

116TH CONGRESS  
1ST SESSION

# S. 221

To amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2019

Mr. GARDNER (for himself, Mr. MANCHIN, Mr. MORAN, Ms. COLLINS, and Mr. CASSIDY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to require the Under Secretary of Health to report major adverse personnel actions involving certain health care employees to the National Practitioner Data Bank and to applicable State licensing boards, 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 “Department of Vet-  
5 erans Affairs Provider Accountability Act”.

1 **SEC. 2. ACCOUNTABILITY WITHIN VETERANS HEALTH AD-**  
2 **MINISTRATION.**

3 (a) REPORTING MAJOR ADVERSE ACTIONS TO NA-  
4 TIONAL PRACTITIONER DATA BANK AND STATE LICENS-  
5 ING BOARDS.—Section 7461 of title 38, United States  
6 Code, is amended by adding at the end the following new  
7 subsection:

8 “(f) Whenever the Under Secretary for Health (or an  
9 official designated by the Under Secretary) brings charges  
10 based on conduct or performance against a section  
11 7401(1) employee and as a result of those charges a major  
12 adverse action is taken against the employee, the Under  
13 Secretary shall, not later than 30 days after the date on  
14 which such major adverse action is carried out, transmit  
15 to the National Practitioner Data Bank and the applicable  
16 State licensing board the name of the employee, a descrip-  
17 tion of the major adverse action, and a description of the  
18 reason for the major adverse action.”.

19 (b) PROHIBITION ON SIGNING SETTLEMENTS WITH  
20 CERTAIN CLAUSES.—

21 (1) IN GENERAL.—Except as provided in para-  
22 graph (2), the Secretary of Veterans Affairs may not  
23 enter into a settlement agreement relating to a claim  
24 by an employee of the Department of Veterans Af-  
25 fairs under which the Department would be required  
26 to conceal a serious medical error or purge a nega-

1        tive record from a personnel file of an employee of  
2        the Department.

3            (2)    EXCEPTION.—Paragraph (1) shall not  
4        apply to a negative record if the head of the Office  
5        of Accountability and Whistleblower Protection of  
6        the Department and the Special Counsel (established  
7        by section 1211 of title 5, United States Code) joint-  
8        ly certify that the negative record is not legitimate.

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