

114TH CONGRESS
2D SESSION

H. R. 5399

To amend title 38, United States Code, to ensure that physicians of the Department of Veterans Affairs fulfill the ethical duty to report to State licensing authorities impaired, incompetent, and unethical health care activities.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2016

Mr. ROE of Tennessee introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to ensure that physicians of the Department of Veterans Affairs fulfill the ethical duty to report to State licensing authorities impaired, incompetent, and unethical health care activities.

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 “Ethical Patient Care
5 for Veterans Act of 2016”.

1 **SEC. 2. DUTY TO REPORT IMPAIRED, INCOMPETENT, AND**
2 **UNETHICAL HEALTH CARE ACTIVITIES.**

3 (a) IN GENERAL.—Subchapter II of chapter 74 of
4 title 38, United States Code, is amended by adding at the
5 end the following new section:

6 **“§ 7330B. Duty to report impaired, incompetent, and**
7 **unethical health care activities**

8 “(a) REPORTING TO STATE LICENSING AUTHOR-
9 ITY.—In addition to confidential reporting under the qual-
10 ity-assurance program pursuant to section 7311(b)(4) of
11 this title and any other reporting authorized or required
12 by the Secretary, the Secretary shall ensure that each phy-
13 sician of the Department is informed of the duty of the
14 physician to report directly any covered activity committed
15 by another physician that the physician witnesses or other-
16 wise directly discovers to the applicable licensing authority
17 of each State in which the physician who is the subject
18 of the report is licensed to practice medicine.

19 “(b) TIMING OF REPORTING.—Each physician of the
20 Department shall make a direct report to the State licens-
21 ing authority of a covered activity under subsection (a)
22 not later than five days after the date on which the physi-
23 cian witnesses or otherwise directly discovers the covered
24 activity.

25 “(c) DEFINITIONS.—In this section:

1 “(1) The term ‘covered activity’ means any ac-
2 tivity occurring in a medical facility of the Depart-
3 ment that consists of or causes the provision of im-
4 paired, incompetent, or unethical health care that re-
5 quires direct reporting under opinion number 9.031
6 of the Code of Medical Ethics of the American Med-
7 ical Association.

8 “(2) The term ‘physician of the Department’
9 includes any contractor who is a physician at a med-
10 ical facility of the Department.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 7330A the following new
14 item:

 “7330B. Duty to report impaired, incompetent, and unethical health care activi-
 ties.”.

15 (c) CONFORMING AMENDMENT.—Section
16 7462(a)(1)(A) of such title is amended by inserting before
17 the semicolon the following: “, including pursuant to sec-
18 tion 7330B(c) of this title”.

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