

Webinar Q&A

The Division of Practitioner Data Banks (DPDB) hosted a webinar on September 20, 2012, that took State Licensing and Certification Boards through DPDB's new Compliance Framework and provided a glimpse of new compliance functions of the Data Banks' internet-based Integrated Querying and Reporting Service (IQRS). This document provides the answers to questions that were raised during and after the webinar.

Section 1 – Questions Related to the Timing of the New Compliance Framework

Q1

When will states be part of the new Compliance Framework and when will the results be posted?

A1

The following table shows the current compliance review schedule. Please note that this schedule is subject to change.

Two-Year / 12-Profession* Framework	States reviewed for posting by:	States reviewed for posting by:
1st Cycle; Actions for 2010 - 2011	April 1, 2013: AK, CA, DE, DC, IN, KS, MA, MN, NJ, OH, TX, WA, & U.S. Territories (Guam, Puerto Rico, Virgin Islands, American Samoa, & Northern Mariana Islands)	October 1, 2013: AL, CT, FL, GA, HI, KY, MO, NH, OK, RI, SC, WV, WI
2nd Cycle; Actions for 2010 - 2012	April 1, 2014: AR, AZ, IL, MD, ME, NM, NC, OR, SD, UT, VA, VT, WY	October 1, 2014: CO, ID, IA, LA, MI, MS, MT, NE, NV, NY, ND, PA, TN

*Physicians, dentists, physician assistants, podiatrists, nurses, physical therapists, pharmacists, chiropractors, optometrists, psychologists, social workers, and behavioral health professions. Support professions, such as nurse aides, dental hygienists, and pharmacy technicians, will also be included.

Q2

Will nurse aides be included in the current compliance effort?

A2

Yes, nurse aides/nursing assistants (but not home health aides) will be part of this compliance effort for states that license, certify, or otherwise regulate this profession.

Section 2 – Questions Related to the New Compliance Page (The Compliance Page is the new compliance interface within the IQRS).

Q1

Our State Board of Pharmacy has signed a Memorandum of Understanding with the National Association of Boards of Pharmacy (NABP) to do some of our reporting. Since the NABP is a designee for us, when we sign in to the Data Bank, will we be able to see the activity that NABP took regarding reports that it filed on our behalf?

A1

Yes. When you sign in to your Data Bank account, you will be able to see all the activity that the agent has taken on your behalf via the Compliance Page.

Q2

Will reporting agents be required to use the new Compliance Page to address each missing action individually?

A2

No. Reporting agents can continue to use whatever method they currently use to submit reports, missing or otherwise, to the Data Bank. Many agents and boards that submit large volumes of reports use the Querying and Reporting XML Service (QRXS) to submit information to and receive information from the Data Bank. You may continue to use this service to submit reports to the Data Bank, including those identified as missing by this compliance effort.

The Data Bank encourages organizations that use reporting agents to contact their reporting agent in order to coordinate the role each will have in the current compliance effort.

Q3

Will the notification of practitioners change or be affected by the new Compliance Page?

A3

No. Report submissions, corrections, revisions, and practitioner notifications are unaffected by the new Compliance Page. The Compliance Page merely automates the process of resolving and communicating about actions that are identified during a compliance activity between the Data Bank and the state agency.

Section 3 – Question Related to Report Maintenance

Q1

We received a notification in August 2012 about Report Maintenance. There were many reports that required correction. When are we supposed to correct these? How does this fit in with the compliance activities you discussed today? Who should we contact if we have questions?

A1

The Report Maintenance notification that some boards received was not related to the compliance activities discussed in the webinar. Our goal with the Report Maintenance effort is to increase the accuracy, reliability, and completeness of current reports in the Data Bank. We will review the dates, types, and amount of reports related to the Report Maintenance project and work with boards to establish the project's next steps. We appreciate your patience as we determine next steps for the report maintenance effort. Please contact the Data Bank Help Desk with any additional questions at 1-800-767-6732 or email help@npdb-hipdb.hrsa.gov.

Section 4 – Questions Related to Whether a Board Action is Reportable

Q1

Are application denials ever reportable to the Data Bank? Is the withdrawal of a license application during an active investigation, or license application abandonment, reportable?

A1

In general, if the application denial is purely administrative – failure to meet educational, examination, certification, or other requirements, then the denial should not be reported. Alternatively, if a board denies a license (or the application is withdrawn) because of suspicious conditions or circumstances, misrepresentation, or the omission of incriminating information, or when the applicant is under investigation, then the application denial or withdrawal must be reported.

Q2

If a reportable licensure action was taken on a practitioner, and the practitioner is now deceased, is the action reportable to the Data Bank?

A2

Yes. If a reportable licensure action was taken on a practitioner that was never reported to the Data Bank, and the practitioner subsequently dies, the action must be reported. In addition to restricting the ability of incompetent practitioners to move from state to state, another objective of the Data Bank is to prevent fraudulent practitioners from assuming the identity of deceased practitioners.

Q3

If there is a specific state regulation or statute that provides an exception to Data Bank reporting requirements, and we, as a state agency, take an action on that basis that we deem non-reportable, will we still have to go through the process of reconciling the action with the Data Bank?

A3

Yes. If the Data Bank identifies publicly available state licensure actions that the Data Bank believes meet the federal reporting requirements, but that have not been reported to the Data Bank, we will inquire about those actions. Based on the criteria established under federal statutes and regulations and individual state laws, states should determine what is reportable. The Data Bank generally defers to a state agency's determination of whether a specific agency action constitutes disciplinary action for purposes of reporting the action to the Data Bank.

Q4

If a practitioner retires and a public order is issued about the retirement, is the retirement reportable?

A4

If the practitioner retires under normal circumstances or deactivates a license because of retirement, this is not reportable. If the board issues a consent order permitting the practitioner to retire or deactivate a license in lieu of board disciplinary action(s), this board action is reportable.

Q5

If a board took an action on a licensee, and years later the licensee goes to court and has the action expunged, should this information be reported even if it is not entered into board minutes?

A5

No. If a court grants an expungement, a Data Bank report is not required. A board *may* submit a Revision-to-Action Report and indicate that the original action has been removed from the practitioner's public record. This will provide queriers with additional information about the original report.

The board also should not void a report following an expungement. While some states have enacted expungement legislation, these laws do not authorize reports to be voided from the Data Bank (a practitioner also may seek court-ordered expungement even absent a State expungement statute). The only situations in which a report should be voided from the Data Bank are: 1) the report was erroneously submitted; 2) the action was not reportable to begin with; or 3) the action was reversed because the original action should never have been taken.

Section 5 – Questions Related to Report Submission, Revision, and/or Correction

Q1

When doing revisions to actions, we are unable to add additional violations to the report. How can we add violations to a Revision-to-Action Report?

A1

Correct, currently you cannot add additional violations by using a Revision-to-Action Report. However, the Data Bank is researching a possible future system enhancement that will enable this function. For now, please submit the Revision-to-Action Report as you normally would, and specify the additional violation(s) in the report narrative.

Q2

If the subject of a report in the Data Bank adds a statement to the report, does the board have to respond to the statement?

A2

The subject of a report has the legal right to add a statement to a report and/or to dispute a report, and the reporting board is not required to respond to the subject's statement. Nonetheless, the Data Bank encourages boards to work cooperatively with practitioners and entities during this process.

Section 6 – Other Questions

Q1

Do you think that Licensing Boards ever will be able to query the Data Bank without fees?

A1

Although the Data Bank understands the budget constraints of many State Licensing and Certification Boards, the controlling statute does not exempt state agencies from query fees.

Q2

Will there be some type of certificate or other record of attending this webinar?

A2

No. While we maintain a participant list, we do not issue certificates of attendance.