

Welcome!

The Medical Malpractice Payment Reporting (MMPR) Webinar will begin momentarily.

Audio is “off” until the presentation starts.





The National Practitioner Data Bank

Medical Malpractice Payment Reporting (MMPR)

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Bureau of Health Workforce, Division of Practitioner Data Bank

Vision: Healthy Communities, Healthy People



Before we get started...

- Download Presentation
- Q&A and Chat Pods
- Satisfaction Survey
 - We welcome your feedback!
- Recordings of this and previous webinars on the NPDB Website

Popular Resources

NPDB Guidebook

The guidebook serves as a policy manual for the NPDB.

Events

Learn about upcoming webcasts and watch recordings of past events.

NPDB Infographics

Educational guides that explain NPDB concepts in a visual, easy-to-understand format.

Policy Corner

A resource for your questions about the laws and regulations governing NPDB operations.



Please note

This presentation and discussion is intended only as a general overview of NPDB Medical Malpractice Payment Reporting (MMPR) requirements. We will **NOT** address all possible situations in which an MMPR should, or should not, be submitted to the NPDB. We cannot provide specific legal or medical advice or guidance in this area. If you have questions or need clarification regarding specific situations your best option is to contact our [Customer Service Center](#) at help@npdb.hrsa.gov or call 1-800-767-6732.



Agenda

- 1 About the NPDB
- 2 Selected MMR Data and Trends
- 3 Reporting Requirements
- 4 Examples/Scenarios
- 5 Polling Questions and Resources



About the National Practitioner Data Bank

The National Practitioner Data Bank (NPDB) is a web-based repository of reports containing information on medical malpractice payments and certain adverse actions related to health care practitioners, providers, and suppliers.

Established by Congress in 1986, it is a workforce tool that prevents practitioners from moving state to state without disclosure or discovery of previous damaging performance.

The mission of the NPDB is to improve health care quality, protect the public, and reduce health care fraud and abuse in the U.S.

The NPDB charges query fees to meet its statutory requirement to recover the full cost of operations.



Question & Answer

Question 1:

Do medical malpractice payers have to report payments made for the benefit of a deceased practitioner?



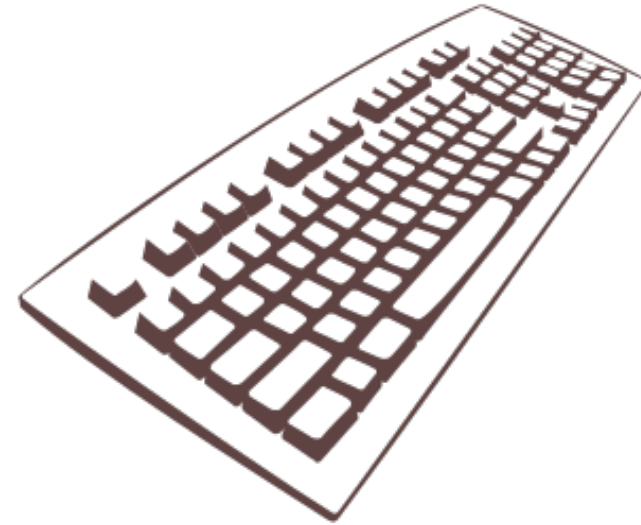
Question & Answer

Answer 1:

Yes. Because fraudulent practitioners may seek to assume the identity of a deceased practitioner.



Medical Malpractice Reporting Data



General Overview – NPDB Statistics

Aggregate Data

1.87+ million REPORTS



23+ thousand ENTITIES



913 thousand PRACTITIONERS



2024 Data

66.7 thousand NEW REPORTS



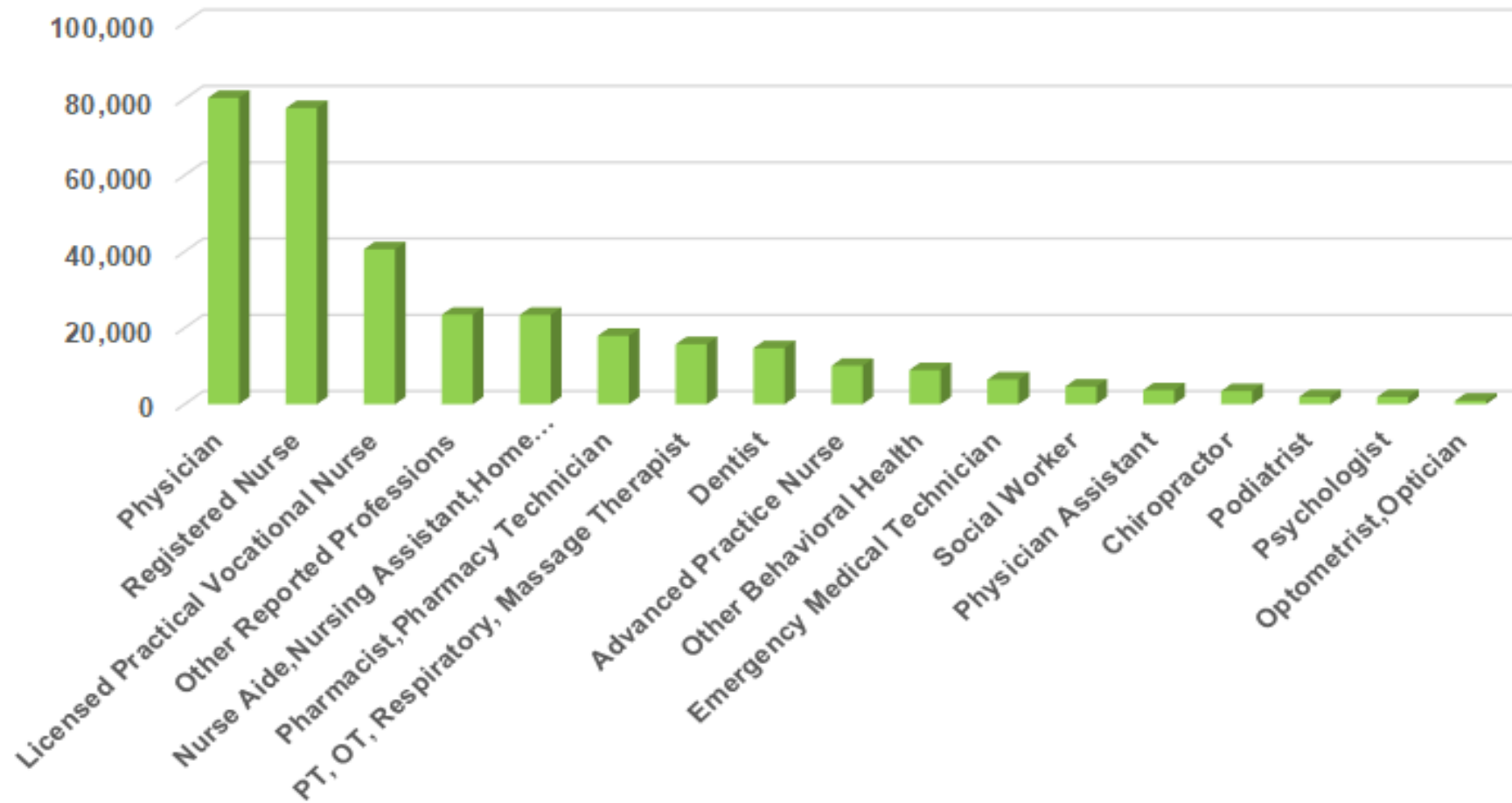
14.9+ million QUERIES



2.35 million DISCLOSURES



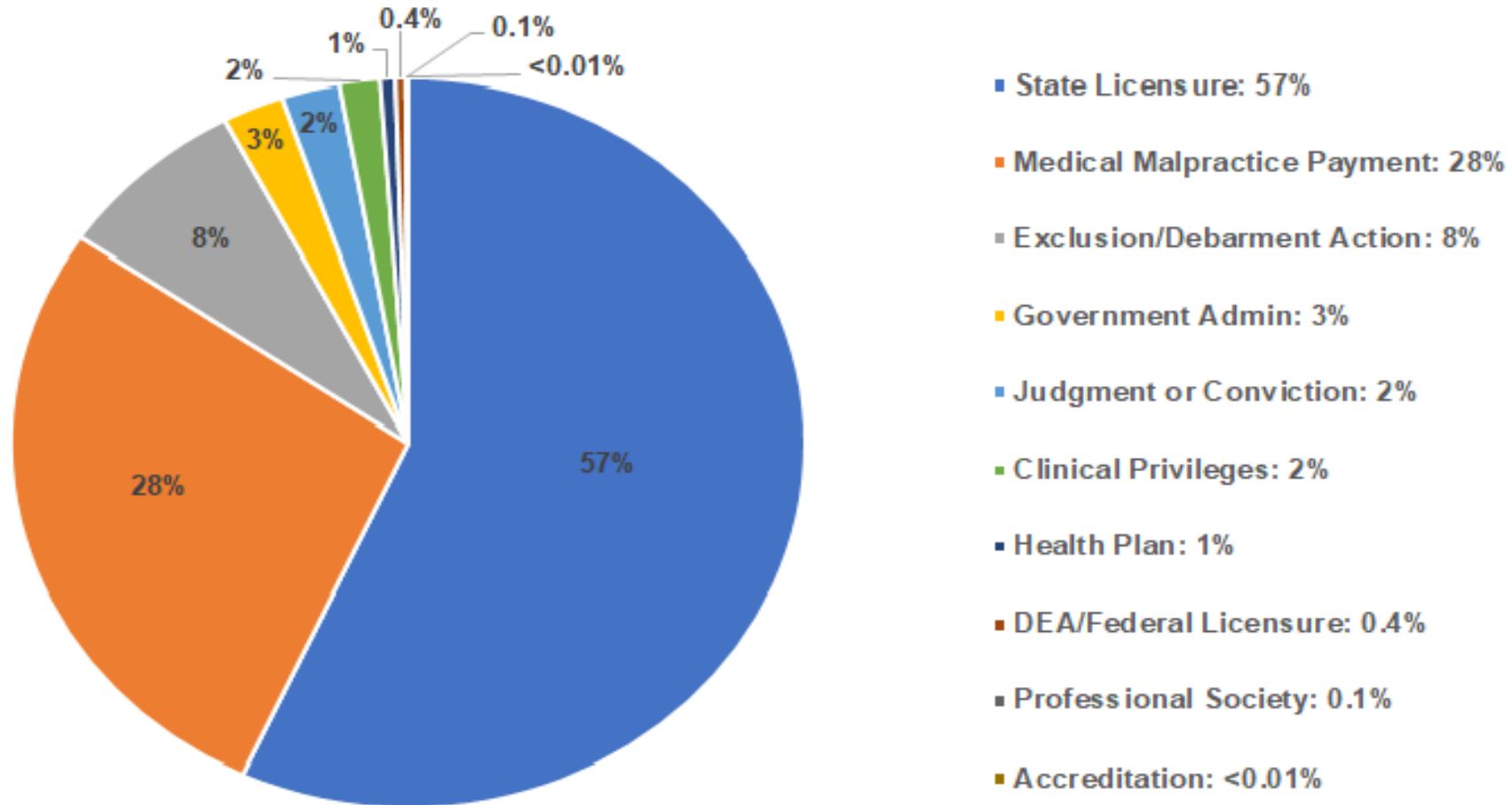
Reporting – Reports on Individuals by Profession



Years 2020 – 2024 (N = 352,281)

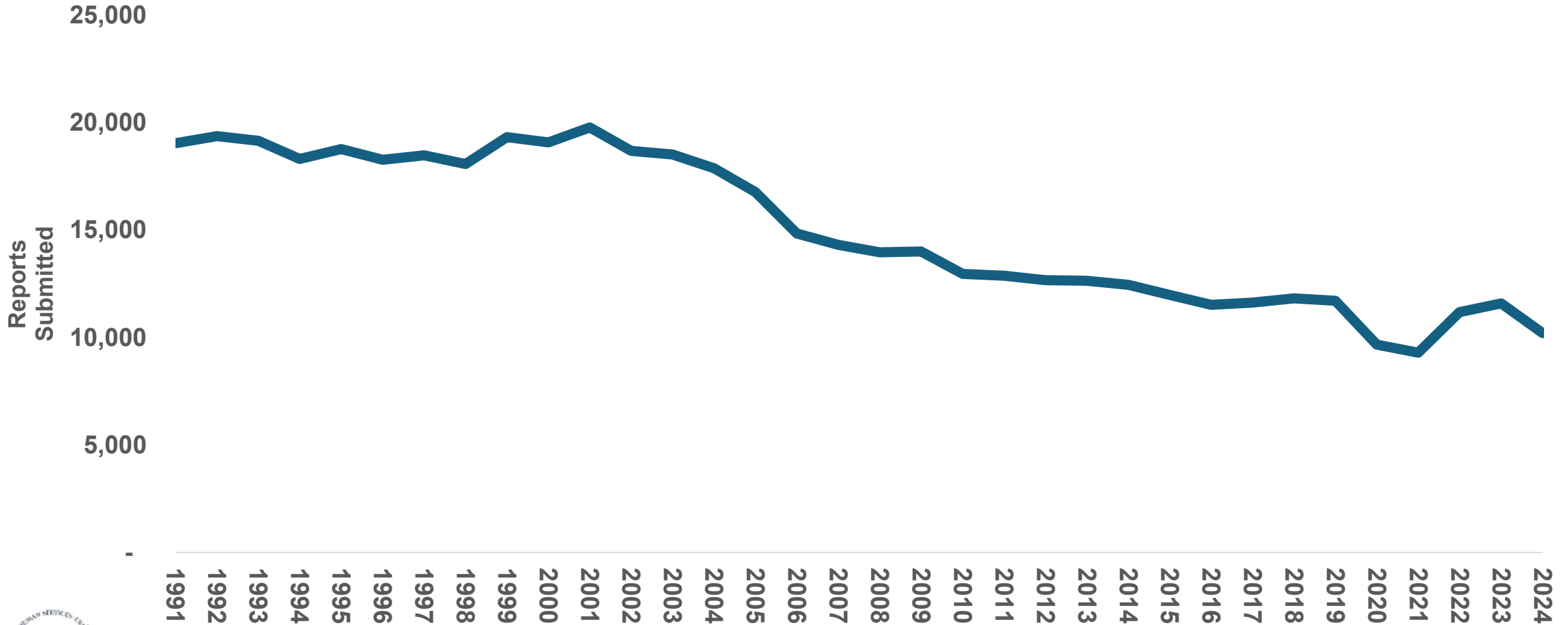


Reporting – NPDB Reports by Type

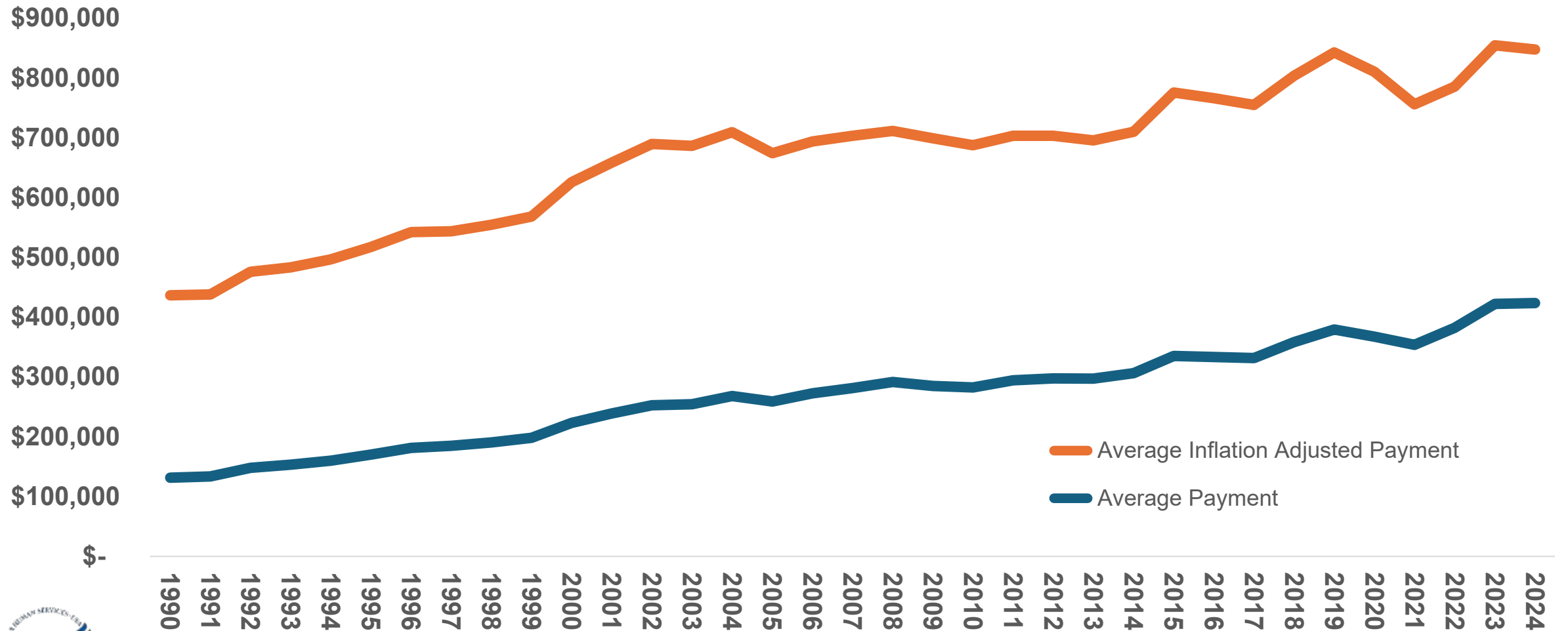


1.87M+ reports as of December 31, 2024

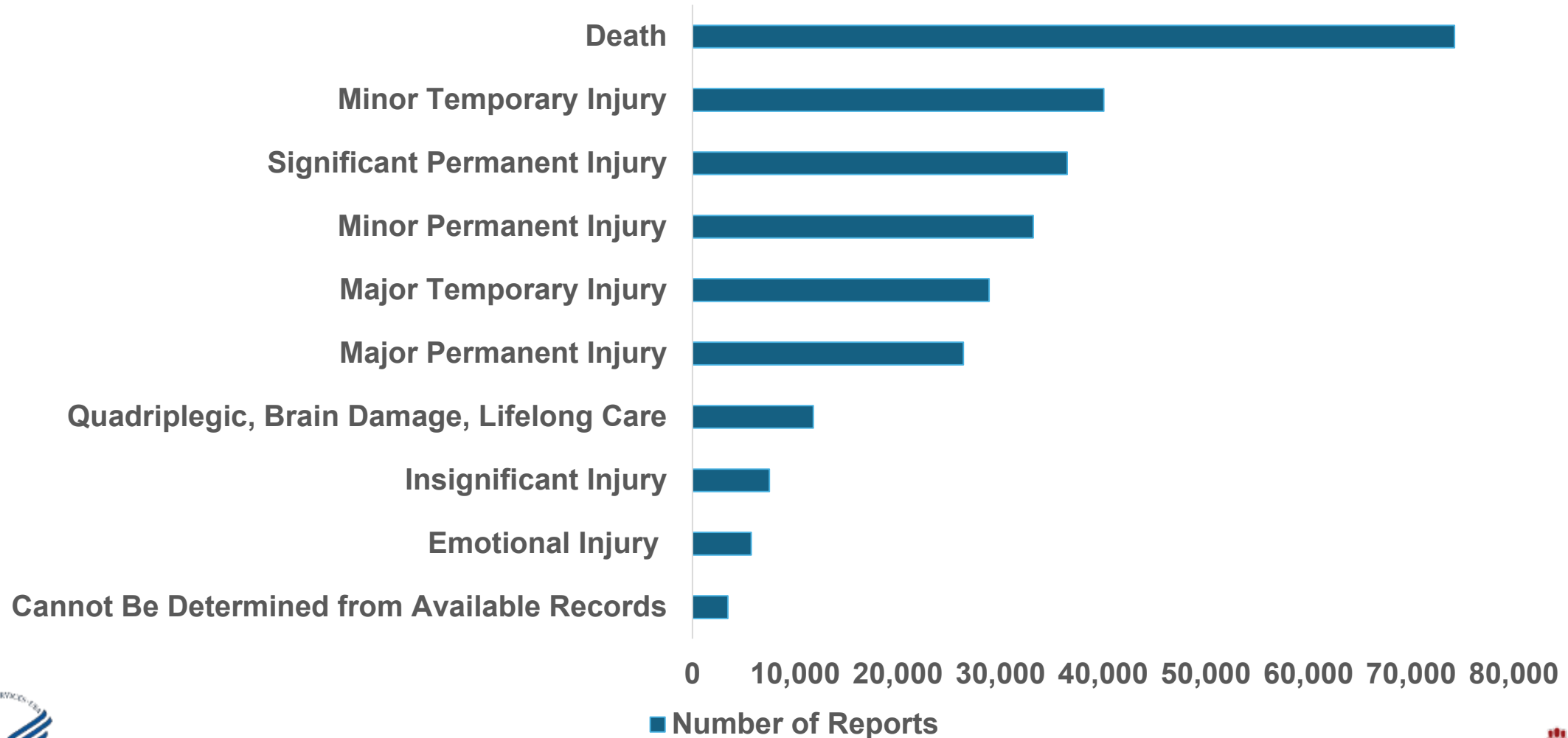
Number of MMPR Reports, 1990-2024



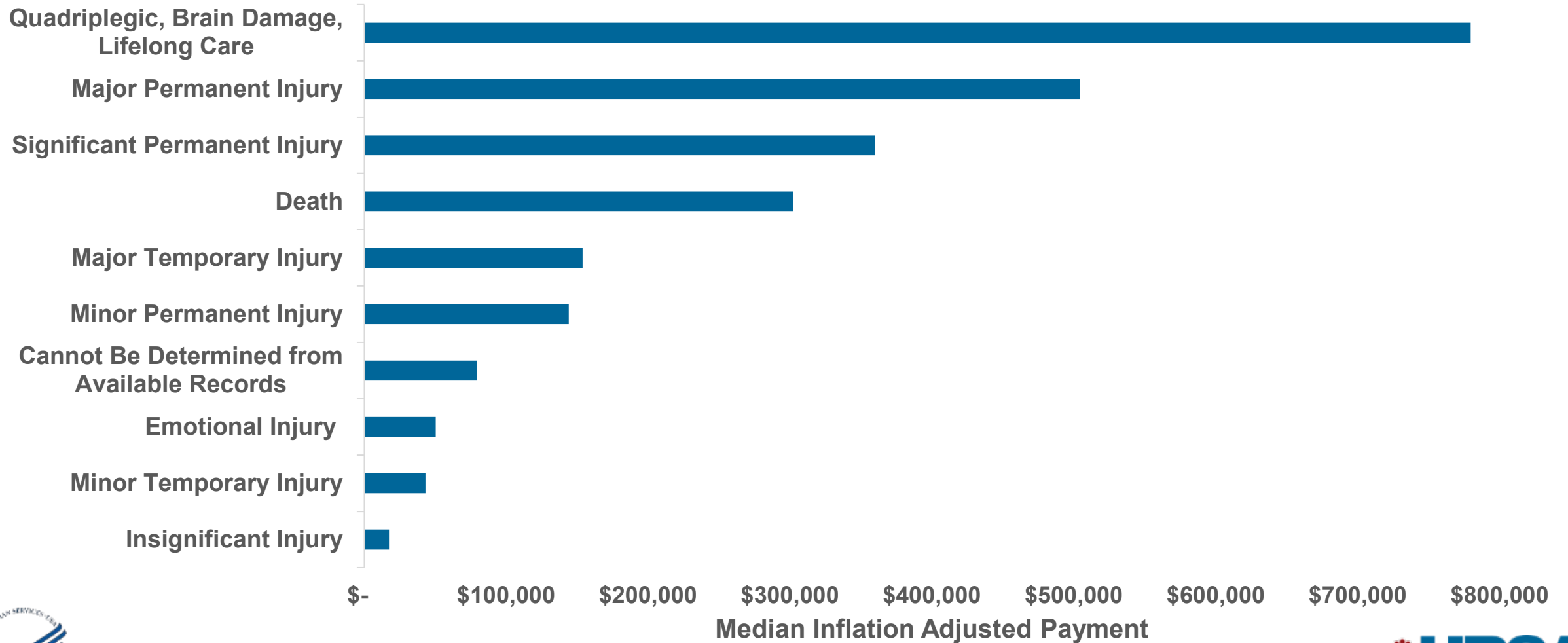
Average Payment Amount for MMPRs, 1990-2024



MMPRs by Patient Outcome 1990-2024



Median Inflation Adjusted Payment by Outcome, 1990-2024



Medical Malpractice Reporting Requirements



Medical Malpractice Payment Reporting

The Law:

As stated in Section 60.7 of the NPDB regulations:

“Each entity, including an insurance company, which makes a payment under an insurance policy, self-insurance, or otherwise, for the benefit of a health care practitioner in settlement of or in satisfaction in whole or in part of a claim or a judgment against such health care practitioner for medical malpractice, must report information as set forth in paragraph (b) of this section to the NPDB and to the appropriate state licensing board(s) in the state in which the act or omission upon which the medical malpractice claim was based.”



Medical Malpractice Payment Reporting

...60.7 of the NPDB regulations, continues by noting that a “payment in settlement of a medical malpractice action or claim shall not be construed as creating a presumption that medical malpractice has occurred.”



Medical Malpractice Payment Reporting

To be reported to the NPDB, an MMPR MUST:

1. Be the result of a written complaint or claim demanding monetary payment for damages. *(The written complaint or claim must be based on a practitioner's provision of or failure to provide health care services.)*
2. Document that the practitioner was named or identified in the complaint or claim demanding monetary payment and in the settlement release or final adjudication.
3. Document that a payment was made on behalf of the practitioner named in the settlement of a claim. *

**(Both settlements and judgments, no dollar threshold for reporting)*



Question & Answer

Question 2:

A Defendant health care practitioner agreed to settle a medical malpractice claim in exchange for being dismissed from a lawsuit. All parties involved in the lawsuit agreed to the condition. Should the resulting payment be reported to the NPDB?



Question & Answer

Answer 2:

Yes. Because the payment is the result of the condition that the defendant health care practitioner be dismissed from the lawsuit, the payment can only be construed as a payment for the benefit of the health care practitioner and must be reported to the NPDB.



Medical Malpractice Payment Reporting

Non-Reportable Payments

- Medical malpractice payments made solely for the benefit of a corporation such as a clinic, group practice, or hospital.
- A person, rather than a professional corporation or business entity, makes a payment out of personal funds.
- Defendant health care practitioner is dismissed from the lawsuit before settlement or judgment and not as a condition in the settlement or release.

Note: Confidential terms of a settlement do not excuse a reporting entity from submitting an MMPR Report to the NPBD.



Medical Malpractice Payment Reporting

Non-Reportable Payments – Continued

- Practitioners not named or described in a written demand or lawsuit.
- Waiver of debt.
- Unlicensed students.



Medical Malpractice Payment Reporting

Important to Note

- Standard of Care determinations are irrelevant for determining reporting requirements.
- Both Title IV and NPDB regulations recognize: An MMPR report ***does not mean*** that malpractice occurred, only that a payment was made.



Question & Answer

Question 3:

A patient makes an oral demand for payment for damages, should the resulting payment be reported to the NPDB?



Question & Answer

Answer 3:

No. Only payments resulting from written demands must be reported to the NPDB. Even if the practitioner transmits the demand in writing to the medical malpractice payer, the payment should not be reported if the patient's only demand was oral. However, if a subsequent written claim or demand is received from the patient and then a payment is made by an entity, that payment must be reported.



Medical Malpractice Payment Reporting

High-Low Agreements

- Contractual agreement that defines the parameters of payments.
- Low-end payments reportable unless the defendant is not found liable.
- Settlement prior to trial with high-low agreement does not alter the requirement to report the settlement payment to the NPDB.



Question & Answer

Question 4:

True or False – A high-low agreement is in place prior to trial. The parties agree to a low-end payment of \$50,000 and a high-end payment of \$200,000. The jury finds the defendant physician liable and awards \$40,000 to the plaintiff in damages.

True or false, the \$40,000 is ***not*** reportable because it did not reach the \$50,000 agreed to by the parties.



Question & Answer

Answer 4:

False. The \$40,000 payment is reportable because the jury found the defendant physician liable. The defendant's insurer must pay an additional \$10,000 as a result of the high-low agreement. The payment to the NPDB should be reported as \$40,000 and the additional \$10,000 explained in the narrative.



Medical Malpractice Payment Reporting

Loss Adjustment Expenses (LAEs)

- LAEs refer to expenses other than those in compensation of injuries, such as attorney fees, billable hours, copying costs, expert witness fees, and deposition and transcript costs.
- LAEs should be reported to the NPDB only if they are included in a medical malpractice payment.
- LAEs should be itemized in the narrative description section of the reporting format.



Question & Answer

Question 5:

If there is no medical malpractice payment and LAEs are paid in order to release or dismiss a health care practitioner from a medical malpractice lawsuit, should the LAEs be reported?



Question & Answer

Answer 5:

No. If LAEs are not included in the medical malpractice payment, then they should not be reported to the NPDB.



Medical Malpractice Payment Reporting

Claims in Alternate Settings

Claims raised in other adjudicative bodies, such as alternative dispute resolution or disclosure, apology, and offer models, are considered “claims” for the purposes of reporting, when they include a **written demand from the patient for compensation.**



Medical Malpractice Payment Reporting

Settlements in Other Adjudicated Actions

Actions that occur in conjunction with settlements in which no findings or admissions of liability have been made, but that meet other NPDB reporting requirements, must be reported.



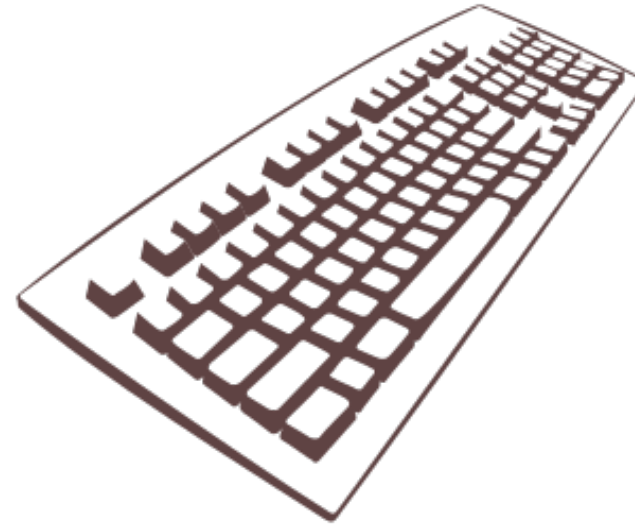
Medical Malpractice Payment Reporting

Federal Agencies Memoranda of Understanding (MOU)

- Several Federal Agency partners reporting of Medical Malpractice Payment Reports to the NPDB are governed by special MOUs with the DHHS. While the specific terms and conditions may vary, the reporting requirements of the respective MOUs supersede the federal regulations and Guidebook requirements governing NPDB reporting of MMPRs.
- Currently, these Agency partners include:
 1. Department of Veterans Affairs
 2. Bureau of Prisons
 3. Department of Defense
 4. Public Health Service
 5. Drug Enforcement Agency (DOJ)
 6. Centers for Medicare and Medicaid Services



Reportable/Non- Reportable Examples



Medical Malpractice Payment Reporting

- A payment made for the benefit of an unlicensed medical resident.
-Not Reportable
- A practitioner defendant released from a medical malpractice lawsuit as a condition of settlement.
-Reportable
- A malpractice settlement or court judgement that includes a stipulation that the terms are kept confidential.
-Reportable
- A practitioner's fee refunded by an entity (including a solo incorporated practitioner) as a result of a written demand.
-Reportable
- A medical malpractice payment made for the benefit of a practitioner who settled out of court.
-Reportable



Polling Questions



NPDB Resources

- Website: www.npdb.hrsa.gov
- [Help Center](#)
- [Guidebook](#)
- [Codes for Reporting and Querying](#)
- [Infographics](#)
- [Recordings of Webinars](#)
- [NPDB Insights](#)
- [Legislation & Regulations](#)
- [Statistical Data & Research Tools](#)



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