

## Calendar No. 422

116TH CONGRESS  
2D SESSION

# S. 123

To require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and to provide individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, and for other purposes.

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### IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2019

Ms. ERNST (for herself, Mr. COONS, Mr. GRASSLEY, Mr. BOOZMAN, and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

FEBRUARY 13, 2020

Reported by Mr. MORAN, without amendment

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## A BILL

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mined that an episode of care or services to which they received was below the standard of care, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring Quality Care  
5 for Our Veterans Act”.

6 **SEC. 2. THIRD PARTY REVIEW OF APPOINTEES IN VET-**

7 **ERANS HEALTH ADMINISTRATION WHO HAD**  
8 **A LICENSE TERMINATED FOR CAUSE AND NO-**  
9 **TICE TO INDIVIDUALS TREATED BY THOSE**  
10 **APPOINTEES IF DETERMINED THAT AN EPI-**  
11 **SODE OF CARE OR SERVICES TO WHICH THEY**  
12 **RECEIVED WAS BELOW THE STANDARD OF**  
13 **CARE.**

14 (a) THIRD PARTY REVIEW.—

15 (1) IN GENERAL.—Not later than 180 days  
16 after the date of the enactment of this Act, the Sec-  
17 retary of Veterans Affairs shall enter into a contract  
18 or other agreement with an organization that is not  
19 part of the Federal Government to conduct a clinical  
20 review for quality management of hospital care or  
21 medical services furnished by covered providers.

22 (2) QUALIFICATIONS.—The Secretary shall en-  
23 sure that each review of a covered provider under

1       this subsection is performed by an individual who is  
 2       licensed in the same specialty as the covered pro-  
 3       vider.

4       (b) NOTICE TO PATIENTS TREATED BY COVERED  
 5 PROVIDERS.—With respect to hospital care or medical  
 6 services furnished by a covered provider under the laws  
 7 administered by the Secretary, if a clinical review for qual-  
 8 ity management under subsection (a) determines that the  
 9 standard of care was not met during an episode of care,  
 10 the Secretary shall notify the individual who received such  
 11 care or services from the covered provider as described in  
 12 applicable policy of the Veterans Health Administration.

13       (c) DEFINITIONS.—In this section:

14           (1) COVERED PROVIDER.—The term “covered  
 15       provider” means an individual who—

16               (A) was appointed to the Veterans Health  
 17       Administration under section 7401 of title 38,  
 18       United States Code; and

19               (B) had a license terminated for cause by  
 20       a State licensing board for hospital care or  
 21       medical services provided in a facility that is  
 22       not a facility of the Veterans Health Adminis-  
 23       tration.

24       (2) HOSPITAL CARE OR MEDICAL SERVICES.—  
 25       The terms “hospital care” and “medical services”

- 1        have the meanings given those terms in section 1701
- 2        of title 38, United States Code.



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