

*News From*

*U.S. Senator*

**Jon S. Corzine**

*New Jersey*

For immediate release  
Thursday, April 15, 2004

Contact: David Wald 973-645-5923  
Darius Goore 202-224-6037

## **CORZINE AND LAUTENBERG INTRODUCE LEGISLATION TO TOUGHEN HEALTHCARE PROFESSIONAL SCREENING**

*Bill demands actions reported to licensing boards. National Practitioner Databank*

Trenton, NJ -- United States Senators Jon S. Corzine and Frank R. Lautenberg today unveiled legislation to require hospitals to report to professional licensing boards and the National Practitioner Databank when any adverse action is taken against a health care professional or when that professional violates a federal or state law, including state health care professional standards.

The senators' bill, entitled the Safe Healthcare Reporting Act, was drafted in response to the alleged killings of as many as 40 patients in New Jersey and Pennsylvania by Charles Cullen, a registered nurse who worked at nine hospitals and one nursing home during a 16-year career.

Potential employers failed to learn of past investigations into Cullen's nursing care and allegations he was stealing drugs. Reference checks failed to prevent him from gaining employment at successive hospitals despite the fact he had been fired by five hospitals and one nursing home and been the subject of a criminal investigation. Cullen has been charged with murder by New Jersey and Pennsylvania prosecutors.

The Safe Healthcare Reporting Act would require hospitals and other health care facilities to report any actions taken against a licensed health care practitioner who had violated a state or federal law to the federal National Practitioner Databank and to state licensing boards. That would include laws and regulations governing licensed health care professional standards, such as suspected drug diversion, falsification of documents, or repeated medication errors.

The act provides civil immunity to health care employers who in good faith disclose such information to the NPDB and would protect employees who report activities that violate standards of care from employment discrimination and retaliation. Health care facilities would be required to check with the NPDB for information on prospective employees.

The legislation also directs states to develop systems for reporting criminal background information on licensed health care practitioners to the NPDB.

-more-

"Charles Cullen left tragedy and outrage in his wake," Senator Corzine said. "His case is a case of complete and utter failure of the health care system. The current reference system is broken - hospitals fail to provide complete references out of fear of liability. Our legislation will ensure that adverse employment histories, disciplinary and licensing actions, and criminal history are readily available to health care employers through a national databank."

"The first rule of the medical profession is 'do no harm.'" said Senator Lautenberg. "Unfortunately, Charles Cullen spent his career doing harm to people in New Jersey and Pennsylvania. Nurse Cullen was a bad apple of the worst kind, but the system allowed him to move from hospital to hospital undetected. Charles Cullen murdered patients at a number of hospitals in two states, but no one was able to put the pieces of the puzzle together for more than a decade."

Senators Lautenberg and Corzine were joined at a news conference in Trenton to announce introduction of their bill by Dr. William K. Cors, chief medical officer at Somerset Medical Center; Andrea Augenbaugh, executive director of the New Jersey State Nurses Association; Virginia Treacy, executive director of JNESO, the professional health care union affiliated with the International Union of Operating Engineers; and Ann Twomey, president of HPAB, the union of health professionals and allied employees.

The National Practitioner Databank was established in 1986 to track licensing, disciplinary, and medical malpractice actions taken against U.S. physicians, but it does not carry critical information on other licensed health care professionals.

In 1987, the Congress expanded the NPDB to include the reporting of licensing and disciplinary action taken against health care practitioners other than doctors, but the Health Resources and Services Administration has failed to implement those provisions. This legislation would specifically mandate that health care entities report relevant information to state licensing boards and would also require these entities to report to a federal databank.

Health care facilities would be required to report to and obtain information from the federal databank in order to participate in the Medicare program. Any failure to report or check the databank for information on potential employees could result in civil penalties of up to \$50,000 per violation.

"Reporting requirements need to be mandatory and enforceable," Senator Corzine said.

The senators' bill would grant health care employers access to the Healthcare Integrity and Protection Databank, which is now only accessible to the federal government and health insurers. It directs the Secretary of Health and Human Services to consolidate the National Practitioners Databank and the Healthcare Integrity and Protection Databank. The HIPDB collects information on health care fraud and abuse, including actions taken by state licensing boards.

###