Dear ________________________:

You have requested that I "self-query" the National Practitioner Data Bank (Data Bank) and provide a copy of my Data Bank report to you. You are no doubt aware that the information contained in the Data Bank is confidential and is intended for use only by those entities that are "authorized" under the federal Health care Quality Improvement Act of 1986, the law that created the Data Bank. The federal law defines authorized entities as health care entities that 1) provide health care services, and 2) engage in formal peer review.

It is presently unclear whether the confidentiality provisions of the federal law and the accompanying regulations continue to apply to Data Bank reports that are disseminated by a physician to an unauthorized entity. Because of the highly sensitive nature of the information contained in the Data Bank, I will require, prior to submitting any information to you, written documentation from your organization that responds to each and every one of the following issues:

1. That the requirement that I self-query the Data Bank and disclose the information to you is in compliance with the intent and statutory protections of the Health care Quality Improvement Act of 1986 as amended and the regulations thereunder.

2. That the information disclosed to you will be protected from further disclosure under the relevant state peer review immunity statute (ORS 41.675).

3. That the information will be used only for and maintained only for those purposes, such as quality assurance activities, that are protected under the relevant state peer review immunity statute(s).

4. That your organization will protect the confidentiality of the information to the fullest extent permitted by both state law and the Health care Quality Improvement Act of 1986 as amended and the regulations thereunder.

Unless your organization can comply with these requests, please be advised that I cannot submit any information received by the Data Bank to you.

Sincerely,

_________________________, M.D./D.O.