

117TH CONGRESS  
1ST SESSION

# H. R. 5386

To amend the Health Care Quality Improvement Act of 1986 to recognize that physicians need to be protected from abuses of the peer reviewed process, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2021

Mr. DAVID SCOTT of Georgia introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Health Care Quality Improvement Act of 1986 to recognize that physicians need to be protected from abuses of the peer reviewed process, 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 “Shield and Protect  
5 Physician Peer-Reviews Act of 2021”.

1 **SEC. 2. RECOGNIZING THAT PHYSICIANS NEED TO BE PRO-**  
2 **TECTED FROM ABUSES OF THE PEER RE-**  
3 **VIEWED PROCESS.**

4 (a) **IN GENERAL.**—Section 402 of the Health Care  
5 Quality Improvement Act of 1986 (42 U.S.C. 11101; Pub-  
6 lic Law 99–660) is amended by adding at the end the fol-  
7 lowing new paragraph:

8 “(6) Some peer reviewed decisions may be  
9 based on factors other than competence or profes-  
10 sional conduct. The stated reason for a professional  
11 review action may not be the actual reason for the  
12 action, and the actual reason may not be apparent  
13 from the face of the action. The need to provide in-  
14 centive and protection for physicians engaging in ef-  
15 fective professional peer review must be balanced  
16 against the need to protect competent physicians  
17 from peer review decisions that are not based on  
18 professional competence or conduct.”.

19 (b) **EFFECTIVE DATE.**—The amendment made by  
20 subsection (a) shall take effect as if included in the enact-  
21 ment of the Health Care Quality Improvement Act of  
22 1986.

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