

113TH CONGRESS  
2D SESSION

# S. 2401

To amend title 38, United States Code, to establish the Office of the Medical Inspector within the Office of the Under Secretary for Health of the Department of Veterans Affairs.

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## IN THE SENATE OF THE UNITED STATES

MAY 22, 2014

Mr. TESTER (for himself, Mr. MORAN, Mr. BEGICH, Mr. BLUMENTHAL, Mr. WALSH, Mrs. GILLIBRAND, and Mrs. MCCASKILL) 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 establish the Office of the Medical Inspector within the Office of the Under Secretary for Health of the Department of Veterans Affairs.

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 “Increasing Medical  
5 Oversight in the Department of Veterans Affairs Act of  
6 2014”.

1 **SEC. 2. OFFICE OF THE MEDICAL INSPECTOR.**

2 (a) ESTABLISHMENT.—Subchapter I of chapter 73 of  
3 title 38, United States Code, is amended by adding at the  
4 end the following new section:

5 **“§ 7310. Office of the Medical Inspector**

6 “(a) IN GENERAL.—There is established in the De-  
7 partment within the Office of the Under Secretary for  
8 Health an office to be known as the ‘Office of the Medical  
9 Inspector’ (in this section referred to as the ‘Office’).

10 “(b) HEAD.—(1) The Medical Inspector shall be the  
11 head of the Office.

12 “(2) The Medical Inspector shall be appointed by the  
13 Secretary from among individuals qualified to perform the  
14 duties of the position.

15 “(3) The Medical Inspector shall report directly to  
16 the Under Secretary for Health.

17 “(c) FUNCTIONS.—The functions of the Office shall  
18 include the following:

19 “(1) To review the quality of health care pro-  
20 vided to veterans—

21 “(A) by the Department generally; and

22 “(B) by the Department through contracts  
23 with non-Department health care providers.

24 “(2) To review offices of the Veterans Health  
25 Administration that have an impact on the quality  
26 of health care provided to veterans by the Depart-

1       ment and the performance of the Department in  
2       providing such care.

3           “(3) To review offices and facilities of the Vet-  
4       erans Health Administration to ensure that policies  
5       and procedures of the Department and the Veterans  
6       Health Administration are applied consistently at all  
7       such offices and facilities.

8           “(4) To investigate any systemic issues, as de-  
9       termined by the Medical Inspector, that arise within  
10      the Veterans Health Administration, including the  
11      following:

12           “(A) Improper issuance of credentials and  
13      privileges to health care providers.

14           “(B) Impediments to the access of vet-  
15      erans to health care from the Department.

16           “(C) Wait times for appointments by vet-  
17      erans at medical facilities of the Department in  
18      excess of wait-time goals established by the De-  
19      partment.

20           “(D) Intentional falsification by employees  
21      of the Department of information or data with  
22      respect to wait times for such appointments.

23           “(5) To establish temporary investigative teams  
24      to carry out reviews or investigations described in

1 paragraphs (1), (2), (3), and (4) in response to spe-  
2 cific incidents or inquiries, including the following:

3 “(A) Investigations of complaints by a vet-  
4 eran, a family member of a veteran, or another  
5 individual that may require a visit to a facility  
6 or facilities of the Department.

7 “(B) Assessments to examine potential  
8 systemic issues within the Veterans Health Ad-  
9 ministration that may require the conduct of  
10 surveys, the collection of data, and the analysis  
11 of databases of the Department.

12 “(6) To recommend policies to promote econ-  
13 omy and efficiency in the administration of, and to  
14 prevent and detect criminal activity, waste, abuse,  
15 and mismanagement in, programs and operations of  
16 the Veterans Health Administration.

17 “(7) To carry out any other tasks required of  
18 the Office by the Secretary or the Under Secretary  
19 for Health before, on, or after the date of the enact-  
20 ment of this section.

21 “(d) REPORTS.—(1) Not later than 30 days after the  
22 date of the enactment of this section, and periodically  
23 thereafter, the Medical Inspector shall submit to the Sec-  
24 retary, the Under Secretary for Health, and Congress re-  
25 ports on any problems or deficiencies encountered in pro-

1 grams and operations of the Veterans Health Administra-  
2 tion, including any recommendations for corrective ac-  
3 tions.

4 “(2) Each report required by paragraph (1) shall be  
5 made available to the public on an Internet website of the  
6 Department.

7 “(3) Any other report prepared by the Medical In-  
8 spector in carrying out the functions of the Office under  
9 this section shall be—

10 “(A) submitted to Congress; and

11 “(B) made available to the public on an Inter-  
12 net website of the Department.

13 “(e) PRIVACY MATTERS.—Any medical or other per-  
14 sonal information obtained by the Office shall be protected  
15 from disclosure or misuse in accordance with the laws on  
16 privacy applicable to such information.”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of chapter 73 of such title is amended  
19 by inserting after the item relating to section 7309 the  
20 following new item:

“7310. Office of the Medical Inspector.”.

21 (c) CONFORMING AMENDMENTS.—Section 7306(a) of  
22 such title is amended by—

23 (1) redesignating paragraph (10) as paragraph  
24 (11); and

1           (2) inserting after paragraph (9) the following  
2           new paragraph (10):

3           “(10) The Medical Inspector, who shall be the  
4           head of the Office of the Medical Inspector under  
5           section 7310 of this title.”.

6           (d) CONTINUATION IN OFFICE.—The individual serv-  
7           ing as the Medical Inspector of the Department of Vet-  
8           erans Affairs on the day before the date of the enactment  
9           of this Act may serve as the Medical Inspector of the De-  
10          partment of Veterans Affairs after that date until the date  
11          on which the Secretary of Veterans Affairs appoints an  
12          individual to be the Medical Inspector pursuant to section  
13          7310(b)(2) of title 38, United States Code, as added by  
14          subsection (a).

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