



AMENDMENT NO. 2 Calendar No. _____

Purpose: To require the Secretary of Health and Human Services to issue regulations to ensure due process rights for physicians furnishing emergency medical services.

IN THE SENATE OF THE UNITED STATES—117th Cong., 2d Sess.

S. 3799

To prepare for, and respond to, existing viruses, emerging new threats, and pandemics

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MARSHALL

Viz:

1 At the appropriate place in subtitle C of title II, in-
2 sert the following:

3 **SEC. 2 ____ . REGULATIONS TO ENSURE DUE PROCESS**
4 **RIGHTS FOR PHYSICIANS FURNISHING EMER-**
5 **GENCY MEDICAL SERVICES.**

6 (a) IN GENERAL.—The Secretary of Health and
7 Human Services shall issue final regulations to provide
8 that physicians who have been granted medical staff privi-
9 leges to furnish emergency medical services have a fair
10 hearing and appellate review through appropriate medical
11 staff mechanisms before any termination, restriction, or

1 reduction of the professional activity of such physicians
2 or staff privileges of such physicians at such hospital.

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

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

7 (2) a physician shall not be requested or re-
8 quired to waive their rights to such a hearing or ap-
9 pellate review as a condition of employment, either
10 with the hospital or with a third-party contractor;
11 and

12 (3) any such hearing or appellate review shall
13 be confidential and not reportable to any entity, in-
14 cluding the National Practitioner Data Bank or fu-
15 ture workplaces or employers, unless there is an on-
16 going threat to patient safety, or as otherwise re-
17 quired under the reporting requirements for hos-
18 pitals established by the National Practitioner Data
19 Bank.

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