

## Union Calendar No.

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

# H. R. 4626

[Report No. 117-]

To amend title 38, United States Code, to require an independent assessment of health care delivery systems and management processes of the Department of Veterans Affairs be conducted once every 10 years, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2021

Mr. BERGMAN (for himself and Mr. BOST) introduced the following bill; which was referred to the Committee on Veterans' Affairs

AUGUST --, 2021

Reported with an amendment, 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 italics]

[For text of introduced bill, see copy of bill as introduced on July 22, 2021]

# **A BILL**

To amend title 38, United States Code, to require an independent assessment of health care delivery systems and management processes of the Department of Veterans Affairs be conducted once every 10 years, and for other purposes.

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 Assessment by Inde-*  
5 *pendent Measures Act” or the “VA AIM Act”.*

6 **SEC. 2. REQUIREMENT FOR ONGOING INDEPENDENT AS-**  
7 **SESSMENTS OF HEALTH CARE DELIVERY SYS-**  
8 **TEMS AND MANAGEMENT PROCESSES OF THE**  
9 **DEPARTMENT OF VETERANS AFFAIRS.**

10        *(a) ONGOING ASSESSMENTS.—Chapter 17 of title 38,*  
11 *United States Code, is amended by inserting after section*  
12 *1704 the following new section:*

13 **“§ 1704A. Independent assessments of health care de-**  
14 **livery systems and management processes**

15        *“(a) INDEPENDENT ASSESSMENTS.—Not less fre-*  
16 *quently than once every 10 years, the Secretary of Veterans*  
17 *Affairs shall enter into one or more contracts with a private*  
18 *sector entity or entities described in subsection (d) to con-*  
19 *duct an independent assessment of the hospital care, med-*  
20 *ical services, and other health care furnished by the Depart-*  
21 *ment of Veterans Affairs. Such assessment shall address*  
22 *each of the following:*

23            *“(1) Current and projected demographics and*  
24 *unique health care needs of the patient population*  
25 *served by the Department.*

1           “(2) *The accuracy of models and forecasting*  
2           *methods used by the Department to project health care*  
3           *demand, including with respect to veteran demo-*  
4           *graphics, rates of use of health care furnished by the*  
5           *Department, the inflation of health care costs, and*  
6           *such other factors as may be determined relevant by*  
7           *the Secretary.*

8           “(3) *The reliability and accuracy of models and*  
9           *forecasting methods used by the Department to project*  
10          *the budgetary needs of the Veterans Health Adminis-*  
11          *tration and how such models and forecasting methods*  
12          *inform budgetary trends.*

13          “(4) *The authorities and mechanisms under*  
14          *which the Secretary may furnish hospital care, med-*  
15          *ical services, and other health care at Department*  
16          *and non-Department facilities, including through*  
17          *Federal and private sector partners and at joint med-*  
18          *ical facilities, and the effect of such authorities and*  
19          *mechanisms on eligibility and access to care.*

20          “(5) *The organization, workflow processes, and*  
21          *tools used by the Department to support clinical staff-*  
22          *ing, access to care, effective length-of-stay manage-*  
23          *ment and care transitions, positive patient experi-*  
24          *ence, accurate documentation, and subsequent coding*  
25          *of inpatient services.*

1           “(6) *The efforts of the Department to recruit and*  
2           *retain staff at levels necessary to carry out the func-*  
3           *tions of the Veterans Health Administration and the*  
4           *process used by the Department to determine staffing*  
5           *levels necessary for such functions.*

6           “(7) *The staffing level at each medical facility of*  
7           *the Department and the productivity of each health*  
8           *care provider at the medical facility, compared with*  
9           *health care industry performance metrics, which may*  
10          *include the following:*

11                   “(A) *An assessment of the case load of, and*  
12                   *number of patients treated by, each health care*  
13                   *provider at such medical facility during an aver-*  
14                   *age week.*

15                   “(B) *An assessment of the time spent by*  
16                   *each such health care provider on matters other*  
17                   *than the case load of the health care provider, in-*  
18                   *cluding time spent by the health care provider as*  
19                   *follows:*

20                           “(i) *At a medical facility that is affili-*  
21                           *ated with the Department.*

22                           “(ii) *Conducting research.*

23                           “(iii) *Training or supervising other*  
24                           *health care professionals of the Department.*

1           “(8) *The information technology strategies of the*  
2           *Department with respect to furnishing and managing*  
3           *health care, including an identification of any weak-*  
4           *nesses or opportunities with respect to the technology*  
5           *used by the Department, especially those strategies*  
6           *with respect to clinical documentation of hospital*  
7           *care, medical services, and other health care, includ-*  
8           *ing any clinical images and associated textual re-*  
9           *ports, furnished by the Department in Department or*  
10          *non-Department facilities.*

11           “(9) *Business processes of the Veterans Health*  
12          *Administration, including processes relating to fur-*  
13          *nishing non-Department health care, insurance iden-*  
14          *tification, third-party revenue collection, and vendor*  
15          *reimbursement, including an identification of mecha-*  
16          *nisms as follows:*

17                   “(A) *To avoid the payment of penalties to*  
18                   *vendors.*

19                   “(B) *To increase the collection of amounts*  
20                   *owed to the Department for hospital care, med-*  
21                   *ical services, or other health care provided by the*  
22                   *Department, for which reimbursement from a*  
23                   *third party is authorized and to ensure that such*  
24                   *amounts collected are accurate.*

1           “(C) To increase the collection of any other  
2 amounts owed to the Department with respect to  
3 hospital care, medical services, or other health  
4 care and to ensure that such amounts collected  
5 are accurate.

6           “(D) To increase the accuracy and timeli-  
7 ness of Department payments to vendors and  
8 providers.

9           “(E) To reduce expenditures while improv-  
10 ing the quality of care furnished.

11           “(10) The purchase, distribution, and use of  
12 pharmaceuticals, medical and surgical supplies, med-  
13 ical devices, and health care-related services by the  
14 Department, including the following:

15           “(A) The prices paid for, standardization  
16 of, and use by, the Department with respect to  
17 the following:

18                   “(i) Pharmaceuticals.

19                   “(ii) Medical and surgical supplies.

20                   “(iii) Medical devices.

21           “(B) The use by the Department of group  
22 purchasing arrangements to purchase pharma-  
23 ceuticals, medical and surgical supplies, medical  
24 devices, and health care-related services.

1           “(C) *The strategy and systems used by the*  
2           *Department to distribute pharmaceuticals, med-*  
3           *ical and surgical supplies, medical devices, and*  
4           *health care-related services to Veterans Inte-*  
5           *grated Service Networks and medical facilities of*  
6           *the Department.*

7           “(11) *The process of the Department for carrying*  
8           *out construction and maintenance projects at medical*  
9           *facilities of the Department and the medical facility*  
10          *leasing program of the Department.*

11          “(12) *The competency of Department leadership*  
12          *with respect to culture, accountability, reform readi-*  
13          *ness, leadership development, physician alignment,*  
14          *employee engagement, succession planning, and per-*  
15          *formance management.*

16          “(13) *The effectiveness of the authorities and*  
17          *programs of the Department to educate and train*  
18          *health personnel pursuant to section 7302 of this title.*

19          “(14) *The conduct of medical and prosthetic re-*  
20          *search of the Department.*

21          “(15) *The provision of Department assistance to*  
22          *Federal agencies and personnel involved in respond-*  
23          *ing to a disaster or emergency.*

24          “(16) *Such additional matters as may be deter-*  
25          *mined relevant by the Secretary.*



1           “(b) *TIMING.*—*The private sector entity or entities car-*  
2 *rying out an assessment pursuant to subsection (a) shall*  
3 *complete such assessment not later than one year after en-*  
4 *tering into the contract described in such paragraph.*

5           “(c) *DATA.*—*To the extent practicable, the private sec-*  
6 *tor entity or entities carrying out an assessment pursuant*  
7 *to subsection (a) shall make use of existing data that has*  
8 *been compiled by the Department, including data that has*  
9 *been collected for—*

10                   “(1) *the performance of quadrennial market as-*  
11 *sessments under section 7330C of this title;*

12                   “(2) *the quarterly publication of information on*  
13 *staffing and vacancies with respect to the Veterans*  
14 *Health Administration pursuant to section 505 of the*  
15 *VA MISSION Act of 2018 (Public Law 115–182; 38*  
16 *U.S.C. 301 note); and*

17                   “(3) *the conduct of annual audits pursuant to*  
18 *section 3102 of the Johnny Isakson and David P.*  
19 *Roe, M.D. Veterans Health Care and Benefits Im-*  
20 *provement Act of 2020 (Public Law 116–315; 38*  
21 *U.S.C. 1701 note).*

22           “(d) *PRIVATE SECTOR ENTITIES DESCRIBED.*—*A pri-*  
23 *vate sector entity described in this subsection is a private*  
24 *entity that—*

1           “(1) *has experience and proven outcomes in opti-*  
2           *mizing the performance of the health care delivery*  
3           *systems of the Veterans Health Administration and*  
4           *the private sector and in health care management;*  
5           *and*

6           “(2) *specializes in implementing large-scale or-*  
7           *ganizational and cultural transformations, especially*  
8           *with respect to health care delivery systems.*

9           “(e) *PROGRAM INTEGRATOR.—(1) If the Secretary en-*  
10          *ters into contracts with more than one private sector entity*  
11          *under subsection (a) with respect to a single assessment*  
12          *under such subsection, the Secretary shall designate one*  
13          *such entity that is predominately a health care organiza-*  
14          *tion as the program integrator.*

15          “(2) *The program integrator designated pursuant to*  
16          *paragraph (1) shall be responsible for coordinating the out-*  
17          *comes of the assessments conducted by the private sector en-*  
18          *tities pursuant to such contracts.*

19          “(f) *REPORTS.—(1) Not later than 60 days after com-*  
20          *pleting an assessment pursuant to subsection (a), the pri-*  
21          *vate sector entity or entities carrying out such assessment*  
22          *shall submit to the Secretary of Veterans Affairs and the*  
23          *Committees on Veterans’ Affairs of the House of Representa-*  
24          *tives and the Senate a report on the findings and rec-*  
25          *ommendations of the private sector entity or entities with*

1 *respect to such assessment. Such report shall include an*  
2 *identification of the following:*

3           “(A) *Any changes with respect to the matters in-*  
4 *cluded in such assessment since the date that is the*  
5 *later of the following:*

6                   “(i) *The date on which the independent as-*  
7 *essment under section 201 of the Veterans Ac-*  
8 *cess, Choice, and Accountability Act of 2014*  
9 *(Public Law 113–146; 38 U.S.C. 1701 note) was*  
10 *completed.*

11                   “(ii) *The date on which the last assessment*  
12 *under subsection (a) was completed.*

13           “(B) *Any recommendations regarding matters to*  
14 *be covered by subsequent assessments under subsection*  
15 *(a), including any additional matters to include for*  
16 *assessment or previously assessed matters to exclude.*

17           “(2) *Not later than 30 days after receiving a report*  
18 *under paragraph (1), the Secretary shall publish such re-*  
19 *port in the Federal Register and on a publicly accessible*  
20 *internet website of the Department.*

21           “(3) *Not later than 90 days after receiving a report*  
22 *under paragraph (1), the Secretary shall submit to the*  
23 *Committees on Veterans’ Affairs of the House of Representa-*  
24 *tives and the Senate a report outlining the feasibility, and*  
25 *advisability, of implementing the recommendations made*

1 *by the private sector entity or entities in such report re-*  
2 *ceived, including an identification of the timeline, cost, and*  
3 *any legislative authorities necessary for such implementa-*  
4 *tion.”.*

5       *(b) CLERICAL AMENDMENTS.—The table of sections at*  
6 *the beginning of such chapter is amended by inserting after*  
7 *the item relating to section 1704 the following new item:*

*“1704A. Independent assessments of health care delivery systems and management processes.”.*

8       *(c) DEADLINE FOR INITIAL ASSESSMENT.—The initial*  
9 *assessment under section 1704A of title 38, United States*  
10 *Code, as added by subsection (a), shall be completed by not*  
11 *later than December 31, 2025.*