

### Answers to Part 1 – Question 1

For NPDB reporting purposes, had Memorial Hospital begun an investigation into Dr. X's situation?

A. No. There is no specific reference in an "investigation" in Dr. X's situation thus far.

(Incorrect) An investigation is not limited to a health care entity's gathering of facts or limited to the manner in which the term "investigation" is defined in a hospital's by-laws. In this case, though there was no specific reference to "investigation" the external peer review does count as one.

**B. Yes. An investigation began when Dr. X became the subject of an external peer review following complications from his laparoscopic surgeries. (Correct)** Dr. X was subject to a formal, targeted process used when issues related to Dr. X's professional competence or conduct were identified; this is considered an investigation for the purposes of reporting to the NPDB.

C. Yes. An investigation began when the Medical Executive Committee implemented a review of Dr. X's laparoscopic practice to include proctoring his next 15 cases. (Incorrect) The investigation began when Dr. X was subject to the external peer review; an investigation, then, was already ongoing before a review with proctoring started.

### Answers to Part 1 – Question 2

If yes, should Memorial Hospital submit an NPDB report indicating Dr. X was under investigation for laparoscopic surgeries?

A. **Yes. Investigations for professional competence or professional conduct are reportable to the NPDB. (Incorrect)** Investigations should not be reported to the NPDB. However, a surrender of clinical privileges or failure to renew clinical privileges while under investigation or to avoid investigation must be reported.

B. No. Investigation should not be reported unless a physician or dentist surrenders or fails to renew clinical privileges, or if privileges are restricted while the practitioner is under investigation by a health care entity for possible incompetence or improper professional conduct, or in return for not conducting an investigation. In such cases, the surrender or restriction must be reported. (Correct)

### Answers to Part 2 – Question 1

How many reports should Memorial Hospital have submitted to the NPDB to fulfill their reporting obligations in this scenario?

**A. One report. Memorial Hospital was required to submit a report when Dr. X resigned from the medical staff following the investigation into complaints he asked a staff member to change certain details in a patient's medical records. (Correct)** Dr. X's resignation was reportable because it occurred during an investigation for possible professional incompetence or improper professional conduct.

B. Two reports. Memorial Hospital was required to submit an Initial report detailing Dr. X's proctoring requirement while performing laparoscopic surgeries. Later, Memorial Hospital was required to submit a Revision-to-Action report detailing Dr. X's resignation following investigation of the medical records tampering incident. (Incorrect) The proctoring requirement was part of the investigation of Dr. X and not a reportable action. The resignation while under investigation was reportable to the NPDB.

### **Answers to Part 2 – Question 2**

What if there had been no “medical record tampering incident.” Instead, several months later, Dr. X resigned from the medical staff to take a more lucrative job elsewhere. At the time he resigned, he had completed only 10 of his 15 cases. Did Memorial Hospital have an NPDB reporting obligation concerning Dr. X?

A. No. If there was no medical records tampering incident, then there was no investigation concerning Dr. X. (Incorrect) There does not need to be a medical records tampering incident for Dr. X. All there needs to be is an investigation of his professional competence and/or professional conduct, and during that investigation, Dr. X resigns from Memorial Hospital.

**B. Yes. The Medical Executive Committee's focused review of Dr. X's laparoscopic practice to include proctoring was an investigation that had not concluded. Therefore, Dr. X is considered to have resigned while under investigation. (Correct)** An investigation is considered ongoing until the health care entity's decision-making authority takes a final action or formally closes the investigation. Dr. X resigned before an investigation concluded, and was therefore reportable.