

113TH CONGRESS
2D SESSION

S. 2401

To amend title 38, United States Code, to establish the Office of the Medical Inspector within the Office of the Under Secretary for Health of the Department of Veterans Affairs.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2014

Mr. TESTER (for himself, Mr. MORAN, Mr. BEGICH, Mr. BLUMENTHAL, Mr. WALSH, Mrs. GILLIBRAND, and Mrs. McCASKILL) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish the Office of the Medical Inspector within the Office of the Under Secretary for Health of the Department of Veterans Affairs.

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 “Increasing Medical
5 Oversight in the Department of Veterans Affairs Act of
6 2014”.

1 **SEC. 2. OFFICE OF THE MEDICAL INSPECTOR.**

2 (a) ESTABLISHMENT.—Subchapter I of chapter 73 of
3 title 38, United States Code, is amended by adding at the
4 end the following new section:

5 **“§ 7310. Office of the Medical Inspector**

6 “(a) IN GENERAL.—There is established in the De-
7 partment within the Office of the Under Secretary for
8 Health an office to be known as the ‘Office of the Medical
9 Inspector’ (in this section referred to as the ‘Office’).

10 “(b) HEAD.—(1) The Medical Inspector shall be the
11 head of the Office.

12 “(2) The Medical Inspector shall be appointed by the
13 Secretary from among individuals qualified to perform the
14 duties of the position.

15 “(3) The Medical Inspector shall report directly to
16 the Under Secretary for Health.

17 “(c) FUNCTIONS.—The functions of the Office shall
18 include the following:

19 “(1) To review the quality of health care pro-
20 vided to veterans—

21 “(A) by the Department generally; and

22 “(B) by the Department through contracts
23 with non-Department health care providers.

24 “(2) To review offices of the Veterans Health
25 Administration that have an impact on the quality
26 of health care provided to veterans by the Depart-

1 ment and the performance of the Department in
2 providing such care.

3 “(3) To review offices and facilities of the Vet-
4 erans Health Administration to ensure that policies
5 and procedures of the Department and the Veterans
6 Health Administration are applied consistently at all
7 such offices and facilities.

8 “(4) To investigate any systemic issues, as de-
9 termined by the Medical Inspector, that arise within
10 the Veterans Health Administration, including the
11 following:

12 “(A) Improper issuance of credentials and
13 privileges to health care providers.

14 “(B) Impediments to the access of vet-
15 erans to health care from the Department.

16 “(C) Wait times for appointments by vet-
17 erans at medical facilities of the Department in
18 excess of wait-time goals established by the De-
19 partment.

20 “(D) Intentional falsification by employees
21 of the Department of information or data with
22 respect to wait times for such appointments.

23 “(5) To establish temporary investigative teams
24 to carry out reviews or investigations described in

1 paragraphs (1), (2), (3), and (4) in response to spe-
2 cific incidents or inquiries, including the following:

3 “(A) Investigations of complaints by a vet-
4 eran, a family member of a veteran, or another
5 individual that may require a visit to a facility
6 or facilities of the Department.

7 “(B) Assessments to examine potential
8 systemic issues within the Veterans Health Ad-
9 ministration that may require the conduct of
10 surveys, the collection of data, and the analysis
11 of databases of the Department.

12 “(6) To recommend policies to promote econ-
13 omy and efficiency in the administration of, and to
14 prevent and detect criminal activity, waste, abuse,
15 and mismanagement in, programs and operations of
16 the Veterans Health Administration.

17 “(7) To carry out any other tasks required of
18 the Office by the Secretary or the Under Secretary
19 for Health before, on, or after the date of the enact-
20 ment of this section.

21 “(d) REPORTS.—(1) Not later than 30 days after the
22 date of the enactment of this section, and periodically
23 thereafter, the Medical Inspector shall submit to the Sec-
24 retary, the Under Secretary for Health, and Congress re-
25 ports on any problems or deficiencies encountered in pro-

1 grams and operations of the Veterans Health Administra-
 2 tion, including any recommendations for corrective ac-
 3 tions.

4 “(2) Each report required by paragraph (1) shall be
 5 made available to the public on an Internet website of the
 6 Department.

7 “(3) Any other report prepared by the Medical In-
 8 spector in carrying out the functions of the Office under
 9 this section shall be—

10 “(A) submitted to Congress; and

11 “(B) made available to the public on an Inter-
 12 net website of the Department.

13 “(e) PRIVACY MATTERS.—Any medical or other per-
 14 sonal information obtained by the Office shall be protected
 15 from disclosure or misuse in accordance with the laws on
 16 privacy applicable to such information.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
 18 at the beginning of chapter 73 of such title is amended
 19 by inserting after the item relating to section 7309 the
 20 following new item:

“7310. Office of the Medical Inspector.”.

21 (c) CONFORMING AMENDMENTS.—Section 7306(a) of
 22 such title is amended by—

23 (1) redesignating paragraph (10) as paragraph
 24 (11); and

1 (2) inserting after paragraph (9) the following
2 new paragraph (10):

3 “(10) The Medical Inspector, who shall be the
4 head of the Office of the Medical Inspector under
5 section 7310 of this title.”.

6 (d) CONTINUATION IN OFFICE.—The individual serv-
7 ing as the Medical Inspector of the Department of Vet-
8 erans Affairs on the day before the date of the enactment
9 of this Act may serve as the Medical Inspector of the De-
10 partment of Veterans Affairs after that date until the date
11 on which the Secretary of Veterans Affairs appoints an
12 individual to be the Medical Inspector pursuant to section
13 7310(b)(2) of title 38, United States Code, as added by
14 subsection (a).

○