

112TH CONGRESS  
1ST SESSION

# H. R. 2472

To amend the Health Care Quality Improvement Act of 1986 to prohibit health care entities from reporting certain professional review actions against health care professionals before adequate notice and hearing procedures are afforded to such professionals, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2011

Mr. HECK (for himself, Mr. BURGESS, Mr. GOSAR, Mr. DESJARLAIS, Mr. BENISHEK, Mr. HARRIS, Mr. FLEMING, Mr. PRICE of Georgia, Mr. ROE of Tennessee, Mr. BOUSTANY, Mr. SESSIONS, Mr. BUCSHON, and Mrs. ELLMERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Health Care Quality Improvement Act of 1986 to prohibit health care entities from reporting certain professional review actions against health care professionals before adequate notice and hearing procedures are afforded to such professionals, 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 “Health Care Profes-  
5 sionals Protection Act of 2011”.

1 **SEC. 2. ADEQUATE NOTICE AND HEARING REQUIRED BE-**  
2 **FORE REPORTING OF CERTAIN PROFES-**  
3 **SIONAL REVIEW ACTIONS TAKEN BY HEALTH**  
4 **CARE ENTITIES.**

5 (a) IN GENERAL.—Section 423(a) of the Health Care  
6 Quality Improvement Act of 1986 (42 U.S.C. 11133(a))  
7 is amended—

8 (1) in paragraph (1), by adding at the end the  
9 following new sentence: “In no case may a health  
10 care entity submit a report under this paragraph,  
11 with respect to a professional review action described  
12 in subparagraph (A) that adversely affects the clin-  
13 ical privileges of a physician or with respect to the  
14 surrender of clinical privileges of a physician de-  
15 scribed in subparagraph (B) while the physician is  
16 under an investigation, before adequate notice of  
17 and hearing procedures for such action and inves-  
18 tigation are afforded to the physician in accordance  
19 with subsections (a)(3) and (b) of section 412, or  
20 such other procedures as are fair to the physician  
21 (as described in such subsection (a)(3)). The second  
22 sentence of section 412(a) shall apply with respect  
23 to the adequate notice and procedures required for  
24 purposes of the previous sentence of this paragraph  
25 (including as applied under paragraph (2)) in the  
26 same manner that such second sentence applies to

1 the standards described in such section 412(a) nec-  
2 essary for the protection set out in section 411(a).”;  
3 and

4 (2) in paragraph (2), by inserting before the pe-  
5 riod the following: “and, in the case of a report pur-  
6 suant to paragraph (1)(A), if the entity would not  
7 be in violation of the second sentence of paragraph  
8 (1) if the practitioner were a physician”.

9 (b) EFFECTIVE DATE.—The amendments made by  
10 subsection (a) shall apply to professional review actions  
11 commenced and clinical privileges surrendered on or after  
12 the date of the enactment of this Act.

13 **SEC. 3. REQUIRING TIMELY PROVISION OF COPIES OF EVI-**  
14 **DENCE AS STANDARD FOR PROFESSIONAL**  
15 **REVIEW ACTIONS TO WHICH LIMITED LIABIL-**  
16 **ITY APPLIES.**

17 (a) IN GENERAL.—Section 412(b)(2) of such Act (42  
18 U.S.C. 11112(b)(2)) is amended by adding at the end the  
19 following new sentence:

20 “Notice provided to a physician pursuant to this  
21 paragraph shall include copies of all evidence ex-  
22 pected to be offered against the physician at the  
23 hearing.”.

24 (b) EFFECTIVE DATE.—The amendment made by  
25 subsection (a) shall apply to professional review actions

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1 proposed on or after the date of the enactment of this  
2 Act.

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