

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5435

To establish an Office of Health Care Competition within the Department of Health and Human Services to administer the National Practitioner Data Bank and to collect and make available to the public more information on medical malpractice insurance under that Data Bank.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2002

Mr. DEFAZIO introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To establish an Office of Health Care Competition within the Department of Health and Human Services to administer the National Practitioner Data Bank and to collect and make available to the public more information on medical malpractice insurance under that Data Bank.

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 “Improved Medical Mal-  
5 practice Information Reporting and Competition Act of  
6 2002”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF HEALTH CARE**  
2 **COMPETITION WITHIN THE DEPARTMENT OF**  
3 **HEALTH AND HUMAN SERVICES.**

4 (a) IN GENERAL.—There is established within the  
5 Department of Health and Human Services an Office to  
6 be known as the Office of Health Care Competition Policy  
7 (in this section referred to as the “Office”). The Office  
8 shall be headed by a Director, who shall be appointed by  
9 the Secretary of such Department.

10 (b) DUTIES.—

11 (1) RESPONSIBILITY FOR NATIONAL PRACTI-  
12 TIONER DATA BASE.—The Office shall be responsible  
13 for activities of the Secretary under part B of title  
14 IV of the Health Care Quality Improvement Act of  
15 1986 (title IV of Public Law 99–660), including the  
16 National Practitioner Data Base under such part.

17 (2) ANNUAL REPORT.—The Director of the Of-  
18 fice shall submit a report each year to the Secretary  
19 of Health and Human Services on activities con-  
20 ducted under such part.

21 **SEC. 3. CHANGES IN NATIONAL PRACTITIONER DATA BASE**  
22 **PROVISIONS.**

23 (a) REQUIRING ADDITIONAL REPORTS ON MEDICAL  
24 MALPRACTICE INSURANCE AND CLAIMS.—Part B of title  
25 IV of the Health Care Quality Improvement Act of 1986

1 (title IV of Public Law 99–660) is amended by inserting  
2 after section 421 the following new section:

3 **“SEC. 421A. REQUIRING REPORTS ON MEDICAL MAL-**  
4 **PRACTICE INSURANCE AND CLAIMS.**

5 “(a) IN GENERAL.—Each entity (including an insur-  
6 ance company) which underwrites a policy of insurance for  
7 medical malpractice actions or claims shall report, in ac-  
8 cordance with section 424, information respecting such in-  
9 surance and claims for payment under such policy. Such  
10 information shall be in addition to, and may be coordi-  
11 nated with, the information required to be reported under  
12 section 421.

13 “(b) INFORMATION TO BE REPORTED.—The infor-  
14 mation to be reported under subsection (a) by an entity  
15 with respect to a medical malpractice insurance policy  
16 includes—

17 “(1) the number of such policies of the entity  
18 that are in effect;

19 “(2) the amount of the premiums collected  
20 under each such policy;

21 “(3) with respect to each medical malpractice  
22 action or claim brought under such a policy—

23 “(A) a description of the physician, or  
24 other licensed health care practitioner or health  
25 care provider against whom the action or claim

1 is brought, the insuring entity, and the prin-  
2 cipal trial (or other) lawyer defending against  
3 the action or claim, and

4 “(B) the outcome of such action or claim  
5 (including settlements and verdicts);

6 “(4) a description of the acts or omissions and  
7 injuries or illnesses upon which the action or claim  
8 was based; and

9 “(5) such other information as the Secretary  
10 determines is required for appropriate interpretation  
11 of information reported under this section.

12 “(c) SANCTIONS FOR FAILURE TO REPORT.—The  
13 provisions of section 421(c) shall apply to information re-  
14 quired to be reported under this section in the same man-  
15 ner as they apply to the reporting of information on a pay-  
16 ment required to be reported under section 421.

17 “(d) COORDINATION OF INFORMATION REPORT-  
18 ING.—The Secretary shall provide for the coordination of  
19 reporting of information under this section with the re-  
20 porting of related information under section 421.”.

21 (b) INCLUSION AND AVAILABILITY OF INFORMA-  
22 TION.—Section 427(b) of such Act (42 U.S.C. 11137(b))  
23 is amended by adding at the end the following new para-  
24 graph:

1           “(4) AVAILABILITY OF PUBLIC FILE DATA.—  
2           Notwithstanding the previous provisions of this sub-  
3           section, the Secretary shall make available, for free  
4           from the website maintained in connection with the  
5           data base established to carry out this part, informa-  
6           tion reported under sections 421 and 421A which  
7           does not provide for individually identifiable infor-  
8           mation.”.

9           (c) EFFECTIVE DATE.—The amendments made by  
10          this section shall take effect 6 months after the date of  
11          the enactment of this Act.

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