

Title: Establishment of an AMA review committee of the NPDB and publish results.

Introduced by: Camden and Burlington County Medical Societies

Subject: **Limitation on Reports by Hospitals to the NPDB Unrelated to Patient Care**

1 WHEREAS, A **chief purpose of HCQIA was to protect patients from physicians prone to**
2 **giving subpar healthcare services. See 42 U.S.C. § 11101;**
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4 WHEREAS, the National Practitioner Data Base (NPDB) was created to provide a record of
5 physicians whose **treatment resulted in harm;**
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7 WHEREAS, the NPDB continues to overreach its legal authority by accepting reports by
8 hospitals on physicians who were not involved in patient care or delivery of healthcare services
9 and remain competent;
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11 WHEREAS, improper reports on physician applicants not involved in patient care, who are denied
12 appointment for reasons **unrelated** to professional performance or conduct are accepted by
13 NPDB and no Due Process if offered by the NPDB;
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15 WHEREAS, Luis Padilla, Associate Administrator HHS, confirmed that the NPDB authority to
16 accept reports is contingent upon an adverse clinical privileges action with the prerequisite that
17 it's a facility "**in which a physician is permitted to furnish medical care by the healthcare**
18 **entity (hospital)**". The provider must be on staff and providing healthcare services or the
19 hospital and physician have no obligation to one another.
20
21 WHEREAS, reports on mere applicants requesting staff employment and appointment who are
22 not yet providing healthcare services are outside the authority of HCQIA, damage reputations
23 and future employment without offering physicians Due Process; therefore, be it
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25 RESOLVED that our AMA establish an NPDB review committee in member states/counties to
26 serve as an independent resource to physician members against alleged improper reports and
27 provide summary opinion of its Fact Findings. (Directive to Action)
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29 RESOLVED that our AMA formally request the Secretary of HHS that HRSA publish the AMA
30 (State or County) committee report in its Dispute Resolution system. (Directive to Action).
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