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What You Should Know Before You Agree to Licensure Discipline: Is It Reportable to the National Practitioner Data Bank?

Federal regulations govern what state medical boards must report to the National Practitioner Data Bank, and the [National Practitioner Data Bank Guidebook](#) helps summarize and interpret these regulations.

What Discipline is Reportable to the National Practitioner Data Bank?

Federal regulation requires that “**any adverse action** taken by the licensing or certification authority of that state [i.e., the State Board of Medical Examiners] including revocation or suspension of a license...reprimand, censure, or probation....**any negative actions** or findings by such authority, organization or entity regarding the health care practitioner” be reported to the NPDB. [45 C.F.R. § 60.9\(a\)\(1\)](#) and (4). What does this mean, exactly?

Well, federal regulations define a negative action as anything placing a “limitation on the scope of practice,” for example, a restriction on a physician’s ability to prescribe certain schedules of drugs.

What is NOT Reportable to the National Practitioner Data Bank?

The definition of what is reportable specifically **excludes** “administrative fines or citations and corrective action plans and other personnel actions.” [45 C.F.R. § 60.3](#).

The National Practitioner Data Bank Guidebook goes on to confirm that fines and other monetary sanctions should not be reported to the Data Bank, along with settlement agreements that impose monitoring, unless such monitoring restricts the individual’s license.

Why Does it Matter if an Action is Reported to the NPDB?

Almost every employer will query an individual in the NPDB before hiring him or her to work at a hospital, clinic, or pharmacy. If you have reported discipline on your profile, this will adversely affect your desirability as an employee as well as your ability to obtain and maintain employment.

If you are offered a consent order in lieu of a formal disciplinary proceeding, carefully consider negotiating your consent order to reflect actions that are NOT reportable to the NPDB such as corrective action plans, civil penalties, and monitoring agreements that do not restrict your license.

Additionally, it is crucial to be aware of your state medical board's policies on reporting—even though the NPDB specifically excludes civil penalties from reportable action, some boards report such action to the NPDB anyway. Such actions are worth appealing with the NPDB, because they directly contradict the intent and purpose of the NPDB. The steps for appealing something inaccurately reported to the NPDB can be found in the [NPDB Guidebook](#).

If you have questions about reporting to the NPDB or appealing a report, please contact me at afisher@fbtlaw.com.

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