

115TH CONGRESS  
2D SESSION

# S. 3501

To require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and providing individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2018

Mrs. ERNST (for herself, Mr. GRASSLEY, Mr. BOOZMAN, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To require the Secretary of Veterans Affairs to enter into a contract or other agreement with a third party to review appointees in the Veterans Health Administration who had a license terminated for cause by a State licensing board for care or services rendered at a non-Veterans Health Administration facility and providing individuals treated by such an appointee with notice if it is determined that an episode of care or services to which they received was below the standard of care, 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 “Ensuring Quality Care  
 5 for our Veterans Act”.

6 **SEC. 2. THIRD-PARTY REVIEW OF APPOINTEES IN VET-**

7 **ERANS HEALTH ADMINISTRATION WHO HAD**  
 8 **A LICENSE TERMINATED FOR CAUSE AND NO-**  
 9 **TICE TO INDIVIDUALS TREATED BY THOSE**  
 10 **APPOINTEES IF DETERMINED THAT AN EPI-**  
 11 **SODE OF CARE OR SERVICES TO WHICH THEY**  
 12 **RECEIVED WAS BELOW THE STANDARD OF**  
 13 **CARE.**

14 (a) **THIRD-PARTY REVIEW.**—

15 (1) **IN GENERAL.**—Not later than 180 days  
 16 after the date of the enactment of this Act, the Sec-  
 17 retary of Veterans Affairs shall enter into a contract  
 18 or other agreement with an organization that is not  
 19 part of the Federal Government to conduct a clinical  
 20 review for quality management of hospital care or  
 21 medical services furnished by covered providers.

22 (2) **QUALIFICATIONS.**—The Secretary shall en-  
 23 sure that each review of a covered provider under  
 24 this subsection is performed by an individual who is

1 licensed in the same specialty as the covered pro-  
2 vider.

3 (b) NOTICE TO PATIENTS TREATED BY COVERED  
4 PROVIDERS.—With respect to hospital care or medical  
5 services furnished by a covered provider under the laws  
6 administered by the Secretary, if a clinical review for qual-  
7 ity management under subsection (a) determines that the  
8 standard of care was not met during an episode of care,  
9 the Secretary shall notify the individual who received such  
10 care or services from the covered provider as described in  
11 applicable policy of the Veterans Health Administration.

12 (c) COVERED PROVIDER.—For purposes of this sec-  
13 tion, a covered provider is an individual who—

14 (1) was appointed to the Veterans Health Ad-  
15 ministration under section 7401 of title 38, United  
16 States Code; and

17 (2) had a license terminated for cause by a  
18 State licensing board for hospital care or medical  
19 services provided in a facility that is not a facility  
20 of the Veterans Health Administration.

21 (d) HOSPITAL CARE OR MEDICAL SERVICES DE-  
22 FINED.—In this section, the terms “hospital care” and  
23 “medical services” have the meanings given those terms  
24 in section 1701 of title 38, United States Code.

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