

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND THE DEPARTMENT OF VETERANS AFFAIRS**

Authority: This Memorandum of Understanding (MOU) between the Department of Health and Human Services (HHS) and the Department of Veterans Affairs (VA) enables participation of the VA in the national reporting system established under Part B of Title IV, P.L. 99-660, The Health Care Quality Improvement Act of 1986, and further delineated in 45 CFR Part 60.

GENERAL PROVISIONS

This MOU incorporates the terms and definitions of the regulations at 45 CFR Part 60, Subpart A, as applicable.

DATA BANK REPORTS

A. Malpractice Payments

1. The VA will file a report with the National Practitioner Data Bank, in accordance with regulations at 45 CFR Part 60, Subpart B, as applicable, regarding any payment for the benefit of a physician, dentist, or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice. The VA will identify the physician, dentist or other licensed health care practitioner for whose benefit the payment is made according to its own procedures. The report will be filed within 30 days of the date the payment is made.
2. A copy of the report will also be filed with the State licensing board in the State(s) in which the practitioner is licensed and with the State licensing board in the State in which the act or omission upon which the medical malpractice claim was based.
3. Payments made for claims which are due to circumstances beyond the control of the practitioner (for example, power failure, accidents unrelated to patient care, and drugs mislabeled by the supplier) shall not be reported to the Data Bank.

B. Clinical Privileges Actions

1. The VA will file a report in accordance with regulations at 45 CFR Part 60, Subpart B, as applicable, regarding any of the following actions:
 - a. Any professional review action that adversely affects the clinical privileges of a physician or dentist for a period longer than 30 days;

- b. Acceptance of the surrender of clinical privileges or any restriction of such privileges by a physician or dentist either while the physician or dentist is under investigation by the health care entity relating to possible incompetence or improper professional conduct, or in return for not conducting such an investigation or proceeding.
2. Such adverse action reports will be filed with the State board of medical or dental examiners in the State(s) in which the practitioner is licensed and with the State board of medical or dental examiners in the State in which the health care entity is located within 15 days of the date the adverse action is made final, that is, subsequent to any internal appeal.

DATA BANK INQUIRIES

1. The VA will request information from the Data Bank, in accordance with the regulations published at 45 CFR Part 60, Subpart C, as applicable, concerning a physician, dentist, or other licensed health care practitioner as follows:
 - a. At the time a physician, dentist, or other health care practitioner applies for a position on the medical staff or for clinical privileges at a VA hospital or a hospital or other health care entity operated under the auspice of the VA;
 - b. Every 2 years concerning any physician, dentist, or other health care practitioner who is on the medical staff or who has clinical privileges at a VA hospital or hospital or other health care entity operated under the auspice of the VA; and
 - c. At other times pursuant to VA policy and needs and consistent with the Act and Final Regulations.

OTHER CONSIDERATIONS

1. To the extent permitted by the system's design, the content of VA reports will be entered into the Data Bank as provided and will not be edited.
2. As a member (ex officio) of the Executive Committee, the VA will have an opportunity to review and comment on criteria by which to judge research data requests. It is expected that those criteria will apply uniformly to all data released by the Data Bank.
3. Prior to the release or publication of analyses or products resulting from data contained in the Data Bank, which identifies the VA or individual VA health care facilities, the VA will be given the opportunity to review and comment.


4. The Secretary, HHS, is required under Section 432 of the Act to submit to Congress a report on this MOU. The Secretary, HHS, will submit this report to VA for comment.

PERIOD OF AGREEMENT


The term of this agreement is indefinite, however, it is subject to termination by either party within 60 days notice.

IMPLEMENTATION DATE

This agreement will be effective October 1, 1990, with an implementation date of December 31, 1990.


EDWARD J. DERWINSKI
SECRETARY
DEPARTMENT OF VETERANS AFFAIRS

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LOUIS W. SULLIVAN, M.D.
SECRETARY
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