



DEPARTMENT OF HEALTH & HUMAN SERVICES

Health Resources and Services Administration

Bureau of Health Professions

Rockville, MD 20857

August 30, 2011

[REDACTED]

Dear [REDACTED]

The U.S. Department of Health and Human Services (HHS) has been informed that there may have been an impermissible redisclosure of National Practitioner Data Bank (NPDB) records involving [REDACTED]. This disclosure was for purposes other than professional review activities. You are receiving this letter because our records indicate that in the past five years your organization has queried on and received information from the NPDB involving [REDACTED].

NPDB reports and the information derived from them are protected by Federal law. The information reported to the NPDB is confidential and is not to be disclosed or redisclosed outside of HHS except in furtherance of professional review activities. As specifically required under Federal regulation, any individual who receives information from the NPDB, directly or indirectly, must use NPDB information solely with respect to the purposes it was disclosed by HHS. Any individuals who violate the confidentiality provision could be subject to a civil monetary penalty.

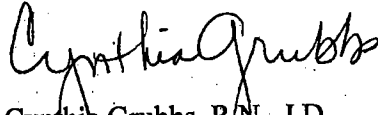
More specifically, the confidentiality regulations governing the NPDB (45 CFR 60.15), state:

- (a) Limitations on disclosure. Information reported to the NPDB is considered confidential and shall not be disclosed outside the Department of Health and Human Services, except as specified in §§ 60.12, 60.13, and 60.16. Persons who, and entities which, receive information from the NPDB either directly or from another party must use it solely with respect to the purpose for which it was provided. Nothing in this paragraph shall prevent the disclosure of information by a party which is authorized under applicable State law to make such disclosure.
- (b) Penalty for violations. Any person who violates paragraph (a) shall be subject to a civil money penalty of up to \$11,000 for each violation. This penalty will be imposed pursuant to procedures at 42 CFR part 1003.

The NPDB confidentiality provision does not apply to the original documents or records from which the reported information is derived. Therefore, for example, the NPDB confidentiality provisions do not bar or restrict the release of the underlying documents forming the basis for reports, or the information itself, by the entity taking the adverse action or making the payment in settlement of a written medical malpractice complaint or claim. However, even the existence of NPDB reports regarding specific practitioners is considered confidential information.

To ensure that you are in compliance I request that you review your records and inform me of the results of the review within 15 days of the date of this letter. If you have any questions regarding the confidentiality of NPDB information, please feel free to contact me directly.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cynthia Grubbs".

Cynthia Grubbs, R.N., J.D.

Director

Division of Practitioner Data Banks