

*Knowledge
replaces
fear.*

Effects of Discipline of a Healthcare Practitioner's License

By Glen D. Crick, Attorney at Law

Note: This article is addressed to those who hold professional licenses issued by the Illinois Department of Financial and Professional Regulation and by similar licensing agencies in other states. This article reflects the opinions of Glen D. Crick, an attorney licensed to practice in Illinois only, and are based on his twenty-seven years' experience investigating, directing investigations and prosecutions, and defending those who become the subject of investigations and prosecutions conducted by regulatory and administrative agencies in Illinois and other states. The information presented is not to be considered "legal advice" and by reading this article, no attorney/client relationship is formed with Mr. Crick or Glen D. Crick, Ltd.

The discipline of a license may be either a reprimand, probation, suspension, or revocation. As a result of a healthcare practitioner's license being disciplined, a number of far reaching consequences may occur. Such consequences are not discussed at the settlement conference with prosecutors and prosecutors may not even be aware of the potential for such consequences. A practitioner who becomes the subject of a disciplinary proceeding, whether it is informal, such as a disciplinary conference, or a formal evidentiary hearing, would do well to consider the potential effects of any discipline of his or her professional license.

- First, the fact that a healthcare practitioner's license is disciplined is reported to the National Practitioner Data Bank (the Data Bank) and will also be reported to the Healthcare Integrity and Protection Data Bank (Healthcare Integrity Data Bank). In turn, the Data Bank and the Healthcare Integrity Data Bank release the information to entities that have "a need to know," such as hospitals and other healthcare facilities,

third-party payers, and credentialing and licensing authorities.

- In addition to the discipline being reported to the Data Bank and the Healthcare Integrity Data Bank, the discipline is listed on the web site of the Illinois Department of Financial and Professional Regulation (the Department), where it is available to anyone with Internet access.
- In most instances, the bylaws or governing documents of any healthcare facility where a practitioner has privileges require the practitioner to immediately report any discipline or change in status of their professional license(s). A disciplined license may be used as grounds to terminate a practitioner's privileges.
- Provider agreements with HMOs, PPOs, and other third-party payers, in most instances, require the immediate reporting of any discipline of a professional license, which may potentially result in the termination of the agreement.
- Even if no action is immediately taken, the Data Bank and the Department will be queried, and discipline reported will be considered, when a practitioner re-credentials with any healthcare facility or when he or she renews or enters into a new provider agreement with an HMO, PPO, or other similar entity.
- Most licensees are required by the terms of their policies to advise their medical malpractice insurance carriers when their license has been disciplined. Depending on the policy terms, a licensee may be required to immediately report that his or her license

Effects of Discipline of a Healthcare Practitioner's License

Continued — Page 2

has been disciplined. If not, when renewing his or her insurance policy, the individual will be asked if any professional license he or she holds has been disciplined.

Ultimately, the discipline of a professional license may cause increased premiums or even cancellation or non-renewal of a policy.

- Further, the discipline of a practitioner's professional license may also result in the discipline of their state issued controlled substance license which may also lead to the loss of the practitioner's federal DEA registration.
- If an individual is licensed to practice in another state, he or she may be required by that state's law to immediately report the discipline of their professional license. Even if an immediate report is not required, he or she will be required to report the discipline when renewing the license. Because most state license laws have a "sister state" disciplinary provision, discipline of a license in one state will often result in similar or even more severe discipline in another state.
- Discipline of a professional license may be used as grounds for debarment and may keep a practitioner from participating in Medicare and Medicaid programs.
- The fact that a professional license been disciplined is a matter of public record. Such information is included in a monthly press release published on the Department's web site which is available to the general public and the news media. The discipline of a professional license is often reported by local media.

Unfortunately, the possibilities listed above are not all-inclusive, and new consequences

continuously arise. Before accepting an offer of discipline, licensees should consider these potential effects of discipline on their ability to practice

Note: The previous information is not intended to discourage someone from settling a case and accepting disciplinary sanctions. Depending on the circumstances, agreeing to discipline of a license may be the best decision, especially when the offered discipline is minimal. However, the disciplinary effects should be considered when deciding to settle a case or force the Department to prove its charges at a formal evidentiary hearing.

About the Author

Glen D. Crick is an attorney who, since 1987, has concentrated his practice in representing healthcare and other licensed professionals before the Illinois Department of Financial and Professional Regulation (IDFPR), the federal Drug Enforcement Administration (DEA), and other regulatory and administrative agencies in Illinois and in other states. Mr. Crick served as Director of Enforcement for the Department from 1980 to 1987, and was responsible for overseeing all investigative and prosecutorial activities of the Department. Prior to that, he was the supervisor of the Northern Illinois Fraud Investigations Unit of the Illinois State Police, Financial Fraud and Forgery Bureau.

For more information, contact Mr. Crick at:

GLEN D. CRICK, LTD.
205 W. WACKER DRIVE, SUITE 1220
CHICAGO, ILLINOIS 60606

TELEPHONE: 312-335-8860
FACSIMILE: 312-335-9482

E-MAIL ADDRESS: GCRICK@CRICKLAW.COM
WEB SITE ADDRESS: WWW.CRICKLAW.COM

~ END ~