

## Union Calendar No.

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 4591

[Report No. 117-]

To direct the Secretary of Veterans Affairs to submit to Congress periodic reports on the costs of the Department of Veterans Affairs Electronic Health Record Modernization program.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2021

Mr. MRVAN (for himself, Mr. TAKANO, Mr. BOST, Mrs. LEE of Nevada, and Mr. BROWN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

NOVEMBER --, 2021

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on July 21, 2021]

## **A BILL**

To direct the Secretary of Veterans Affairs to submit to Congress periodic reports on the costs of the Department of Veterans Affairs Electronic Health Record Modernization program.

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 “VA Electronic Health*  
5 *Record Transparency Act of 2021”.*

6 **SEC. 2. REPORTS ON COSTS, PERFORMANCE METRICS, AND**  
7 **OUTCOMES OF DEPARTMENT OF VETERANS**  
8 **AFFAIRS ELECTRONIC HEALTH RECORD MOD-**  
9 **ERNIZATION PROGRAM.**

10 *(a) IN GENERAL.—Section 503 of the Veterans Benefits*  
11 *and Transition Act of 2018 (Public Law 115–407; 38*  
12 *U.S.C. 5701 note prec.) is amended—*

13 *(1) by redesignating subsection (e) as subsection*  
14 *(f);*

15 *(2) by inserting after subsection (d) the following*  
16 *new subsection (e):*

17 *“(e) QUARTERLY REPORTS.—*

18 *“(1) REPORTS ON COSTS OF EHRM PROGRAM.—*  
19 *Not later than 90 days after the date of the enactment*  
20 *of the VA Electronic Health Record Transparency Act*  
21 *of 2021, and every 30 days after the last day of each*  
22 *fiscal quarter thereafter until the termination date*  
23 *specified in paragraph (3), the Secretary of Veterans*  
24 *Affairs shall submit to the Committees on Veterans’*  
25 *Affairs of the Senate and House of Representatives a*

1        *report on the costs of the Electronic Health Record*  
2        *Modernization program of the Department of Vet-*  
3        *erans Affairs. Each such report shall include, for the*  
4        *period covered by the report and for the total period*  
5        *beginning on the date of the enactment of the VA*  
6        *Electronic Health Record Transparency Act of 2021*  
7        *and ending on the date of the submittal of the report,*  
8        *a description of all actual expenses of, and driven by,*  
9        *such program, including any such expenses paid*  
10       *using—*

11                *“(A) any funds appropriated for the De-*  
12                *partment of Veterans Affairs, for any source or*  
13                *account, expended by any organizational element*  
14                *of the Department or by the Federal Electronic*  
15                *Health Record Modernization Office for the Elec-*  
16                *tronic Health Record Modernization Program;*

17                *“(B) any funds, from any source or ac-*  
18                *count, expended by any organizational element*  
19                *of the Department for physical or technology in-*  
20                *frastructure modifications, enhancements, im-*  
21                *provements, or expansions at a facility of the*  
22                *Department necessitated by, or related or per-*  
23                *taining to, the Electronic Health Record Mod-*  
24                *ernization Program; and*

1           “(C) any funds, from any source or ac-  
2           count, expended by any organizational element  
3           of the Department or by the Federal Electronic  
4           Health Record Modernization Office for consult-  
5           ants, support contractors, or experts related or  
6           pertaining to the Electronic Health Record Mod-  
7           ernization Program.

8           “(2) *REPORTS ON PERFORMANCE METRICS AND*  
9           *OUTCOMES.*—Not later than 90 days after the date of  
10          the enactment of the VA Electronic Health Record  
11          Transparency Act of 2021, and every 30 days after  
12          the last day of each fiscal quarter thereafter until the  
13          termination date specified in paragraph (3), the Sec-  
14          retary of Veterans Affairs shall submit to the Com-  
15          mittees on Veterans’ Affairs of the Senate and House  
16          of Representatives a report on the performance  
17          metrics and outcomes of the Electronic Health Record  
18          Modernization Program. Each such report shall in-  
19          clude, for the period covered by the report—

20                 “(A) a list of the quality, performance, safe-  
21                 ty, or value metrics, key performance indicators,  
22                 and other diagnostic or evaluation criteria in  
23                 use to assess the Electronic Health Record Mod-  
24                 ernization Program and the electronic health  
25                 record system, in general and at individual fa-

1            *ilities, with respect to veterans, employees of the*  
2            *Department, and Departmental operations;*

3            *“(B) an explanation of any change to any*  
4            *of such metrics, indicators, and criteria com-*  
5            *pared to the metrics, indicators, and criteria in-*  
6            *cluded in any previous report submitted under*  
7            *this paragraph;*

8            *“(C) the data supporting or demonstrating*  
9            *each such metric, indicator, and criteria com-*  
10           *pared to the data supporting or demonstrating*  
11           *such metric, indicator, or criteria as included in*  
12           *the previous report submitted under this para-*  
13           *graph; and*

14           *“(D) a list of patient safety reports, inci-*  
15           *idents, alerts, or disclosures at each facility of the*  
16           *Department where the electronic health record*  
17           *system has been implemented.*

18           *“(3) TERMINATION DATE.—The requirement to*  
19           *submit a report under paragraph (1) shall terminate*  
20           *on the date that is 90 days after the date on which*  
21           *the Secretary submits to the Committees on Veterans’*  
22           *Affairs of the Senate and House of Representatives*  
23           *certification that the Electronic Health Record Mod-*  
24           *ernization program has been fully implemented.”;*  
25           *and*

1           (3) *in subsection (f), as redesignated by para-*  
2 *graph (1), by adding at the end the following new*  
3 *paragraphs:*

4           “(3) *The term ‘electronic health record system’*  
5 *means the electronic health record system imple-*  
6 *mented pursuant to the Electronic Health Record*  
7 *Modernization Program.*

8           “(4) *The term ‘Federal Electronic Health Record*  
9 *Management Office’ means the office established under*  
10 *section 1635(b) of the Wounded Warrior Act (title*  
11 *XVI of Public Law 110–181; 10 U.S.C. 1071 note).*

12           “(5) *The term ‘facility of the Department’ in-*  
13 *cludes a joint facility of the Department of Veterans*  
14 *Affairs and the Department of Defense.’’.*

Amend the title so as to read: “A bill to direct the Secretary of Veterans Affairs to submit to Congress periodic reports on the costs, performance metrics, and outcomes of the Department of Veterans Affairs Electronic Health Record Modernization program.”.