- These are the only reasons for which a report may be voided.

VOID THE REPORT



Did a practitioner appeal a previously reported action by your board?

SUBMIT A NOTICE OF APPEAL



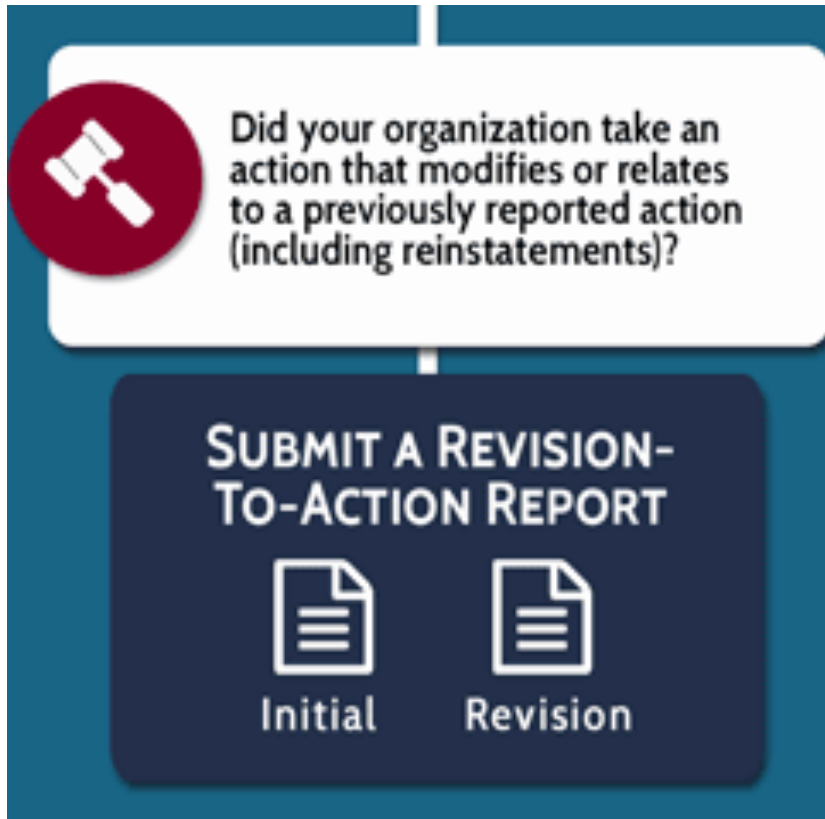
www.npdb.hrsa.gov



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Revision-to-Action Reports



Many different modifications of an order

- Failed probation, now suspended
- Reinstatement of license after suspension or revocation
- Failed ATD program, now suspended

Correction Reports



Many different reasons to correct a report

- Incorrect time period of action
- Incorrect code chosen
- Incorrect date entered

Void Report



Only 3 reasons acceptable to void a report

- Erroneous submission
- Not reportable action
- Action overturned

Expungement by a state is **NOT** a reason for voiding the NPDB report. A revision-to-action should be filed with a notation that the state expunged the action.

Notice of Appeal Report



Must report within 30 days of the notice of appeal to the BON

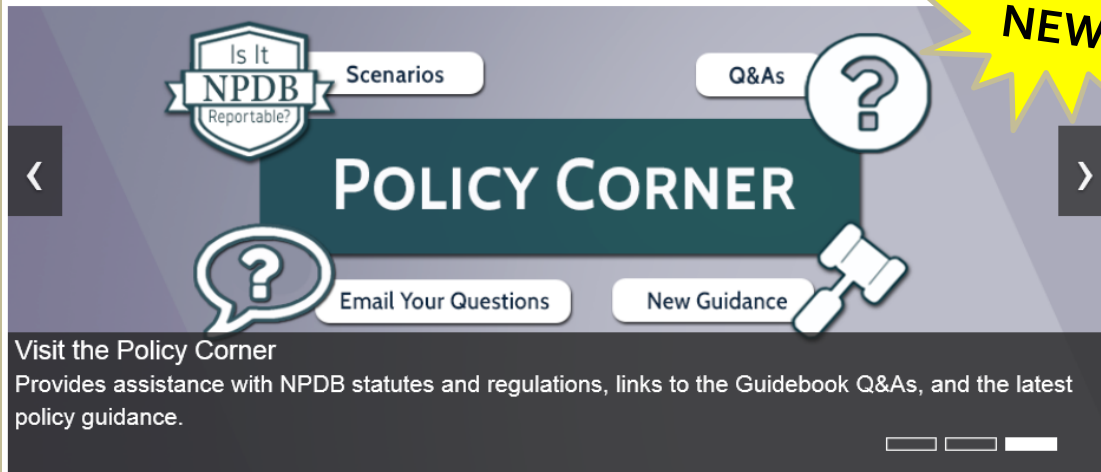
A Notice of Appeal notifies the NPDB that there is a formal appeal of the adverse action

When the NPDB processes a Notice of Appeal

- provides the reporting entity with a Report Verification Document
- sends a notification to the subject of the report and to all queriers who received the previous version of the report within the past 3 years.

NPDB NATIONAL PRACTITIONER DATA BANK

For Health Care Professionals ▾ For Organizations ▾ NPDB Resources ▾



Is It NPDB Reportable? Scenarios Q&As **NEW**

POLICY CORNER

Email Your Questions New Guidance

Visit the Policy Corner
Provides assistance with NPDB statutes and regulations, links to the Guidebook Q&As, and the latest policy guidance.

Health Care Professionals, Residents, and Students

Self-Query

Order a search of your information in the NPDB for \$4 and receive both an online response and a sealed letter in the mail.

Check Your Report

Have you received a notification from the NPDB? View and respond to the report.

Help & FAQs

Don't see what you're looking for? Try our Help Center.

For Organizations

Registering with the NPDB

How an organization can apply to access NPDB information.

Changing Your Data Bank Administrator

What to do if your Data Bank administrator is leaving your organization.

Querying the NPDB

Start using Continuous Query within your organization.

Your Organization

Receive organization-specific reporting and querying guidance.

Popular Resources

NPDB Guidebook

The guidebook serves as an policy manual for the NPDB.

Glossary

Understand NPDB terminology and definitions.

NPDB Infographics

Educational guides that explain NPDB concepts in a visual, easy-to-understand format.

 [Visit the NPDB Policy Corner](#)

News

November 1, 2016

This [NPDB Insights](#) answers a reportability question, introduces the latest compliance map infographic, and alerts users to new Policy Corner guidance.

October 24, 2016

New policy guidance is available regarding [Basis for Action Codes](#) and [Reporting by Non-Licensing Board Agencies](#).

[More News](#) 

NPDB Policy Corner

Policy Corner



The banner features a central dark green box with the text "POLICY CORNER" in white. Above the box is a shield icon with "Is It NPDB Reportable?" and a "Scenarios" button. To the right is a "Q&As" button with a question mark icon. Below the box is a speech bubble icon with a question mark and an "Email Your Questions" button, and a "New Guidance" button with a gavel icon.

Is It Reportable?

If a physician's initial application for clinical privileges is denied or the privileges granted are more limited than those requested, must this be reported to the NPDB?

Featured in the October 2016 NPDB Insights.

[View Answer](#)

[More "Is It Reportable?" scenarios →](#)

🔍 Guidebook Q&As

- General Information
- Eligible Entities
- Subjects of Reports
- Queries
- Submitting Reports
- Medical Malpractice Payments
- Clinical Privileges Actions
- Professional Society Membership Actions
- State Licensure and Certification Actions
- Federal Licensure and Certification Actions
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- Private Accreditation Organizations Negative Actions or Findings
- Exclusions from Federal and State Health Care Programs
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📌 Policy Guidance

- Medical Malpractice Payments and Sole Shareholder Employees
- Medical Malpractice Payment to Non-patients
- Reporting Impaired Practitioners
- Reporting Participation in Pretrial Intervention Programs
- Use of Private Agreements
- Reporting by Non-Licensing Board Agencies
- Basis for Action Codes

📁 Resources

- NPDB Guidebook
- Statutes & Regulations
- Information for Attorneys
- NPDB Reporting Requirements and Query Access
- Fact Sheet for Boards of Pharmacy on the NPDB Controlled Substance Policy (PDF - 151 KB)
- Medicaid Fraud Control Units: Reporting to the National Practitioner Data Bank (PDF - 150 KB)

Do you have an NPDB policy question that you'd like answered?

[Ask the NPDB Team](#)


NPDB Policy Corner

Q&A: Reporting State Licensure and Certification Actions

Text Size: A A A

 [Print this Section](#)

 [Link to this Section](#)

- 
1. **How should a State licensing or certification authority report actions when they are changed by court order?**
 2. **How should a negative finding in a State nurse aide registry be reported to the NPDB?**
 3. **When reporting a reprimand by a State licensing board, what Length of Action should the board enter in the report?**
 4. **Should a State licensing or certification authority report a suspension when the suspension has been fully stayed prior to implementation?**
 5. **If, as a result of a formal proceeding, a State licensing board suspends a practitioner's license for 1 year, but stays 3 months of the suspension, how should it be reported?**
 6. **A State licensing board submitted a report to the NPDB 6 months ago, after the board placed a practitioner's license on probation. Three months ago, the board reinstated the license in full. The report in the NPDB still indicates that the license is on probation. Because the status of the licensure action has changed, should the board update the information in the NPDB?**
 7. **A board of medical examiners initiated an investigation related to a physician's professional conduct. Two weeks later, the physician allowed his license to expire. Since the physician's license lapsed prior to any proposed agreement or board decision, must the lapse be reported to the NPDB?**

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1. How should a State licensing or certification authority report actions when they are changed by court order?

The State licensing or certification authority should report the initial adverse action; the authority should then report the judicial decision as either a [revision to action](#) or [void](#). For example, if a State licensing board revoked a physician's license and a judicial appeal resulted in the court modifying the discipline to probation for one year, then the board would be required to report both its initial revocation (as an Initial Report) and the court-ordered revision to probation (as a Revision-to-Action Report). If a court overturns a board's order, the board should void the Initial Report.

3. When reporting a reprimand by a State licensing board, what Length of Action should the board enter in the report?

The board should select "Indefinite" for the Length of Action when reporting a reprimand to the NPDB.

6. A State licensing board submitted a report to the NPDB 6 months ago, after the board placed a practitioner's license on probation. Three months ago, the board reinstated the license in full. The report in the NPDB still indicates that the license is on probation. Because the status of the licensure action has changed, should the board update the information in the NPDB?

Yes. Entities that submit an [Initial Report](#) to the NPDB also must report any subsequent revision to the underlying action. The State licensing board, therefore, is required to submit a [Revision-to-Action](#) Report after reinstating the license. If, however, the initial action to place the license on probation included an automatic reinstatement of the license that was indicated on the Initial Report, the board is not required to submit a Revision-to-Action Report.

NPDB Policy Corner

Policy Corner



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- [Medical Malpractice Payments and Sole Shareholder Employees](#)
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- [Reporting Participation in Pretrial Intervention Programs](#)
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NPDB Policy Corner

Reporting Impaired Practitioners

When is it appropriate for a state licensing board to file an Adverse Action Report with the NPDB on an impaired practitioner who is seeking treatment? The impairment can arise as a result of a physical or mental illness, injury, incapacitation, or alcohol or drug abuse.

The board should file an Adverse Action Report under the following circumstances:

- Rather than discipline the practitioner, the board issues an order that includes an agreement that the practitioner will not practice. **An enforceable agreement not to practice, signed by the board, is reportable.**
- The board takes an adverse licensing or certification action, and the practitioner enters a treatment or rehabilitation program for drug or alcohol abuse as a result. **The adverse action must be reported, but the board should not report the fact that the practitioner entered a drug or alcohol treatment program.**
- The board allows a practitioner to put his or her license into "inactive status," or to voluntarily agree not to practice while under investigation or in exchange for not conducting an investigation. **This is, in effect, a voluntary surrender or resignation of a license that must be reported.**

The board should not file an Adverse Action Report under these circumstances:

- The practitioner enters a substance abuse treatment program, and the board knows about it. However, the board does not enter into an agreement with the practitioner that the practitioner not practice while in the program, nor does it take any other action regarding the practitioner.
- The practitioner voluntarily surrenders a license or certification due to personal reasons such as illness, and the practitioner is not under investigation the license or certification is surrendered.
- The practitioner enters a treatment or rehabilitation program and agrees with the treatment or rehabilitation program not to practice while in the program. There is not a separate written agreement between the practitioner and the board that restricts the practitioner's ability to practice.
- The practitioner voluntarily enters a treatment or rehabilitation program at the direction of or suggestion of the licensing board - initiated either by the board or the practitioner - and the board does not take a formal adverse action.

Additional information is available in the NPDB Guidebook's section on [reporting state licensure and certification actions](#).



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Policy Corner



Is It Reportable?

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NPDB Policy Corner

Use of Private Agreements

Does the use of Private Agreements eliminate the reporting requirements for certain actions by state licensing boards?

Given the unique nature of state licensing board reporting policies and procedures, which enable the NPDB to identify actions taken by these boards, the NPDB is able to match these actions to reports in the NPDB and identify actions that should have been reported. During the efforts of the NPDB to improve the completeness and accuracy of reporting, occasionally actions have been identified by the NPDB that appear to be reportable, and a report is requested from the state for the action that was reported on the state's web site. In a small number of cases, the state has reported that, based on a private agreement signed by them and the practitioner, the action is not reportable. Often a copy of this agreement is provided that clearly states that the action will not be reported to the NPDB. However, the fact that a private agreement states that an action will not be reported to the NPDB has no bearing on whether it is reportable.

If an action meets the definition of either an "adverse action" or a "negative action or finding," it is reportable based on our implementing regulations at 45 CFR §§ 60.3 and 60.9. Regarding private agreements:

- Since "negative actions or findings" are by definition publicly available, a private agreement would not be considered a negative action or finding.
- "Adverse actions" must be taken as a result of a formal proceeding, but are not required to be publicly available. Therefore, if a state licensing or certification board takes an adverse action that is the result of a formal proceeding, it is reportable even if the action was taken through a private agreement. It is the action taken, rather than the method by which the action was taken, that determines whether the action must be reported.

States should not use language in private agreements negotiated with providers to avoid NPDB reporting requirements. The reportability is not negotiable, and the NPDB will continue to require reporting of such actions. As always, the goal of the NPDB is to have the most accurate and complete information available to those who query the NPDB, in order to protect patient safety and enhance the quality of health professionals practicing in the U.S.


In addition, if you have any questions about NPDB's reporting requirements, you can email NPDBpolicy@hrsa.gov.



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NCSBN Tip Sheets



State Expungements & NPDB

Tip Sheet May 2017

Expungement of state actions & the National Practitioner Data Bank (NPDB)

The NPDB does not recognize state expungements as a reason to void a NPDB record.
NPDB Guidebook E-7D

Process to remove an expunged action in Nursys while preserving the NPDB report

- Edit the discipline case in Nursys**
 - Add a Revision-to-Action code (1280—license restored or reinstated, complete)
 - Narrative - *Disciplinary action is expunged by the state of XX and will no longer be publicly available at the state level*
- Verify that the Revision-to-Action was accepted by NPDB**
 - One day after the Nursys entry, click on the NPDB reporting status to verify the action was accepted by NPDB
 - Accepted NPDB Revision-to-Action reports will show a new DQN number
- Mark the case for deletion**
 - After you choose VOID, provide the void reason by selecting *Discipline case was expunged. This will be deleted from Nursys but cannot be voided in the Federal Databanks.*
- Verify the reason for the Nursys case deletion by email**
 - Executive Director must send an email to the Nursys Administrator
 - Email must state that the particular discipline entry is *approved for deletion*

Once the Nursys Administrator receives the e-mail, the Nursys Administrator will ensure that the Revision-to-Action report was accepted by NPDB and will delete the case from Nursys.

Rationale for submitting a Revision-to-Action report prior to deletion in Nursys


- The NPDB report will be remain available to NPDB queriers (i.e. employers)
- A Revision-to-Action will allow the NPDB querier to see that the state disciplinary action was expunged

Acceptable reasons to void a NPDB Report:

- Report submitted in error
- Action was not reportable under NPDB reporting requirements
- Action was reversed or overturned on appeal

NPDB Guidebook E-8

NPDB Guidebook available online at <https://www.npdb.hrsa.gov/resources/aboutGuidebooks.jsp>



Federal Reporting of State Licensure Actions - Reinstatements

Tip Sheet October 2013, updated November 2016

NPDB Reinstatements

When is a 1280/1480 “License Restored or Reinstated, Complete” required?

Entities that submit an Initial Report to the NPDB also **must report any subsequent revision** to the underlying action. The State licensing board, therefore, is required to submit a Revision-to-Action Report after reinstating the license.

If, however, the initial action to place the license on probation/suspension included an automatic reinstatement of the license that was indicated on the Initial Report, the board is not required to submit a Revision-to-Action Report.

Action	Time Period Entered	Automatic Reinstatement Box	Required for Reinstatement	Notes
Probation or Suspension	Indefinite	<input type="checkbox"/>	Requires 1280 to reinstate license or 1480 to reinstate multistate licensure privilege	
Probation or Suspension	Specific time period noted	<input type="checkbox"/>	Requires 1280 to reinstate license or 1480 to reinstate multistate licensure privilege	Currently no reminder from Nursys/NPDB to reinstate upon expiration of time period.
Probation or Suspension	Specific time period noted	<input checked="" type="checkbox"/>	Does not require 1280/1480 to reinstate license or privilege	Nursys/NPDB record will read: Probation of ___ time period with automatic reinstatement

Q&A: Reporting State Licensure and Certification Actions, NPDB
[https://www.npdb.hrsa.gov/resources/aboutGuidebooks.jsp?](https://www.npdb.hrsa.gov/resources/aboutGuidebooks.jsp)



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QUESTIONS??

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