



[REDACTED], 2022

**PRIVILEGED AND CONFIDENTIAL**

**\*\*Sent by secure electronic messaging\*\***

[REDACTED]  
Director, System Credentialing, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

RE: **National Practitioner Data Bank Report**  
**REQUEST TO VOID**  
Practitioner: [REDACTED]  
Type of Report: **Medical Malpractice Payment**  
Date of Report: [REDACTED]  
DCN: **5500000** [REDACTED]

Dear [REDACTED]:

This letter regards a request from [REDACTED] MD, that the United States Secretary of Health and Human Services (Secretary) review the above-referenced Medical Malpractice Payment Report (Report) submitted to the National Practitioner Data Bank (NPDB) by [REDACTED] on [REDACTED].

As you are aware, we wrote to you on [REDACTED] and on [REDACTED] requesting documentation concerning the information contained in the above mentioned NPDB Report. Your attorney, [REDACTED], responded with documents on [REDACTED], and on [REDACTED], respectively.

**Medical malpractice** is defined at 45 CFR §60.3 (and further explained on page E-18 of the *NPDB Guidebook*<sup>1</sup>) as a "...written complaint or claim demanding payment based on a health care practitioner's **provision of or failure to provide health care services...**" The practitioner must be named, identified, or otherwise described in *both* the written complaint or claim demanding monetary payment for damages *and* the settlement release or final adjudication, if any. (Pages E-19 through E-20)

The record indicates that Dr. [REDACTED] was named in the written complaint letter demanding payment sent on [REDACTED] by [REDACTED], of [REDACTED] Group, attorney for the patient, to [REDACTED] litigation counsel for [REDACTED]. The record also indicates

<sup>1</sup> October 2018, [www.npdb.hrsa.gov](http://www.npdb.hrsa.gov)

that [REDACTED] was named in the Release and Settlement of Claims document, executed on [REDACTED]

**However, we have reviewed your letters and the record presented to this office, and we have determined that the Report should be voided.** It is our analysis that although the physician is named in the patient's written demand letter, that letter describes the physician's role as that of an individual bringing to light the allegation that [REDACTED]'s clinical facility failed to abide by proper sanitation protocols (which potentially led to the false positive) and not as providing deficient health care services. While [REDACTED] contends that the physician had a significant role in the adverse outcome, that is not reflected in the demand letter, which focuses almost exclusively on [REDACTED]. We do not believe that the record supports the narrative description in the NPDB Report, which characterizes the claim as one regarding the physician's negligence, rather than that of the health care facility.

**Therefore, we request that you please void the Report within thirty (30) calendar days from the date of this letter.** If you have any questions about the process of voiding a Report, please contact the NPDB Customer Service Center at 1.800.767.6732 or via email at [help@npdb.hrsa.gov](mailto:help@npdb.hrsa.gov). The Customer Service Center is open Monday through Friday from 8:30 a.m. to 6:00 p.m. (5:30 p.m. Fridays) Eastern Time. The Customer Service Center is closed on all Federal holidays. If you have additional questions, you may contact the Policy and Disputes Branch at 301.443.2300.

Thank you for your assistance with this matter.

Sincerely,

Digitally signed

[REDACTED]  
[REDACTED]  
Date: [REDACTED]

17:08:19 -04'00'

[REDACTED]  
Chief, Policy and Disputes Branch  
Division of Practitioner Data Bank

cc: [REDACTED], MD