

119TH CONGRESS
1ST SESSION

H. R. 2640

To amend title 38, United States Code, to ensure that certain health care contractors of the Department of Veterans Affairs are subject to Federal tort claims laws, to improve the accountability of physicians of the Department, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2025

Mr. LUTTRELL introduced the following bill; which was referred to the
Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to ensure that certain health care contractors of the Department of Veterans Affairs are subject to Federal tort claims laws, to improve the accountability of physicians of the Department, 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 “Brian Tally VA Em-
5 ployment Transparency Act of 2025”.

1 **SEC. 2. ACCOUNTABILITY OF HEALTH CARE PROVIDERS AT**
2 **FACILITIES OF THE DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) TREATMENT OF CONTRACTORS UNDER FEDERAL
5 TORT CLAIMS LAWS.—Section 7316 of title 38, United
6 States Code, is amended by adding at the end the fol-
7 lowing new subsection:

8 “(g)(1)(A) This section shall not apply with respect
9 to civil actions or other proceedings brought by an indi-
10 vidual, or the estate of an individual, for damages for per-
11 sonal injury, including death, allegedly arising from the
12 malpractice or negligence of a non-Department provider
13 in the course of providing hospital care, medical services,
14 or nursing home care at a facility of the Department, if
15 the Secretary provides to the individual, or the estate of
16 the individual, by not later than 45 days after the Sec-
17 retary receives notice of the civil action or other pro-
18 ceeding, the information referred to in subparagraph (B).

19 “(B) The information referred to in this subpara-
20 graph is the following:

21 “(i) A description of the extent of the involve-
22 ment of the non-Department provider in the hospital
23 care, medical services, or nursing home care fur-
24 nished to the individual.

1 “(ii) The nature of such care or services fur-
2 nished to the individual by the non-Department pro-
3 vider.

4 “(iii) The full name of the non-Department pro-
5 vider.

6 “(iv) The fact that the notification is made pur-
7 suant to this paragraph.

8 “(C) A civil action or other proceeding arising from
9 an incident of alleged malpractice or negligence of a non-
10 Department provider may not be brought in both a State
11 court and in a Federal court.

12 “(2)(A) If five or more separate covered cases
13 brought during a five-year period include allegations of
14 malpractice or negligence on the part of any individual
15 non-Department provider, the Secretary—

16 “(i) shall revoke the provider’s authorization to
17 provide hospital care, medical services, or nursing
18 home care at a facility of the Department; and

19 “(ii) may not enter into any contract or agree-
20 ment that authorizes the provider to provide such
21 care or services at a facility of the Department.

22 “(B) The Secretary shall establish a process by which
23 a non-Department provider may appeal an action under
24 subparagraph (A).

25 “(3) In this subsection:

1 “(A) The term ‘covered case’ means any of the
2 following:

3 “(i) A civil action or proceeding pursuant
4 to this section that resulted in a judgment
5 against the United States, or such an action or
6 proceeding that the United States compromises
7 or settles.

8 “(ii) A civil action or proceeding pursuant
9 to State law for personal injury, including
10 death, allegedly arising from malpractice or
11 negligence that resulted in a judgment against
12 a non-Department provider, or such an action
13 or proceeding that the non-Department provider
14 compromises or settles.

15 “(B) The term ‘non-Department provider’—

16 “(i) means a health care provider who is
17 not an employee of the Federal Government but
18 who is authorized by the Secretary to provide
19 health care or treatment at a facility of the De-
20 partment pursuant to a contract or other agree-
21 ment; and

22 “(ii) does not include a provider through
23 which the Secretary furnishes care or services
24 under section 1703 of this title.”.

1 (b) NOTIFICATIONS AND OUTREACH REGARDING
2 FEDERAL TORT CLAIMS.—Such section, as amended by
3 subsection (a), is further amended by adding at the end
4 the following new subsections:

5 “(h) Not later than 30 days following the date on
6 which a judgment is entered against the United States in
7 a civil action or proceeding pursuant to this section that
8 includes a conclusion that a non-Department employee
9 committed negligence or malpractice, the Secretary shall
10 notify the following entities with respect to such judgment:

11 “(1) The appropriate licensing entity of each
12 State in which such non-Department employee is li-
13 censed as a health care professional.

14 “(2) The National Practitioner Data Bank es-
15 tablished pursuant to the Health Care Quality Im-
16 provement Act of 1986 (42 U.S.C. 11101 et seq.).

17 “(i) The Secretary shall publish in a clear and con-
18 spicuous manner on the internet website of the Depart-
19 ment an explanation of the rights of an individual under
20 this section, including—

21 “(1) an explanation of the procedure to file an
22 administrative claim pursuant to section 515 of this
23 title or section 2675 of title 28;

1 “(2) the circumstances under which an indi-
2 vidual may file a civil action or proceeding pursuant
3 to this section; and

4 “(3) time limits that can bar recovery under
5 this section.”.

6 (c) ACCOUNTABILITY OF PHYSICIANS OF THE DE-
7 PARTMENT.—Section 7461 of such title is amended—

8 (1) in subsection (a)—

9 (A) by inserting “(1)” before “Whenever”;
10 and

11 (B) by adding at the end the following new
12 paragraph:

13 “(2) The Under Secretary shall bring charges under
14 paragraph (1) based on professional conduct or com-
15 petence against a section 7401(1) employee who is accused
16 of committing negligence or malpractice in three or more
17 separate civil actions or proceedings pursuant to section
18 7316 of this title within a five-year period if such actions
19 or proceedings—

20 “(A) resulted in a judgment against the United
21 States; or

22 “(B) were compromised or settled by the
23 United States.”; and

24 (2) in subsection (c)(3), by adding at the end
25 the following new subparagraph:

1 “(C) The provision of care subject to a
2 civil action or proceeding pursuant to section
3 7316 of this title that—

4 “(i) resulted in a judgment against
5 the United States; or

6 “(ii) is compromised or settled by the
7 United States.”.

8 (d) APPLICABILITY.—The amendments made by this
9 section shall take effect with respect to actions or omis-
10 sions covered under section 7316 of title 38, United States
11 Code, occurring on or after the date of the enactment of
12 this Act.

○