

118TH CONGRESS
1ST SESSION

H. R. 5794

To amend title 38, United States Code, to eliminate conflicts of interest in conduct of quality management and administrative investigations by the Veterans Health Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2023

Mrs. DINGELL (for herself and Mr. BERGMAN) introduced the following bill;
which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to eliminate conflicts of interest in conduct of quality management and administrative investigations by the Veterans Health Administration, 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 “Veterans Affairs Peer
5 Review Neutrality Act of 2023”.

1 **SEC. 2. ELIMINATION OF CONFLICTS OF INTEREST IN PEER**
2 **REVIEW, ADMINISTRATIVE INVESTIGATION**
3 **BOARDS, AND FACTFINDINGS OF VETERANS**
4 **HEALTH ADMINISTRATION.**

5 (a) IN GENERAL.—Subchapter II of chapter 73 of
6 title 38, United States Code, is amended by inserting after
7 section 7311A the following new section:

8 **“§ 7311B. Elimination of conflicts of interest in peer**
9 **review, administrative investigation**
10 **boards, and factfindings of Veterans**
11 **Health Administration**

12 “(a) PEER REVIEW.—

13 “(1) IN GENERAL.—Each individual responsible
14 for conducting peer review for quality management
15 of care provided by a health care provider at a med-
16 ical facility of the Department and each member of
17 a peer review committee with respect to quality man-
18 agement of such care shall withdraw from participa-
19 tion in a case review if—

20 “(A) the individual has direct involvement
21 with the care under review; or

22 “(B) the individual is unable to conduct an
23 objective, impartial, accurate, and informed re-
24 view.

25 “(2) NEUTRAL ASSESSMENT OF CONDUCT OF
26 COMMITTEE MEMBERS.—Each medical facility of the

1 Department shall develop procedures and guidelines
2 for that facility to require that any initial peer re-
3 view for quality management that is conducted with
4 respect to care provided by a health care provider
5 who is a member of the peer review committee for
6 that facility be evaluated, discussed, and assigned a
7 final level review by a neutral peer review committee
8 at another facility of the Department.

9 “(b) ADMINISTRATIVE INVESTIGATION BOARDS AND
10 FACTFINDINGS.—

11 “(1) KNOWLEDGE OF CONFIDENTIAL INFORMA-
12 TION.—Individuals with knowledge of confidential
13 quality assurance information specific to a matter
14 under investigation by an administrative investiga-
15 tion board or factfinder with respect to quality man-
16 agement of care provided by a health care provider
17 at a medical facility of the Department may not—

18 “(A) serve on the administrative investiga-
19 tion board or as a factfinder; or

20 “(B) disclose such information to an ad-
21 ministrative investigation board or a factfinder.

22 “(2) PERSONAL INTEREST, INVOLVEMENT, OR
23 RELATIONSHIP.—

24 “(A) IN GENERAL.—The Secretary shall
25 ensure that each member of an administrative

1 investigative board or factfinder does not
2 have—

3 “(i) any personal interest or other
4 bias concerning the investigation being
5 conducted;

6 “(ii) direct involvement in matters
7 being investigated; or

8 “(iii) a supervisory or personal rela-
9 tionship with the subject of the investiga-
10 tion.

11 “(B) RECUSAL.—If a potential member of
12 an administrative investigative board or
13 factfinder has a personal interest or other bias
14 concerning the investigation being conducted,
15 direct involvement in matters being inves-
16 tigated, or a supervisory or personal relation-
17 ship with the subject of the investigation, the
18 potential member shall inform the authority re-
19 sponsible for the investigation and recuse them-
20 selves from such matter.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such subchapter is amended by insert-
23 ing after the item relating to section 7311A the following
24 new item:

“7311B. Elimination of conflicts of interest in peer review, administrative investigation boards, and factfindings of Veterans Health Administration.”

