

March 22, 2005

DELEGATION OF AUTHORITY TO SETTLE TORT CLAIMS

1. PURPOSE: This Veterans Health Administration (VHA) Directive establishes nationwide policy permitting Veterans Integrated Service Network (VISN) Directors and Department of Veterans Affairs (VA) medical facility Directors to settle monetary claims for \$2,500 or less arising out of VHA operations and filed under the Federal Tort Claims Act.

2. POLICY: It is VHA policy to implement the revised Title 38 Code of Federal Regulations (CFR) 14.600 that was published in the Federal Register on August 30, 1999, effective from the same date.

3. ACTION

a. Settlement authority to \$2,500 for money claims filed under the Federal Tort Claims Act, arising out of VHA operations, is extended to Network Directors and facility Directors. This delegation is enumerated under 38 CFR 14.600. It covers damage or loss of property or personal injury or death, caused by the negligent or wrongful act or omission of a Government employee while acting within the scope of the employee's office or employment.

b. Authority to reconsider final denial of a claim by a Network Director or facility Director is resident with the Regional Counsel with jurisdiction over the geographic area where the occurrence complained of arose.

c. Regardless of their amount, information on medical malpractice settlements must continue to be reported to the Office of Medical-Legal Affairs (11ML) which is co-located at the VA Medical Center Buffalo, NY. Upon receipt of settlement notice, that office undertakes any necessary collection of additional evidence to support peer review and consideration of reporting to the National Practitioners Data Bank.

d. A copy of a settled tort claim, unless received from the Regional Counsel, needs to be furnished to the Office of Medical-Legal Affairs (11ML).

4. REFERENCE: None.

5. FOLLOW-UP RESPONSIBILITY: The Office of Patient Care Services, (11) is responsible for the contents of this Directive. Questions need to be addressed to 202-273-6277.

6. RESCISSION: VHA Directive 99-066 is rescinded. This VHA Directive expires March 31, 2010.

S/ Jonathan B. Perlin, MD, PhD, MSHA, FACP
Acting Under Secretary for Health

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THIS VHA DIRECTIVE EXPIRES MARCH 31, 2010