



NCSBN

*National Council of State Boards of Nursing*

# National Practitioner Data Bank Reporting: Don't Report the Envelope, Report the Contents

By Kathleen Russell, JD, MN, RN  
Nursing Regulation, NCSBN



# Agenda

- Reportable State Licensure Actions
  - Three Key Points
- Reportable Actions
- Actions within an Envelope
- Practice Questions
- Open Discussion

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

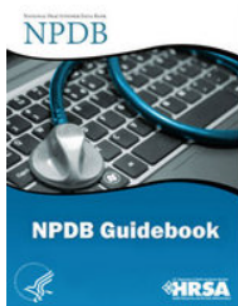


- Open comment period, 360 comments
- Completely updated April 2015
- Incorporates HIPDB info
- More examples
- More & clearer tables
- Live links
- Did NOT make revisions that require legislative or regulatory changes

## 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)

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- [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

# Reportable Actions?

- Administrative Fines
- Summary/Emergency Suspensions
- Stayed actions
- Denial of Initial Licensure or Renewal Licensure
- Withdrawals and failure to renew while under investigation
- Voluntary Surrenders
- Reportable actions within an envelope (i.e. consent agreement/order, stipulation or other agreement by the licensee and BON)

# 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

# Examples

## Administrative Fines & Formal Monetary Penalties

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

# Summary/Emergency Suspensions

Reportable actions are not limited to final actions

- Interim or nonfinal adverse actions **must** be reported

## Examples

- Summary or emergency suspension - Reportable
- Voluntary agreement to refrain from practice pending completion of BON investigation - Reportable

BON must submit a Revision-to-Action Report once final action is taken

# Stayed Actions

Action, in its entirety, is stayed

- ❑ Not reportable

Part of the action is stayed, other part is not stayed

- ❑ Stayed action - Not reportable
- ✓ Action without the stay - Reportable

Examples

Probation for 6 months, 4 months of the probation are stayed

- ✓ 2 months of the probation - Reportable

6 month suspension stayed and 1 year probation

- ✓ Probation - 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

## 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

# Voluntary Surrenders

## Reportable

- ✓ Surrender made after a notification of investigation
- ✓ Formal official request by a BON to a nurse to surrender the license
- ✓ Nurse voluntarily surrenders a license in exchange for the BON
  - to cease an investigation or similar proceeding
  - not to conduct an investigation or proceeding
  - not to order a disciplinary action

## Not reportable

- Voluntary relinquishment of license for personal reasons such as retirement or illness
  - if no other action or investigation is in progress

# Actions within Envelopes

Actions that must be reported include:

- ✓ Any negative action/finding by State licensing authority
- ✓ Publicly available information
- ✓ Including, but not limited to, limitations on the scope of practice
- ✓ This definition also includes final adverse actions rendered by a State licensing authority – such as exclusions, revocations, or suspension of license– **that occur in conjunction with settlements** in which no finding of liability has been made (although such a settlement itself is not reportable).

# Actions within Envelopes

- Actions are reportable based on
  - ✓ NPDB reporting requirements
    - **not based on the name** affixed to the method by which the action was taken
      - (i.e. consent order, settlement agreement)
- Nurse enters treatment/rehabilitation program, agreement includes an adverse action
  - ✓ Reportable
    - Fact that nurse entered a treatment/rehabilitation - Not reportable
- Nurse voluntarily enters treatment/rehabilitation program at the direction or suggestion of a BON and no action is taken
  - Not reportable

# Question #1

When a court modifies the board order, how should a BON report this?

- a. Void current action and enter a new initial action
- b. Revision-to-action report
- c. Do not need to report

# Question #2

When a court reverses the board order, how should a BON report this?

- a. Void
- b. Revision-to-action report
- c. Do not need to report

# Question #3

Previously the BON reported a probation with an automatic reinstatement, now the license is reinstated. What reporting is required now?

- a. None
- b. Revision-to-action reinstating the license



# Question #4

Previously the BON reported a probation without an automatic reinstatement, now the license is reinstated. What reporting is required now?

- a. None
- b. Revision-to-action reinstating the license

# Question #5

The BON issued a cease and desist order/letter to an unlicensed practitioner who held herself out to be a nurse. Is this reportable?

- a. Yes
- b. No

# Question #6

If a State licensing or certification authority takes an action that is later expunged, how should this be reported?

- a. Revision-to-Action Report to note that an expungement has occurred
- b. Void

# Question #7

If the BON issues a letter of concern, should it be reported to NPDB?

- a. Yes, if letter of concern is a publicly available negative action
- b. Never

# Question #8

If the BON does not publish its actions on the board's website, but publishes them in a publicly available monthly newsletter, does the BON still have to report the actions to the NPDB?

- a. Yes
- b. No

# Question #9

The BON discovers that the nurse failed to disclose prior substance abuse on a licensure application. As a result, the BON required the practitioner to complete 5 hours of continuing education pertaining to professional ethics. Should this action be reported to the NPDB?

- a. Never
- b. Depends on state law, if the imposition of continuing education requirement is a publicly available negative action, then reportable

# Question #10

If a BON denies an application to a practitioner who did not have the required number of practicum hours, should the action be reported?

- a. Yes
- b. No

# Questions ?



# Handout

## REVIEW OF NEW NPDB GUIDEBOOK

April 2015

### Three Key Criteria

If the action meets these three criteria it is always reportable

- ⇒ Action taken against a health care practitioner (includes an Imposter)
- ⇒ As a result of formal proceedings
- ⇒ Publicly available

### Criteria for Specific Reportable Actions

#### Fines & Monetary Penalties

- ◆ Any of the following
  - ◆ Adverse action, resulting from a formal proceeding
  - ◆ Publicly available, connected to delivery of health care services
  - ◆ Publicly available, taken in conjunction with another disciplinary action

#### Summary/Emergency Suspensions

- ◆ Always reportable

#### Denial of Initial & Renewal Applications

- ◆ Adverse action, resulting from a formal proceeding

#### Withdrawals & Failure to Renew while under Investigation

- ◆ Renewal application withdrawn while BON is investigating the applicant

#### Voluntary Surrenders

- ◆ Notification of investigation, plus one of the following
  - ◆ Request by BON to surrender license
  - ◆ Surrender in exchange for BON to cease an investigation
  - ◆ Surrender in exchange for BON to not conduct an investigation
  - ◆ Surrender in exchange for BON to not order a disciplinary action

#### Action within a drug/treatment program or contract agreement

- ◆ Action (i.e. probation, surrender) is reportable, but not the drug/treatment program

#### Cease & Desist of Unlicensed Practice

- ◆ Always reportable

#### Letter of Concern

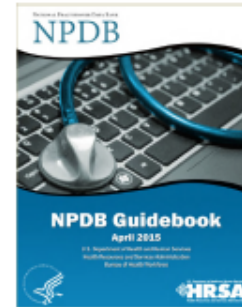
- ◆ Publicly available negative action per state law

#### Continuing Education Requirement

- ◆ Publicly available negative action per state law

#### Tips on Reporting

- ⇒ Modification of BON order because of court ruling - revision-to-action report
- ⇒ Reversal of BON order because of court ruling - void
- ⇒ Automatic reinstatement after a probation - no report needed
- ⇒ Reinstatement after a probation - revision-to-action report



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#### Not reportable

- ◆ Stayed Actions
- ◆ Investigations
- ◆ Withdrawal of an Initial Application for Licensure, even if the applicant is under investigation
- ◆ Voluntary relinquishment of license for retirement, illness (no investigation pending)
- ◆ Letter of Concern that is not a publicly available negative action per state law
- ◆ Continuing education requirement as a result of failure to disclose on application, not reportable if the requirement is not a publicly available negative action per state law

Pages E-57 - E-73 of the Guidebook pertain to BON licensure actions. <http://www.npdb.hrsa.gov/resources/aboutGuidebooks.jsp>