

**STATEMENT OF
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THE AMERICAN LEGION
TO THE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HOUSE COMMITTEE ON VETERANS' AFFAIRS ON
"PENDING LEGISLATION"**

April 19, 2023

Chairwoman Kiggans, Ranking Member Mrvan, and distinguished members of the subcommittee, on behalf of National Commander Vincent J. "Jim" Troiola and more than 1.6 million dues-paying members of The American Legion, we thank you for the opportunity to comment on H.R. 592 – Department of Veterans Affairs Electronic Health Record Modernization Improvement Act.

The American Legion is directed by active Legionnaires who dedicate their time and resources to serve veterans and their families. As a resolution-based organization, our positions are guided by more than 104 years of advocacy and resolutions that originate at the grassroots level of our organization. Every time The American Legion testifies, we offer a direct voice from the veteran community to Congress.

**H.R. 592 – Department of Veterans Affairs Electronic Health Record Modernization
Improvement Act**

*To prohibit the Secretary of Veterans Affairs from carrying out certain activities under the
Electronic Health Record Modernization Program until certification of system improvements
and facility readiness.*

In 2018, the Department of Veterans Affairs (VA) began its Electronic Health Record Modernization (EHRM) program to replace its current operating system, Veterans Health Information Systems and Technology Architecture (VistA), which originally dates to 1977.¹ The VA's new EHR system, Oracle Cerner Millennium, is intended to bring new capabilities to VA, such as a more efficient process for identifying potential health risks, scheduling features that would improve wait times, and a seamless experience across VA, Department of Defense (DOD), and civilian healthcare facilities and their departments.² The EHRM program aims to provide veterans with an easily updated health record that follows a veteran for life, from when the service

¹ Allen, Arthur. n.d. "A 40-Year 'Conspiracy' at the VA." The Agenda. Politico.com. <https://www.politico.com/agenda/story/2017/03/vista-computer-history-va-conspiracy-000367/>. Unless otherwise noted, all cited hyperlinks accessed March 28, 2023.

² Communication, IT Strategic. 2022. "What Veterans Need to Know about How VA's Health Record System Is Changing - VA EHR Modernization." Digital.va.gov. July 21, 2022. <https://digital.va.gov/ehr-modernization/resources/fact-sheets/what-veterans-need-to-know-about-how-vas-health-record-system-is-changing/>.

member joins the military to their time in VA healthcare. The American Legion strongly supports these goals.³

The first deployment of Oracle Cerner Millennium began in 2020 at Mann-Grandstaff VA Medical Center in Spokane, Washington. It immediately faced problems with transferring medical records to the new system.⁴ For example, it imported outdated emergency contact information and eliminated essential prescription histories. As detailed in two VA Office of Inspector General (OIG) reports, the rollout also had training and reporting issues, and caused multiple incidents where veterans were harmed.⁵ On one occasion, the Oracle Cerner Millennium system shut down for over four hours at Mann-Grandstaff, causing medical center staff to rely on outdated paper records and leaving veterans at risk of medical error.⁶

After several more deployments, the system continued to experience installment and operational issues, eventually leading to VA's decision to put the rollout on hold. The most recent pause started in October 2022 and was indefinitely extended in April 2023. During this time, VA established an EHRM Sprint Project Team to identify the solutions necessary to move forward.⁷ After reviewing more than 450 issues, the Sprint Project Team released a report focusing on 30 current critical issue areas in the EHRM implementation.

The critical issues identified include diagnostic echocardiogram orders being entered incorrectly, problems with home oxygen requisition, lost prosthetic orders, medication lists disappearing, and prescription delays and omissions. In these areas of care, patient safety must remain a top priority – where one mistake can kill or severely harm a veteran and their quality of life. In its current state, the Oracle Cerner Millennium system makes these levels of care vulnerable and potentially harm veterans in the future. Last month, on March 21, 2023, VA informed the Senate Veterans Affairs Committee that EHRM issues were linked to at least four veteran deaths and two additional instances of critical harm to veterans.⁸

It is important to note that the report is not intended to fix issues with the EHRM program but rather to identify and recommend solutions, leaving VA and Oracle Cerner to further develop and implement them. The American Legion recognizes this is a complex, time-consuming process, and fixes will take time and effort.

³ “Resolution No. 83: Virtual Lifetime Electronic Record.” 2016. <https://archive.legion.org/node/329>; “Resolution No. 12: Implementation of the MISSION Act.” 2022. <https://archive.legion.org/node/14050>.

⁴ VA OIG Details Continued Deficiencies with VA's EHRM.” n.d. www.meritalk.com.

<https://www.meritalk.com/articles/va-oig-details-continued-deficiencies-with-vas-ehrm/>.

⁵ Department of Veterans Affairs Office of Inspector General. “The New Electronic Health Record's Unknown Queue Caused Multiple Events of Patient Harm.” 2022. [va.gov https://www.va.gov/oig/pubs/VAOIG-22-01137-204.pdf](https://www.va.gov/oig/pubs/VAOIG-22-01137-204.pdf).

⁶ Krishan, Nihal. “VA Cerner Ehr System Goes down for over 4 Hours Due to Patient Database Corruption Issue .” FedScoop, August 5, 2022. <https://fedscoop.com/va-cerner-ehr-system-goes-down-for-3-hours-due-to-patient-database-corruption-issue/>.

⁷ Department of Veterans Affairs Veterans Health Administration. “EHRM Sprint Report.” 2023. [veterans.senate.gov. https://www.veterans.senate.gov/services/files/5B5776E7-8765-4303-9B93-D2BCBF8D5A33](https://www.veterans.senate.gov/services/files/5B5776E7-8765-4303-9B93-D2BCBF8D5A33).

⁸ Rodriguez, Sarai. (2023, March 21). “VA Admits Oracle Cerner EHRM Issues Contributed to 4 Veteran Deaths.” [ehrintelligence.com. VA Admits Oracle Cerner EHRM Issues Contributed to 4 Veteran Deaths \(ehrintelligence.com\)](https://ehrintelligence.com/va-admits-oracle-cerner-ehrm-issues-contributed-to-4-veteran-deaths/).

H.R. 592 would address some of the major problems facing the EHRM program rollout. The act implements reasonable recommendations and requires two main certifications from current facilities using the Oracle Cerner Millennium system before it is deployed to further facilities.⁹

The first such requirement is a monthly average uptime of 99.9 percent for facilities currently using the Oracle Cerner Millennium system, which is key for any system, especially one meant to care for veterans. The American Legion believes an average monthly uptime of 99.9 percent would allow the maximum ability for VA to deliver world-class care to our veterans.

The second requirement is that any new EHR system will not launch in a new facility unless the facility's director, chief of staff, and Veterans Integrated Services Network (VISN) director certify that the facility and its staff are prepared for system deployment and use. VISN and facility leadership are the most qualified to assess a facility's readiness. Furthermore, if leadership and staff are properly prepared and ready to receive the new system, the willingness to learn and operate the system will likely assist in a successful implementation. Together, these requirements are sensible safeguards moving forward to ensure the success of the EHRM program.

Through Resolution No. 83: *Virtual Lifetime Electronic Record*, The American Legion supports the implementation of an electronic health record and wants the EHRM program to succeed and serve veterans safely.¹⁰ The VA and veteran service organizations, like The American Legion, work tirelessly to improve the lives of our nation's veterans. H.R. 592 and the Oracle Cerner Millennium system will provide the capabilities to ensure that American veterans receive the world-class care they deserve.

The American Legion supports H.R. 592 as currently written.

Conclusion

Chairwoman Kiggans, Ranking Member Mrvan, and distinguished members of the subcommittee, The American Legion thanks you for your leadership on this matter and for allowing us the opportunity to share the position of our more than 1.6 million members. For additional information or questions regarding this testimony, please contact Legislative Associate, John Kamin, at The American Legion's Legislative Division at (202) 861-2700 or jkamin@legion.org.

⁹ Congress.gov. "Text - H.R.592 - 118th Congress (2023-2024): Department of Veterans Affairs Electronic Health Record Modernization Improvement Act." February 16, 2023. <https://www.congress.gov/bill/118th-congress/house-bill/592/text?s=1&r=28>.

¹⁰ The American Legion Resolution No. 83 (2016): [Resolution No. 83: Virtual Lifetime Electronic Record | Digital Archive \(legion.org\)](https://www.legion.org/legislation/resolutions/83).