

116TH CONGRESS
1ST 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.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2019

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

A BILL

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.

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
 24 this subsection is performed by an individual who is

1 licensed in the same specialty as the covered pro-
 2 vider.

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

12 (c) DEFINITIONS.—In this section:

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

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

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

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

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

