

March 4, 2003

## VHA REQUIREMENT TO QUERY THE FEDERATION OF STATE MEDICAL BOARDS

**1. PURPOSE:** This Veterans Health Administration (VHA) Directive provides guidance for the initiation of a documented query of the Federation of State Medical Boards Disciplinary Service and monitoring through the Federation of State Medical Boards Disciplinary Alerts Service.

### 2. BACKGROUND

a. The Federation of State Medical Boards (FSMB) operates the Federation Physician Data Center, a nationally recognized system for collecting, recording and distributing to state medical boards and other appropriate agencies data on disciplinary actions taken against licensees by the boards and other governmental authorities. The FSMB Physician Data Center is a central repository for formal actions taken against physicians by State licensing and disciplinary boards, Canadian licensing authorities, the United States (U.S.) armed forces, the U.S. Department of Health and Human Services (HHS), and other regulatory bodies. This information is available to licensing and disciplinary boards, the military, governmental and private agencies and organizations involved in the employment and/or credentialing of physicians.

b. To be included in the Data Center, an action must be a matter of public record or be legally releasable to State medical boards or other entities with recognized authority to review physician credentials. Actions fall into two categories: prejudicial (e.g., revocations, probations, suspensions, or consent orders) and non-prejudicial (e.g., reinstatements of licensure, replacement of lost or destroyed licenses, or license denials). Once reported to the FSMB, an action becomes part of the physician's permanent record.

c. In January 1997, VHA issued Information Letter 10-97-003, Federation of State Medical Boards Query, Credentialing and Privileging Program, indicating that a query of the FSMB was no longer required, but could be used to supplement other information obtained during the credentialing process. In April 2002, the Associated Press released a report criticizing the Federal Government for hiring physicians who had been "convicted of crimes or disciplined by State medical boards." Subsequent to this report, VHA reviewed the credentials of all physicians and used the FSMB Physician Data Center to ensure that all physicians were appropriately vetted. These queries yielded information on some VHA providers not obtained through other sources.

d. One component of VHA's Patient Safety Program is quality credentialing. With heightened need for attention to physician credentials and the opportunity to supplement practitioner information and primary source verification, VHA is re-initiating the query of the FSMB, as well as initiating the monitoring of licensure actions through the FSMB Disciplinary Alerts Service.

**THIS VHA DIRECTIVE EXPIRES ON MARCH 31, 2008**

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e. The VHA Credentialing and Privileging policy, outlined in VHA Handbook 1100.19, requires that physicians must be fully credentialed and privileged prior to initial appointment and, at a minimum, every 2 years after the initial appointment. **NOTE:** *This data collection falls under the Office of Management and Budget (OMB) approval Number 2900-0631.*

**3. POLICY:** It is VHA policy that all individuals who are permitted by law and the facility to provide patient care services independently must be credentialed in accordance with VHA Handbook 1100.19.

**4. ACTION:** The facility Director is responsible for ensuring that VHA Handbook 1100.19 is followed and that:

a. In addition to the requirements outlined in VHA Handbook 1100.19, physician applicants, including physician residents who function outside of the scope of their training program, e.g., who are appointed as Admitting Officer of the Day, must be screened through the FSMB disciplinary files with the response documented in the VetPro credentials file.

b. **For the Initial Appointment.** The applicant for an initial appointment must be screened against the FSMB disciplinary files via direct computer access using VetPro in accordance with the following procedures (see Attachment A for guidance in the decision making process). The only exception to this will be for those providers being appointed in accordance with the policy on Temporary Appointments for Urgent Patient Care Needs (VHA Handbook 1100.19) described in subparagraph 4d.

(1) The physician must submit a complete VetPro application.

(2) To allow for the greatest matching ability in the query of the FSMB disciplinary file, the *Education* screen must be in a verified status either through verification of education or for International medical graduates, the *ECFMG* screen must be in a verified status prior to the submission of the query. VetPro will not allow for a query to be submitted if one of these two screens is not in a verified status.

(3) The facility designee, e.g. the credentialing staff, must submit the electronic query through the VetPro *FSMB Query* screen of the provider's record.

(4) VetPro electronically receives the response from the FSMB and appends it to the *License* screen. If there is no match on the query, this will be displayed on the VetPro *License* screen similar to the no match response received from the National Practitioner Data Bank (NPDB) stating "No Report." If there is a match to the FSMB query, the response, a Portable Document Format (PDF) file, is retrievable through the VetPro *License* screen. It can be viewed when VetPro launches Adobe Acrobat 5.0 for viewing and printing.

c. **For the Reappointment of Current VHA Providers.** Those practitioners who held Department of Veterans Affairs (VA) medical treatment facility appointments and were enrolled in VetPro prior to April 26, 2002, have been submitted to the FSMB for screening against the FSMB Disciplinary Files by VA Central Office during the national review of appointed practitioners, May 2002, if necessary information was available in VetPro. At the time of their

next appointment to the medical staff, confirmation of this query, or identification of need to query, must be in accordance with the following procedures (see Att. A for guidance in the decision-making process).

(1) For those providers for whom there was a *Match* with the FSMB Disciplinary Files, reports were forwarded to the appropriate facility for scanning in to the *Licensure* screen. For those providers who had not submitted credentialing information through VetPro when the report was returned to the facility, it may have been screened in to the *Personal Profile* screen.

(2) When the VA Central Office screening produces *No Match*, VA facilities are being provided the information for documenting that a query was made, the date of the query, and the query batch number. Facilities are directed to document this information on a Report of Contact on the VetPro *Licensure* screen.

(3) If through this process there is no documented query of the FSMB, then:

(a) The *Education* screen must be in a verified status, either through verification of education or for International medical graduates, the *ECFMG* screen must be in a verified status prior to the submission of the query. **NOTE:** *VetPro does not allow for a query to be submitted if one of these two screens is not in a verified status.*

(b) The facility designee, e.g. the credentialing staff, must submit the electronic query through the VetPro *FSMB Query* screen of the provider's record.

(c) VetPro receives the response from FSMB and appends it to the *License* screen. If there is no match on the query, this will be displayed on the VetPro *License* screen similar to the no match response received from the NPDB stating "*No Report.*" If there is a match to the FSMB query, the response, a PDF file, is retrievable through the VetPro *License* screen. It can be viewed when VetPro launches Adobe Acrobat 5.0 for viewing and printing.

d. **For a Temporary Appointment for Urgent Patient Care Needs.** In those instances where there is a documented urgent patient care need requiring a temporary appointment, a query to the FSMB must be performed in accordance with the following procedures (see Att. A for guidance in the decision-making process):

(1) The VetPro *Temporary Enrollment* Screen must be completed by the VA medical center staff.

(2) The facility designee, e.g., the credentialing staff, must submit the electronic query through the VetPro *FSMB Query* screen of the provider's record.

(3) VetPro receives the response from FSMB and appends it to the *License* screen. If there is no match on the query, this is displayed on the VetPro *License* screen similar to the no match response received from the NPDB stating "*No Report.*" If there is a match to the FSMB query, the response, a PDF file, is retrievable through the VetPro *License* screen. It can be viewed when VetPro launches Adobe Acrobat 5.0 for viewing and printing.

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e. **For the On-station Contract Practitioners.** On-station contract practitioners must be screened against the FSMB Disciplinary Files through VetPro for each medical staff appointment to each VA facility. This screening must be documented each time on the *Licensure* screen (see Att. A for guidance on the decision-making process). The only exceptions to this requirement are:

- (1) If there were no clinical practice between VA facility assignments, and
- (2) The time between VA facility assignments is less than 30 calendar days.

f. **For a Break in Service.** If a practitioner has a break in service greater than 30 days or has practiced medicine during any break in service regardless of the length of time, a new screening against the FSMB Disciplinary Files is required. Files that have been previously archived through inactivation in the VetPro system and are re-activated for appointment at a VA facility require a new screening against the FSMB Disciplinary Files. In both instances, this screening against the FSMB Disciplinary Files must be in accordance with this Directive.

g. **For Appointments and Privileges.** No appointment to the medical staff and no privileges are to be granted without documentation in the VetPro file of a screening against the FSMB Disciplinary Files. It must be documented in the VetPro file that information obtained through screening with the FSMB Disciplinary Files is verified through the primary source and that this information has been considered during the appointment process. If additional information is needed from the practitioner in response to this information, it must be obtained through, and documented in, VetPro.

h. **For Monitoring.** Those practitioners who have been screened against the FSMB Disciplinary Files by VA Central Office, or who will be screened through VetPro, are placed in VHA's FSMB Disciplinary Alerts Service. Those practitioners entered into the VHA's FSMB Disciplinary Alerts Service are continuously monitored. Any orders reported to the FSMB from licensing entities, as well as the HHS Office of Inspector General and the Department of Defense, will initiate an electronic alert that an action has been reported to the VHA Director, Credentialing and Privileging.

(1) The registration of practitioners into this system is based on these queries and only on these queries.

(2) This monitoring is on-going for registered practitioners.

(3) Alerts received by the VHA Director, Credentialing and Privileging, must be forwarded to the appropriate VA facility for primary source verification, appropriate action, and inclusion in the practitioner's credentials file.

(4) Practitioner names are removed from the VHA FSMB Disciplinary Alerts Service when:

- (a) The practitioner file is inactivated in VetPro, and/or
- (b) The practitioner appointment lapses in VetPro.

(5) In either of these instances, notation must be made in the VetPro file on the VetPro *Appointment* screen of removal from the VHA FSMB Disciplinary Alerts Service. Such a notation requires a new query to the FSMB Disciplinary Files if the provider is appointed in VHA at a future time; this places the practitioner's name back into the monitoring process.

- i. The FSMB invoices the VA facility for the queries made on a monthly basis.

**5. REFERENCES**

- a. VHA Handbook 1100.19, Credentialing and Privileging, March 6, 2001.

- b. Acting Chief Quality and Performance Officer Memorandum, August 30, 2002, Subject: Results of VA Central Office Queries of the Federation of State Medical Boards.

**6. FOLLOW-UP RESPONSIBILITY:** The Office of Quality and Performance (10Q) is responsible for the content of this Directive.

**7. RESCISSIONS:** None. This VHA Directive will expire on March 31, 2008.

S/ Nevin M. Weaver for  
Robert H. Roswell, M.D.  
Under Secretary for Health

Attachment

DISTRIBUTION: CO: E-mailed 3/4/2003  
FLD: VISN, MA, DO, OC, OCRO, and 200 – E-mailed 3/4/2003









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