

## **What is an Eligible Entity?**

Entities eligible to participate in the Healthcare Integrity and Protection Data Bank (HIPDB) are defined in the provisions of Section 1128E of the *Social Security Act* and in the HIPDB Final Rule. Eligible entities are responsible for meeting Section 1128E reporting and/or querying requirements, as appropriate, and must certify in writing their eligibility to report to and/or query the HIPDB.

The HIPDB provides information to entities and individuals who are eligible to receive HIPDB information. The HIPDB collects information regarding licensure and certification actions, exclusions from participation in Federal and State health care programs, criminal convictions, and civil judgments related to health care. While Section 1128E requires the reporting of such adverse actions, there are currently no mandatory querying requirements associated with the HIPDB.

To be eligible to report to and/or query the HIPDB, an entity must be:

- A Federal or State Government agency.
- A health plan.

Each entity is responsible for determining its eligibility to participate in the HIPDB and must certify that eligibility to the HIPDB in writing.

## **Defining Entities**

### **Federal or State Government Agency**

Federal or State Government agencies include, but are not limited to, the following:

- The U.S. Department of Justice (e.g., the Federal Bureau of Investigation, the U.S. Attorney, the Drug Enforcement Administration).
- The U.S. Department of Health and Human Services (e.g., the Food and Drug Administration, the Health Care Financing Administration, the Office of Inspector General).
- Any other Federal agency that either administers or provides payment for the delivery of health care services, including (but not limited to) the U.S. Department of Defense and the U.S. Department of Veterans Affairs.
- Federal and State law enforcement agencies, including States Attorneys General and law enforcement investigators (e.g., County and District Attorneys, County Police Departments).

- State Medicaid Fraud Control Units.
- Federal or State agencies responsible for the licensing or certification of health care practitioners, providers, and suppliers. Examples of such State agencies include Departments of Professional Regulation, Health, Social Services (including State Survey and Certification and Medicaid Single State agencies), Commerce, and Insurance.

### **Health Plan**

The term “health plan” refers to a plan, program or organization that provides health benefits, whether directly or through insurance, reimbursement or otherwise. Entities may be recognized as “health plans” if they meet the basic criterion of “providing health benefits.” Health plans include, but are not limited to:

- A policy of health insurance.
- A contract of a service benefit organization.
- A membership agreement with a health maintenance organization or other prepaid health plan.
- A plan, program, or agreement established, maintained, or made available by an employer or group of employers; a practitioner, provider, or supplier group; a third-party administrator; an integrated health care delivery system; an employee welfare association; a public service group or organization; or a professional association.
- An insurance company, insurance service, or insurance organization that is licensed to engage in the business of selling health care insurance in a State, and which is subject to State law which regulates health insurance.

Health plans may include those plans funded by Federal and State governments, including:

- Medicare.
- Medicaid.
- The U.S. Department of Defense.
- The U.S. Department of Veterans Affairs.
- The Bureau of Indian Affairs programs.

## **Registering with the HIPDB**

Eligible entities are responsible for meeting Section 1128E reporting and/or querying requirements. Entities not currently registered with the HIPDB are responsible for determining their eligibility before registering with the HIPDB. The HIPDB issues a Data Bank Identification Number (DBID) and a password to each successfully registered entity. An entity that does not have this information is not registered with the HIPDB. Entity registration packages may be obtained by calling the NPDB-HIPDB Help Line at 1 (800) 767-6732.

The consolidated *Entity Registration Form* allows entities to register simultaneously for both the HIPDB and the NPDB. The information requested on this form provides the HIPDB with essential information concerning your entity, such as your organization's name, address, Federal Taxpayer Identification Number (TIN), and ownership; your organization's authority to participate in the HIPDB and/or the NPDB under each of the statutes governing the Data Banks (Section 1128E for the HIPDB; and Title IV and Section 1921 of the *Social Security Act* for the NPDB); your organization's primary function or service; and, for those entities authorized by law to query both Data Banks, whether queries are to be submitted to the HIPDB only, to the NPDB only, or to both Data Banks. This information allows the HIPDB to register your entity's authorization to participate in the HIPDB, to determine your entity's reporting and/or querying requirements and restrictions, and to direct query and report responses appropriately.

The *Entity Registration Form* also contains certification information that must be completed by an entity's Certifying Official. The entity's Certifying Official certifies the legitimacy of the registration information provided to the HIPDB and/or the NPDB. The certification section must contain an original ink signature and a signature date. Faxed, stamped, or photocopied signatures are unacceptable. The title of the Certifying Official, a telephone number, and an E-mail address also must be provided.

Once the completed *Entity Registration Form* is received and processed, the HIPDB assigns a unique, confidential Data Bank Identification Number (Data Bank ID or DBID) and sends an *Entity Registration Verification* document to the entity. This document contains the entity's confidential DBID and password, as well as the information that was provided to the HIPDB on the *Entity Registration Form*. The Certifying Official should read the document carefully and, if the document contains any errors, follow the instructions provided on the document for correcting the inaccurate information.

HIPDB responses to reports and queries are retrieved via the HIPDB's Integrated Querying and Reporting Service (IQRS). Entities and Agents must log onto the NPDB-HIPDB website to retrieve their report and query responses. Responses that are not viewed or printed within 30 days of being placed by the HIPDB into the IQRS will be deleted, and the entity or Agent will be required to resubmit the information.

## **Entity Recertification**

The HIPDB requires periodic recertification of eligibility by entities. The HIPDB will send the current registration information to each active entity. The entity's Certifying Official should review the information to ensure that it is correct, indicate the applicable certification statement, sign the document, and return it to the HIPDB.

## **Data Bank Identification Numbers**

Each entity that registers with the HIPDB is assigned a unique DBID and password. DBIDs are used by the HIPDB to identify registered entities and Agents, and must be provided on all reports, queries, and correspondence submitted to the HIPDB.

Your entity's DBID is a link into the HIPDB computer system and should be safeguarded to prevent inadvertent disclosure. A DBID is revealed only to the entity or Agent to which it is assigned. In the event that your entity's DBID is compromised, follow the instructions in "Deactivating a Data Bank Identification Number" section below.

The assignment of a DBID is not a representation by HHS that an entity meets the eligibility criteria for participation in the HIPDB, as specified in Section 1128E. It is each entity's responsibility to determine whether it meets the eligibility criteria and to certify that eligibility to the HIPDB.

DBIDs are assigned only to entities that certify their eligibility to the HIPDB and to Authorized Agents who act on behalf of registered entities; ***DBIDs are not assigned to Authorized Submitters or other individuals associated with a reporting or querying entity.***

## **Deactivating a Data Bank Identification Number**

If at any time your entity relinquishes eligibility to participate in the HIPDB, you must notify the HIPDB to deactivate your DBID. The *Entity Registration Update* form, which can be retrieved from the NPDB-HIPDB website, must be completed in order to request deactivation. The reason for deactivation must be provided on the completed form when it is returned to the HIPDB for processing.

An eligible entity, by completing an Entity Registration Update form, may request at any time that its current DBID be deactivated and a new DBID assigned. For instance, if you believe that your entity's DBID has been compromised in any way, or if your entity merges with another entity. The reason for requesting a new DBID must be provided on the completed form when it is returned to the HIPDB for processing.

### **Reactivating a Data Bank Identification Number**

If your entity's DBID is currently inactive and your entity determines that it should be active, the Certifying Official should obtain an *Entity Registration Update* form from our website to request that the DBID be reactivated. The reason for reactivation must be provided on the completed form when it is returned to the HIPDB for processing.

### **Updating Entity Information**

If your entity's name, address, statutory authority, organization type, Certifying Official, or any other item of your registration information changes, your entity's Certifying Official should obtain an *Entity Registration Update* form from our website.

When the HIPDB receives updated entity information, the updated information is processed into the HIPDB computer system and an *Entity Registration Verification* document, reflecting the changes submitted, is mailed to the entity's Certifying Official. The Certifying Official should read the document carefully and, if the document contains any errors, follow the instructions provided on the document for correcting the inaccurate information.

### **Lost Your Data Bank Identification Number?**

If your data become corrupted or you want to deactivate your current DBID and activate a new one, call the NPDB-HIPDB Help Line for assistance.

## **Individuals Who May Report to and/or Query on Behalf of Entities**

Queries and reports may be submitted to, and responses may be retrieved from, the HIPDB on behalf of registered entities by Authorized Submitters or Authorized Agents. These individuals are defined as follows:

### **Authorized Submitter**

An Authorized Submitter is the individual selected and empowered by a registered entity to certify the legitimacy of information reported to or requested from the HIPDB via the IQRS. In most cases, the Authorized Submitter is an employee of the organization submitting the report or query (such as an Administrator, Medical Staff Services Officer, or Risk Manager). An entity may choose to have multiple Authorized Submitters. For example, an entity may designate a particular individual within the organization to be the Authorized Submitter for reporting, and another individual to be the Authorized Submitter for querying. The Authorized Submitter is often the individual designated by the organization to submit and

retrieve report and/or query responses from the HIPDB; however, other response staff personnel may be designated, as desired.

### **Authorized Agents**

Registered entities may elect to have outside organizations report to and/or query the HIPDB on their behalf. An organization that reports to and/or queries the HIPDB on an entity's behalf is referred to as the Authorized Agent. In most cases, an Authorized Agent is an independent contractor to the entity (e.g., National Council of State Boards of Nursing, Federation of Chiropractic Licensing Boards, Credentialing Verification Organization) used for centralized credentialing and/or professional oversight.

Entities must ensure that certain guidelines are followed when designating an Authorized Agent to report and/or query on their behalf. Entities should establish a written agreement with the Agent confirming the following:

- The Agent must be authorized to conduct business in the State.
- The Agent's facilities must be secure to ensure the confidentiality of HIPDB responses.
- The agreement with the Authorized Agent must explicitly prohibit the Agent from using information obtained from the HIPDB for any purpose other than that for which the disclosure was made. For example, two different health plans designate the same Authorized Agent to query the HIPDB on their behalf. Both health plans wish to request information on the same practitioner. The Authorized Agent must query the HIPDB **separately** on behalf of each health plan. The response to a HIPDB query submitted for one health plan cannot be shared with another health plan.
- The entity should ensure that the Authorized Agent has a copy of the most recent Guidebook (which includes the regulations and the civil money penalty regulations of the Office of Inspector General, HHS, at 45 CFR Part 1003) and should make the Authorized Agent aware of the sanctions that can be taken against the Authorized Agent if information is requested, used, or disclosed in violation of HIPDB provisions.

### **Designating Authorized Agents**

Before an Authorized Agent may act on behalf of an entity, the entity must designate the Agent to interact with the HIPDB on its behalf. Registered entities that want to designate an Authorized Agent should obtain an *Authorized Agent Designation* form from the NPDB-HIPDB website. The entity must complete the form, providing the Authorized Agent's name, DBID (if known), address, and telephone number; and the entity's response routing and fee payment preferences, and return it to the HIPDB.

Authorized Agents must be registered with the HIPDB before they can be designated to report and/or query on behalf of eligible entities. If the Agent is not registered with the HIPDB, the Agent must obtain an *Authorized Agent Registration* form from the NPDB-HIPDB website. Once the Agent is registered, a DBID and an electronic mailbox password will be assigned to that Agent, and the entity can designate that Agent to report and/or query on its behalf.

HIPDB responses to reports and queries submitted by an Authorized Agent will be routed to **either** the eligible entity **or** its Authorized Agent, as indicated by the entity on the *Authorized Agent Designation* form. If the entity wishes to retrieve responses from the IQRS via its own electronic mailbox, the entity must have access to the Internet (i.e., an Internet Service Provider) and an Internet browser (either Microsoft Internet Explorer or Netscape Communicator, Version 4.0 or newer).

An Authorized Agent should have only **one** DBID, even though more than one entity may designate the Agent to query the HIPDB. If an Authorized Agent has been issued more than one DBID, the Authorized Agent should obtain an *Agent Registration Update* form from our website, indicating which DBID it intends to use and to request that any other DBIDs be deactivated.

Any changes to an Authorized Agent designation, such as a change to response routing or termination of an Authorized Agent's authorization to query on an entity's behalf, must be submitted by the entity. If changes in an Authorized Agent designation are required, the entity should obtain an *Authorized Agent Designation Update* form from the NPDB-HIPDB website.

## Questions and Answers

### 1. How do I know if my organization is an eligible entity?

To be eligible to participate in the HIPDB, an organization must meet the definition of a Government agency or a health plan, as defined under Section 1128E of the *Social Security Act*. See §61.3, Definitions, of the HIPDB regulations.

### 2. Can the HIPDB certify or verify that my organization is eligible to report or query?

Each entity must determine its own eligibility to participate in the HIPDB. The HIPDB regulations describe the criteria for eligibility. Other informational materials designed to assist you in determining your organization's eligibility can be found on the NPDB-HIPDB website.

### 3. Does my entity have to notify the HIPDB when we have a new Certifying Official?

Yes. The eligible entity gives the Certifying Official authority to certify the legitimacy of registration information provided to the HIPDB. The person authorized by the entity to act as the Certifying Official may change at any time at the discretion of the entity. However, the HIPDB makes a record

of the staff title and name of the individual assigned as the Certifying Official and should be notified when changes occur.

**4. Can my organization query the HIPDB if we are not mandated reporters under Section 1128E?**

No. The statute defines queriers and reporters as the same organizations.

**5. If my entity queries the HIPDB, is it also required to report? Conversely, if my entity reports to the HIPDB, is it automatically eligible to query?**

Yes. Entities that report to HIPDB are automatically eligible to query.

**6. Is my entity required to query the HIPDB?**

No. Section 1128E does not set mandatory querying requirements for any entity.

**7. Can my entity have more than one DBID?**

If you have multiple departments or people who handle HIPDB querying and/or reporting, you may register each department or person separately and receive a separate DBID for each one. However, it should be noted that the different DBIDs cannot help each other (i.e., one department cannot download a response from a query entered by another department with a different DBID). Also, special care must be taken to be sure that the same report or query is not submitted twice.

**8. Which law enforcement agencies will have access to the HIPDB?**

The following are examples of law enforcement agencies that are eligible to access the HIPDB: the Office of Inspector General in the Department of Health and Human Services, the Department of Justice, the Federal Bureau of Investigation, the State Medicaid Fraud Control Units, the State Attorneys General, the District Attorneys, and the State law enforcement agencies that are involved in health care investigations. In addition, other Federal Inspectors' General and other Federal law enforcement agencies that are involved in health care investigations are eligible to access the HIPDB.

**9. Are hospitals eligible to access the HIPDB?**

Section 1128E does not allow hospitals to query or report to the HIPDB unless the hospital meets the definition of a health plan or Federal or State agency.