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ONE HUNDRED NINETEENTH CONGRESS

U.S. House of Representatives

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April 2, 2026

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: **Committee on Ethics**
Michael Guest, Chairman
Mark DeSaulnier, Ranking Member

SUBJECT: Changes to the Ethics in Government Act Regarding Members Who Provide Medical and Dental Services Directly to Patients

On November 12, 2025, section 13144 of the Ethics in Government Act (EIGA) was amended to state that “the relationship between a [Member] who is providing care directly to a patient in the form of medical services or dental services and the patient to whom such care is provided shall not be considered a fiduciary relationship.”¹ To implement this amendment, the Committee is announcing new policies that apply **only to Members who provide medical or dental services.**² This memorandum 1) defines the scope of medical and dental services covered by EIGA, as amended; 2) clarifies how to calculate earned income for providing these services directly to patients; and 3) explains how Members who provide medical or dental services directly to patients may affiliate with, or allow their names to be used by, an employing organization.

Introduction and History

EIGA places a number of limitations on employment outside of the House for Members, and House officers and staff paid at or above the senior staff rate (Senior Staff).³ In particular, EIGA limits the amount of outside earned income Members and Senior Staff may earn from all

¹ Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026, Pub. L. 119-37, § 116 (2025). This exclusion applies only to the limitations on outside employment found in 5 U.S.C. § 13144. See 5 U.S.C. § 13144(c). This memorandum uses the term “Member” to refer to House Members, Delegates, and the Resident Commissioner.

² Pursuant to 5 U.S.C. § 13142(1)(A), the Committee is responsible to implementing the provisions of EIGA in the House.

³ House officers and staff paid at or above the “senior staff rate” are those officers and employees whose pay “is equal to or greater than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule” for at least 60 days during the calendar year. 5 U.S.C. § 13101(13). Please see the Committee’s annual pink sheet regarding outside earned income limits and salaries triggering financial disclosure requirements for additional information, available on the Committee’s website at <https://ethics.house.gov/pink-sheets/>.

non-House sources combined.⁴ Additionally, EIGA prohibits receiving compensation for a number of activities, including providing fiduciary services; affiliating with an organization that provides fiduciary services; serving as an officer or director of an association, company, or other entity; and teaching without prior approval from the Committee.⁵ EIGA also prohibits Members and Senior Staff from allowing an organization that provides fiduciary services to use the Member or Senior Staff's name, whether for compensation or not.⁶ Finally, EIGA prohibits Members and Senior Staff from receiving honoraria.⁷

The Committee's longstanding guidance regarding fiduciary services is based on the report of the 1989 Bipartisan Task Force on Ethics (Bipartisan Task Force). The Bipartisan Task Force stated the intention of the restriction was not to apply the word fiduciary "in a narrow, technical sense," but rather to reach "services such as legal, real estate, consulting and advising, insurance, medicine, architecture [and] financial."⁸ In 1998, after receiving multiple inquiries, the Committee created a special exception for Members practicing medicine. The Committee determined Members may practice medicine and charge fees, as long as those fees did not exceed the Members' actual and necessary expenses.⁹ These Members were required to essentially "break even." Except for this special exception, earned income and compensation are synonymous, and earned income is calculated on a gross basis.¹⁰ Members and Senior Staff providing other fiduciary services may not receive any compensation.¹¹ For Members and Senior Staff who may receive compensation for their outside employment, only travel expenses may be excluded when calculating earned income.¹²

The November 12, 2025, amendment to EIGA states that "the relationship between a [Member] who is providing care directly to a patient in the form of medical services or dental services and the patient to whom such care is provided shall not be considered a fiduciary relationship."¹³ The Committee has determined that the following policies apply to Members who

⁴ 5 U.S.C. § 13143(a). The limit on outside earned income attributable to a calendar year is 15% of the rate of basic pay for Executive Schedule Level II in effect on January 1 of that year. Please see the Committee's annual pink sheet regarding outside earned income limits and salaries triggering financial disclosure requirements for additional information, available on the Committee's website at <https://ethics.house.gov/pink-sheets/>.

⁵ 5 U.S.C. § 13144(a)(1); (3)-(5); House Rule 25, cl. 2(a), (c)-(e).

⁶ *Id.* at (a)(2); House Rule 25, cl. 2(b).

⁷ 5 U.S.C. § 13143(b). House Rule 25 provides additional requirements regarding receipt of honoraria.

⁸ House Bipartisan Task Force on Ethics, 101st Cong. *Report on H.R. 3660*, 101st Cong., 1st Sess. (Comm Print 1989), *reprinted in* 135 Cong. Rec. 30740, 30745 (daily ed. Nov. 21, 1989).

⁹ Comm. on Standards of Official Conduct, *Outside Earned Income Restrictions on Members and Senior Staff* at 3 (Feb. 23, 1998), *reprinted in House Ethics Manual December 2022 Print* at 392-95.

¹⁰ *See* Comm. on Ethics, *The 2019 Outside Earned Income Limit and Salaries Triggering the Financial Disclosure Requirement and Post-Employment Restrictions Applicable to House Officers and Employees* at 4-5 (June 13, 2019); *see also* Select Comm. on Ethics, *General Interpretation of House Rule 25 Dealing with Limitations on Members' Outside Earned Income*, *reprinted in House Ethics Manual December 2022 Print* at 374.

¹¹ *See supra* note 5 and accompanying text.

¹² *See supra* note 10.

¹³ 5 U.S.C. § 13144(c).

provide those services directly to patients. **These new policies do not apply to Senior Staff.** Therefore, those officers and staff must continue to adhere to the existing policy and may not receive compensation for practicing a profession that involves any type of fiduciary relationship.

New Policies

Receipt and Reporting of Compensation

Members who provide medical or dental services directly to patients may receive compensation for providing those services, when the fees and other payment for such services do not exceed the outside earned income limit (OEIL) established by 5 U.S.C. § 13143 after subtracting the actual and necessary expenses incurred by such a Member during the calendar year. “Medical and dental services” are defined as services provided by Members who are physicians, physician assistants, nurse practitioners, veterinarians, and dentists.¹⁴ The actual and necessary expenses that may be excluded are 1) malpractice insurance premiums; 2) professional expenses, including licensing fees, dues, memberships in professional societies, professional subscriptions, and continuing education expenses; and 3) office expenses, including rent, utilities, equipment, supplies, and salaries of personnel.

Any Member who receives compensation for providing medical or dental services directly to patients must file an annual report with the Committee. That report must demonstrate that the fees and other payments received for directly providing these services do not exceed the OEIL for that year after subtracting the actual and necessary expenses incurred by the Member during the calendar year. The Committee has created a form for the purpose of reporting the fees and other payments received, as well as the actual and necessary expenses incurred. This form must be submitted to the Committee no later than May 15th for the prior calendar year, to coincide with the annual financial disclosure reporting deadline. A copy of this form can be found at the end of this memorandum and on the Committee’s website under “Forms.”

Affiliation and Use of Name

Members who provide medical and dental services directly to patients are limited in their ability to affiliate with organizations that also provide these services. Members may not own or co-own an organization that provides medical or dental services.¹⁵ However, a Member may provide medical or dental services directly to patients as an employee or contractor with an organization that provides those services.

A Member who provides medical and dental services directly to patients may allow an organization for which the Member is an employee or contractor to use the Member’s name on the

¹⁴ Any Member who believes they provide medical or dental services but is not a physician, physician assistant, nurse practitioner, veterinarian, or dentist must receive formal written approval from the Committee before receiving compensation.

¹⁵ Although 5 U.S.C. § 13144(c) states that “the relationship between a [Member] who is providing care directly to a patient in the form of medical services or dental services and the patient to whom such care is provided shall not be considered a fiduciary relationship,” the Committee has determined that the November 12, 2025, amendment to EIGA does not affect the prohibition on receiving compensation or income based on affiliating with a firm where medical or dental services are provided by others.

organization's website as a provider, or when asked, to allow patients to make appointments with the Member.¹⁶ However, Members may not allow those organizations to use the Members' names on letterhead, advertisements, medical directories, telephone directories, building directories, business cards, or other marketing materials. A state licensing board may list a Member's affiliated organization if it lists that information for all similar license holders.

* * *

If you have any questions regarding this guidance, please contact the Committee's Office of Advice and Education at (202) 225-7103.

¹⁶ Although 5 U.S.C. § 13144(c) does not allow an organization that provides medical or dental services to use a Member's name, whether for compensation or not, the Committee has determined that the limited exception outlined above is not prohibited.

COMMITTEE ON ETHICS

FORM FOR DISCLOSING EXPENSES FOR MEMBERS WHO RECEIVE COMPENSATION FOR PROVIDING MEDICAL OR DENTAL SERVICES DIRECTLY TO PATIENTS

A Member who provides medical or dental services directly to a patient may receive compensation for providing those services. Such compensation may not exceed the outside earned income limit established in 5 U.S.C. § 13143 after subtracting the actual and necessary expenses incurred by the Member during a calendar year in connection with the practice. Any Member who receives compensation for providing medical or dental services directly to patients must file this form pursuant to the Committee’s Memorandum dated April 2, 2026. “Medical services” includes services provided by physicians, physician assistants, nurse practitioners, and veterinarians.

The signed form must be filed with the Committee **on or before May 15** of each calendar year. **This form may be submitted to 1015 Longworth House Office Building or EthicsCommittee@mail.house.gov.** The period covered by this form is the previous calendar year.

1. Member’s Name: _____

2. Covered Year: _____

3. YES NO Did you practice medicine in the calendar year above?
(If YES, continue with lines 3 through 6. If NO, proceed to signature.)

4. YES NO Did you receive compensation for providing medical services in the calendar year above?
(If YES, continue with line 5. If NO, proceed to line 6.)

5. Total (gross) amount of all compensation received for providing medical services in the calendar year above:

6. List the dollar value of any expenses attributable to your practice in the last calendar year for the following categories:

	<i>Amount</i>	<i>Description of Expenses</i>
<i>Malpractice Insurance Premiums</i>		
<i>Professional Expenses*</i>		
<i>Office Expenses**</i>		
<i>TOTAL</i>		

*“Professional Expenses” include costs to maintain licensure, dues and membership in professional associations or societies, subscriptions to professional publications, and continuing education.

**“Office Expenses” include rent, utilities, equipment, supplies, and salaries of support personnel.

Signature: _____

Date: _____

If you have any questions regarding this reporting requirement or completing this form, please contact the Committee at (202) 225-7103.