

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 97-9096 Filed 4-8-97; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

[T.D. 97-21]

#### Recordation of Trade Name: "Phase II"

**AGENCY:** U.S. Customs Service,  
Department of the Treasury.

**SUMMARY:** On Tuesday, January 28, 1997, a notice of application for the recordation under section 42 of the Act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name "PHASE II," used by Phase II Machine and Tool, Inc., a corporation organized under the laws of the State of New Jersey, located at 14 Caesar Place, Moonachie, New Jersey 07074, was published in the **Federal Register** (62 FR 4094). The notice advised that before final action was taken on the application, consideration would be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation and received not later than March 31, 1997. No responses were received in opposition to the notice.

Accordingly, as provided in § 133.14, Customs Regulations (19 CFR 133.14), the name "PHASE II," is recorded as the trade name used by Phase II Machine and Tool Inc., located at 14 Caesar Place, Moonachie, New Jersey 07074.

The trade name is used in connection with advertising, business cards, stationery. The merchandise is manufactured all over the world, but primarily Asia.

**EFFECTIVE DATE:** April 9, 1997.

**FOR FURTHER INFORMATION CONTACT:** Delois P. Johnson, Intellectual Property Rights Branch, 1301 Constitution Avenue, NW., (Franklin Court), Washington, D.C. 20229 (202-482-6960).

Dated: April 3, 1997.

**John F. Atwood,**  
Chief, Intellectual Property Rights Branch.  
[FR Doc. 97-8977 Filed 4-8-97; 8:45 am]

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## DEPARTMENT OF VETERANS AFFAIRS

### Privacy Act of 1974, Amendment of Routine Use

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice of amendment of routine use.

**SUMMARY:** As required by the Privacy Act of 1974 notice is hereby given that the Department of Veterans Affairs (VA) is amending a routine use statement that appears in the system of records, 77VA11, Health Care Provider Credentialing and Privileging Records—VA.

**DATES:** Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the routine uses. All relevant materials received before May 9, 1997, will be considered. All written comments received will be available for public inspection at the Office of Regulations Management, Room 1158, at the address given below, between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays). If no public comment is received during the 30-day review period allowed for public comment or unless otherwise published in the **Federal Register** by VA, the routine use amendment is effective May 9, 1997.

**ADDRESSES:** Written comments concerning the routine use amendment may be mailed to the Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420.

**FOR FURTHER INFORMATION CONTACT:** Ruth-Ann Phelps, Ph.D., Health Systems Specialist, Office of the Under Secretary For Health, Patient Care Services, (202) 273-8473.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 27, 1990, the Department published original notice of the system of records (77VA11) at 55 FR 30790. This system of records was re-published in its entirety on June 13, 1991 at 56 FR 27292. Routine use number 19, and the retention and disposal statement were amended on July 30, 1993 at 58 FR 40852. This proposal intends to amend routine use number 6 in order to adhere to a change in VA policy as set forth below. The proposed amendment is not within the purview of subsection (r) of the Privacy Act (5 U.S.C. 552a), as amended, which would require the submission of a new or altered system report.

##### Policy

The Department of Veterans Affairs (VA) is amending its policy regarding initiating reporting to State Licensing Boards to include current VA employees who are licensed health care

professionals. Therefore, VA proposes to add the words "currently employed" by amendment to routine use number 6 of the System of Records, 77VA11, Health Care Provider Credentialing and Privileging Records, where the existing release authority is contained. VA has long had a policy of initiating communications with other Federal Agencies, appropriate State Licensing Boards, and appropriate non-governmental entities about the professional performance history of former licensed health care professionals. This includes those who have been terminated for any reason, or who have resigned or retired and whose behavior or clinical practice so substantially failed to meet generally accepted standards of clinical practice as to raise reasonable concern for the safety of patients. This policy is contained in 58 FR 48455, September 16, 1993, further explained at 38 CFR part 47, and is recognized by Congress in Section 204 of Pub. L. 99-166.

While VA has responded to inquiries from appropriate State Licensing Boards about the professional practice of its current employees, it has generally restricted its initiation of communications to State Licensing Boards regarding professional practice standards to former licensed health care employees. Generally, concerns about clinical practice standards or behavior of current VA licensed health care professionals are addressed under traditional management methods such as mentorships, proctorships, co-reviews and other controls designed to insure patient safety. The scope of these procedures, however, is limited to VA supervised or controlled provision of health care services and does not consider those licensed health care professionals who, in addition to their VA employment, either full-time or part-time, may be providing health care services outside of VA in a jurisdiction where they are licensed. This is the basis for making current VA licensed health care professionals subject to the same VA initiated reporting requirements that have long existed for former VA licensed health care employees. Further, extending this reporting practice is consistent with VA's commitment to promote patient safety in the health care community at large and is consistent with reporting practices in private sector health care facilities.

##### Authority

VA has broad authority to report both employed or separated health care professionals. VA has long-standing statutory authority, contained in 38

U.S.C. 501 and 7401–7405, which authorizes VA to set the terms and conditions of initial appointment and continued employment of health care personnel as may be necessary to operate VA health care facilities. This authority includes requiring health care professionals to obtain and maintain a current license, registration, or certification in their health care field. Additionally, the Health Care Amendments Act of 1985, Pub. L. 99–166, and Part B of Title IV of Pub. L. 99–660, the Health Care Quality Improvement Act of 1986 are both Acts which authorize and require VA to strengthen quality assurance and reporting systems to promote better health care.

Additionally, there are minor changes in the wording for consistency sake such as changing “professional medical practice” to read “clinical practice” to more accurately reflect the coverage of all licensed clinicians who may not be medical doctors. Likewise, minor amendments are being made to the System Location, the Safeguards, and the System Manager and Address categories. These changes reflect internal reorganization changes.

Approved: April 1, 1997.

**Jesse Brown,**  
*Secretary of Veterans Affairs.*

#### 77 VA 11

##### SYSTEM NAME:

Health Care Provider Credentialing and Privileging Records—VA

##### SYSTEM LOCATION:

Records are maintained at each VA health care facility. Address locations for VA facilities are listed in VA Appendix 1 at the end of this document. In addition, information from these records or copies of records may be maintained at the Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW, Washington, DC 20420 and/or Veterans Integrated Service Network (VISN) Offices, as well as at consolidated Health Care Systems Offices.

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##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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6. Records from this system of records may be disclosed to a Federal agency or to a State or local government licensing board and/or to the Federation of State Medical Boards or a similar non-government entity which maintains records concerning individuals' employment histories or concerning the issuance, retention or revocation of licenses, certifications, or registration necessary to practice an occupation, profession or specialty, in order for the Department to obtain information relevant to a Department decision concerning the hiring, retention or termination of an employee or to inform a Federal agency or licensing boards or the appropriate non-government entities about the health care practices of a currently employed, terminated,

resigned, or retired health care employee whose professional health care activity so significantly failed to meet generally accepted standards of clinical practice as to raise reasonable concern for the safety of patients. These records may also be disclosed as part of an ongoing computer matching program to accomplish these purposes.

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##### SYSTEM MANAGER(S) AND ADDRESS:

Official responsible for policies and procedures: Credentialing and Privileging Manager (11B), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington DC 20420. Officials maintaining the system: the Chief of Staff at the VA health care facility where the provider made application for employment, or was or is employed; and the credentialing coordinator for individuals who made application for employment to, or are or were employed at VA Central Office or at a VISN location.

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