

Union Calendar No. 597

118TH CONGRESS
2^D SESSION

H. R. 5794

[Report No. 118-703]

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

SEPTEMBER 23, 2024

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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”.

6 **SEC. 2. ELIMINATION OF CONFLICTS OF INTEREST IN PEER**
7 **REVIEW, ADMINISTRATIVE INVESTIGATION**
8 **BOARDS, AND FACTFINDINGS OF VETERANS**
9 **HEALTH ADMINISTRATION.**

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

13 **“§ 7311B. Elimination of conflicts of interest in peer**
14 **review, administrative investigation**
15 **boards, and factfindings of Veterans**
16 **Health Administration**

17 “(a) PEER REVIEW.—

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

1 “(A) the individual has direct involvement
2 with the care under review; or

3 “(B) the individual is unable to conduct an
4 objective, impartial, accurate, and informed re-
5 view.

6 “(2) NEUTRAL ASSESSMENT OF CONDUCT OF
7 COMMITTEE MEMBERS.—Each medical facility of the
8 Department shall develop procedures and guidelines
9 for that facility to require that any initial peer re-
10 view for quality management that is conducted with
11 respect to care provided by a health care provider
12 who is a member of the peer review committee for
13 that facility be evaluated, discussed, and assigned a
14 final level review by a neutral peer review committee
15 at another facility of the Department.

16 “(b) ADMINISTRATIVE INVESTIGATION BOARDS AND
17 FACTFINDINGS.—

18 “(1) KNOWLEDGE OF CONFIDENTIAL INFORMA-
19 TION.—Individuals with knowledge of confidential
20 quality assurance information specific to a matter
21 under investigation by an administrative investiga-
22 tion board or factfinder with respect to quality man-
23 agement of care provided by a health care provider
24 at a medical facility of the Department may not—

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

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

5 “(2) PERSONAL INTEREST, INVOLVEMENT, OR
6 RELATIONSHIP.—

7 “(A) IN GENERAL.—The Secretary shall
8 ensure that each member of an administrative
9 investigative board or factfinder does not
10 have—

11 “(i) any personal interest or other
12 bias concerning the investigation being
13 conducted;

14 “(ii) direct involvement in matters
15 being investigated; or

16 “(iii) a supervisory or personal rela-
17 tionship with the subject of the investiga-
18 tion.

19 “(B) RECUSAL.—If a potential member of
20 an administrative investigative board or
21 factfinder has a personal interest or other bias
22 concerning the investigation being conducted,
23 direct involvement in matters being inves-
24 tigated, or a supervisory or personal relation-
25 ship with the subject of the investigation, the

1 potential member shall inform the authority re-
2 sponsible for the investigation and recuse them-
3 selves from such matter.”.

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

“7311B. Elimination of conflicts of interest in peer review, administrative inves-
tigation boards, and factfindings of Veterans Health Administra-
tion.”.

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