

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5399

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IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2016

Received

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## AN ACT

To amend title 38, United States Code, to ensure that physicians of the Department of Veterans Affairs fulfill the ethical duty to report to State licensing authorities impaired, incompetent, and unethical health care activities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ethical Patient Care  
3 for Veterans Act of 2016”.

4 **SEC. 2. DUTY TO REPORT IMPAIRED, INCOMPETENT, AND**  
5 **UNETHICAL HEALTH CARE ACTIVITIES.**

6 (a) IN GENERAL.—Subchapter II of chapter 74 of  
7 title 38, United States Code, is amended by adding at the  
8 end the following new section:

9 **“§ 7330B. Duty to report impaired, incompetent, and**  
10 **unethical health care activities**

11 “(a) REPORTING TO STATE LICENSING AUTHOR-  
12 ITY.—In addition to confidential reporting under the qual-  
13 ity-assurance program pursuant to section 7311(b)(4) of  
14 this title and any other reporting authorized or required  
15 by the Secretary, the Secretary shall ensure that each phy-  
16 sician of the Department is informed of the duty of the  
17 physician to report directly any covered activity committed  
18 by another physician that the physician witnesses or other-  
19 wise directly discovers to the applicable licensing authority  
20 of each State in which the physician who is the subject  
21 of the report is licensed to practice medicine.

22 “(b) TIMING OF REPORTING.—Each physician of the  
23 Department shall make a direct report to the State licens-  
24 ing authority of a covered activity under subsection (a)  
25 not later than 5 days after the date on which the physician

1 witnesses or otherwise directly discovers the covered activ-  
2 ity.

3 “(c) DEFINITIONS.—In this section:

4 “(1) The term ‘covered activity’ means any ac-  
5 tivity occurring in a medical facility of the Depart-  
6 ment that consists of or causes the provision of im-  
7 paired, incompetent, or unethical health care that re-  
8 quires direct reporting under opinion number 9.031  
9 of the Code of Medical Ethics of the American Med-  
10 ical Association.

11 “(2) The term ‘physician of the Department’  
12 includes any contractor who is a physician at a med-  
13 ical facility of the Department.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 at the beginning of such chapter is amended by inserting  
16 after the item relating to section 7330A the following new  
17 item:

“7330B. Duty to report impaired, incompetent, and unethical health care activi-  
ties.”.

18 (c) CONFORMING AMENDMENT.—Section  
19 7462(a)(1)(A) of such title is amended by inserting before

1 the semicolon the following: “, including pursuant to sec-  
2 tion 7330B(c) of this title”.

Passed the House of Representatives December 6,  
2016.

Attest:

KAREN L. HAAS,

*Clerk.*