
Facing disciplinary action? Here's something you might not know

DSHS is required to submit information to federal database

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Never heard of the Healthcare Integrity and Protection Data Bank (HIPDB)? Then you'll want to keep reading, particularly if you are the subject of a formal disciplinary action by DSHS.



HIPDB is a national data collection program for the reporting and disclosure of certain final adverse actions taken against health care practitioners, providers and suppliers. EMS personnel and providers (referred to as "subjects") that have a formal disciplinary action enforced by DSHS need to

know that such disciplinary actions are reported, by law, to the HIPDB.

Disciplinary actions that must be reported to the HIPDB within 30 days of the date of the action are reprimand, probation, suspension, denial, revocation and surrender. These are defined by HIPDB as final adverse actions. An assessment of an administrative penalty against an EMS provider is not required to be reported unless one of the previously listed adverse actions has also been taken.

The HIPDB was created through the federal Health Insurance Portability and Accountability Act of 1996, Section 221(a), Public Law 104-191, to combat fraud and abuse in health insurance and health care delivery and to improve the quality of

patient care in the United States. The HIPDB's authorizing statute is more commonly referred to as Section 1128E of the Social Security Act. Final regulations governing the HIPDB are codified at 45 Code of Federal Regulations (CRF) Part 61.

Information reported to the HIPDB is sent electronically and is considered confidential. Section 1128E of the Social Security Act **does not** allow for disclosure of HIPDB information to the general public. In addition, the general public may not request information that identifies a particular subject from the HIPDB.

The following agencies may query the HIPDB for final adverse actions and are required to report to the HIPDB: U.S. Department of Justice; U.S. Department of Health and Human Services; federal agencies that either administer or provide payment for the delivery of health care services; federal and state law enforcement agencies; state Medicaid fraud control units; and federal or state agencies responsible for the licensing or certification of health care practitioners, providers and suppliers.

Entities that report to the HIPDB, such as DSHS, are responsible for the accuracy of the information they report, including the subject's address of record. The document that DSHS sends to the HIPDB is called a "Report Verification Document." After the department submits the document, the subject of the report (EMS personnel or EMS provider) is mailed a document titled "Notification of a Report in the Data Banks." Subjects may not submit changes to reports. If any information in a report is inaccurate, the subject must contact DSHS to request a correction. DSHS can make limited changes to the report.

The HIPDB is prohibited by law from modifying any information submitted in reports. A report is held in the HIPDB system permanently.

However, a subject may submit to HIPDB a 2,000-word statement saying what the subject believed occurred and what the subject considers important about the adverse action taken. The statement must not include any patient names. When a statement is processed, a notification of the statement is sent to all queriers who previously received the report, and the statement will be included with the report when it is released to future queriers. The subject of an action may dispute either the factual accuracy of a report or whether a report was submitted in accordance with the HIPDB reporting requirements, including the eligibility of the entity to report the information to the HIPDB. **A subject may not dispute a report in order to appeal the underlying reasons for an adverse action.**

Failure of DSHS to report final adverse actions to the HIPDB results in the federal secretary of the Health and Human Services publishing the names of government agencies that have failed to report information on adverse actions.

Should you have questions about the HIPDB, you can access frequently asked questions and fact sheets about the HIPDB on its website: <http://www.npdb-hipdb.com>. If you have been a subject of a report and have questions, call DSHS, Division for Regulatory Services, Enforcement Unit at (512) 834-6665.

Office of EMS/Trauma Systems Coordination
Bookmark the new web address:
www.dshs.state.tx.us/emstraumasystems