



DEPARTMENT OF THE NAVY
BUREAU OF MEDICINE AND SURGERY
2300 E STREET NW
WASHINGTON DC 20372-5300

Canc frp: Jul 2011
IN REPLY REFER TO
BUMEDNOTE 6010
BUMED-M3/5HCS5
6 Jul 2010

BUMED NOTICE 6010

From: Chief, Bureau of Medicine and Surgery

Subj: MEDICAL MALPRACTICE VERIFICATION NOTICE

Ref: (a) DoD 6025.13-R of 11 Jun 2004
(b) BUMEDINST 6010.18A

1. Purpose. To ensure that medical health care professionals, who are required to disclose when they have been the subject of a medical malpractice claim, are notified when they have not met the Standard of Care (SOC) and thus will be reported to the National Practitioner Data Base (NPDB).

2. Scope. This notice applies to all Navy Medicine health care professionals who are required to disclose when they have been the subject of a medical malpractice claim.

3. Background

a. All medical health care professionals are required to disclose when they have been the subject of a medical malpractice claim. Unlike civilian providers who are individually named in medical malpractice cases and are permitted to have input on whether a case is settled, the defendant in a military medical practice action is the Federal Government. Therefore, many military providers are only notified about their involvement in a malpractice claim once a payment has been made. In addition, settlement of military malpractice cases are made on the basis of the strength of the government's case and what is most economically beneficial for the government, without any provider input.

b. Malpractice histories are used to identify problem providers or providers with a pattern of malpractice. The Bureau of Medicine and Surgery (BUMED), as the primary source verifier of malpractice payments, receives and responds to requests from employers and states requesting provider malpractice history. When responding to written malpractice verification requests, BUMED provides a synopsis of Navy Medicine's NPDB review process and identifies those providers who did not meet the SOC and for whom BUMED considers the payment to have been made on their behalf.

4. Action. The Military Health System (MHS) policy, as outlined in reference (a), is that medical malpractice claim payments, including active duty death and disability payments must be reviewed to determine if the involved provider(s) met the SOC. If the service Surgeon General determines that a provider failed to meet SOC, which in turn did cause harm to the patient, then the claims payment is considered to be made on behalf of that provider. Navy providers who fail to meet the SOC are notified in writing by BUMED and also reported to the NPDB per reference (b). Accordingly, Navy Medicine policy related to malpractice payments

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and SOC review is that providers are only required to disclose their involvement in a paid malpractice claim when it has been determined that they did not meet the SOC and, as a result, they were reported to the NPDB.

5. Report. The NPDB reporting required for this notice is in accordance with Public Law 99-660, Title IV, "The Health Care Quality Improvement Act of 1986," November 1986 (Sections 11131 through 11152 of title 42, United States Code).

6. Cancellation Contingency. Retain this notice until incorporated into reference (b).



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