

118TH CONGRESS  
2D SESSION

# S. 4278

To require the Secretary of Health and Human Services to issue regulations to ensure due process rights for physicians before any termination, restriction, or reduction of the professional activity of such physicians or staff privileges of such physicians.

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## IN THE SENATE OF THE UNITED STATES

MAY 8, 2024

Mr. MARSHALL (for himself and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require the Secretary of Health and Human Services to issue regulations to ensure due process rights for physicians before any termination, restriction, or reduction of the professional activity of such physicians or staff privileges of such physicians.

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 “Physician and Patient  
5 Safety Act”.

1 **SEC. 2. REGULATIONS TO ENSURE DUE PROCESS RIGHTS**  
2 **FOR PHYSICIANS.**

3 (a) IN GENERAL.—The Secretary of Health and  
4 Human Services shall issue final regulations to provide  
5 that physicians who have been granted medical staff privi-  
6 leges at a hospital have a fair hearing and appellate review  
7 through appropriate medical staff mechanisms before any  
8 termination, restriction, or reduction of the professional  
9 activity of such physicians or staff privileges of such physi-  
10 cians at such hospital.

11 (b) REQUIREMENTS OF REGULATIONS.—The regula-  
12 tions described in subsection (a) shall provide that—

13 (1) a hearing or appellate review may not be  
14 denied through a third-party contract;

15 (2) a physician shall not be requested or re-  
16 quired to waive their rights to such a hearing or ap-  
17 pellate review as a condition of employment, either  
18 with the hospital or with a third-party contractor;  
19 and

20 (3) any such hearing or appellate review shall  
21 be confidential and not reportable to any entity, in-  
22 cluding the National Practitioner Data Bank or fu-  
23 ture workplaces or employers, unless there is an on-  
24 going threat to patient safety, or as otherwise re-  
25 quired under the reporting requirements for hos-

1       pitals established by the National Practitioner Data  
2       Bank.

3       (c) EFFECTIVE DATE.—The final regulations pro-  
4       mulgated under subsection (a) shall take effect not later  
5       than 18 months after the date of enactment of this Act.

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