

AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO H.R. 4591

OFFERED BY Mr. M Ryan

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “VA Electronic Health
3 Record Transparency Act of 2021”.

**4 SEC. 2. REPORTS ON COSTS, PERFORMANCE METRICS, AND
5 OUTCOMES OF DEPARTMENT OF VETERANS
6 AFFAIRS ELECTRONIC HEALTH RECORD
7 MODERNIZATION PROGRAM.**

8 (a) IN GENERAL.—Section 503 of the Veterans Bene-
9 fits and Transition Act of 2018 (Public Law 115–407; 38
10 U.S.C. 5701 note prec.) is amended—

11 (1) by redesignating subsection (e) as sub-
12 section (f);

13 (2) by inserting after subsection (d) the fol-
14 lowing new subsection (e):

15 “(e) QUARTERLY REPORTS.—

16 “(1) REPORTS ON COSTS OF EHRM PROGRAM.—

17 Not later than 90 days after the date of the enact-
18 ment of the VA Electronic Health Record Trans-

1 parency Act of 2021, and every 30 days after the
2 last day of each fiscal quarter thereafter until the
3 termination date specified in paragraph (3), the Sec-
4 retary of Veterans Affairs shall submit to the Com-
5 mittees on Veterans' Affairs of the Senate and
6 House of Representatives a report on the costs of
7 the Electronic Health Record Modernization pro-
8 gram of the Department of Veterans Affairs. Each
9 such report shall include, for the period covered by
10 the report and for the total period beginning on the
11 date of the enactment of the VA Electronic Health
12 Record Transparency Act of 2021 and ending on the
13 date of the submittal of the report, a description of
14 all actual expenses of, and driven by, such program,
15 including any such expenses paid using—

16 “(A) any funds appropriated for the De-
17 partment of Veterans Affairs, for any source or
18 account, expended by any organizational ele-
19 ment of the Department or by the Federal
20 Electronic Health Record Modernization Office
21 for the Electronic Health Record Modernization
22 Program;

23 “(B) any funds, from any source or ac-
24 count, expended by any organizational element
25 of the Department for physical or technology

1 infrastructure modifications, enhancements, im-
2 provements, or expansions at a facility of the
3 Department necessitated by, or related or per-
4 taining to, the Electronic Health Record Mod-
5 ernization Program; and

6 “(C) any funds, from any source or ac-
7 count, expended by any organizational element
8 of the Department or by the Federal Electronic
9 Health Record Modernization Office for con-
10 sultants, support contractors, or experts related
11 or pertaining to the Electronic Health Record
12 Modernization Program.

13 “(2) REPORTS ON PERFORMANCE METRICS AND
14 OUTCOMES.—Not later than 90 days after the date
15 of the enactment of the VA Electronic Health
16 Record Transparency Act of 2021, and every 30
17 days after the last day of each fiscal quarter there-
18 after until the termination date specified in para-
19 graph (3), the Secretary of Veterans Affairs shall
20 submit to the Committees on Veterans’ Affairs of
21 the Senate and House of Representatives a report on
22 the performance metrics and outcomes of the Elec-
23 tronic Health Record Modernization Program. Each
24 such report shall include, for the period covered by
25 the report—

1 “(A) a list of the quality, performance,
2 safety, or value metrics, key performance indi-
3 cators, and other diagnostic or evaluation cri-
4 teria in use to assess the Electronic Health
5 Record Modernization Program and the elec-
6 tronic health record system, in general and at
7 individual facilities, with respect to veterans,
8 employees of the Department, and Depart-
9 mental operations;

10 “(B) an explanation of any change to any
11 of such metrics, indicators, and criteria com-
12 pared to the metrics, indicators, and criteria in-
13 cluded in any previous report submitted under
14 this paragraph;

15 “(C) the data supporting or demonstrating
16 each such metric, indicator, and criteria com-
17 pared to the data supporting or demonstrating
18 such metric, indicator, or criteria as included in
19 the previous report submitted under this para-
20 graph; and

21 “(D) a list of patient safety reports, inci-
22 dents, alerts, or disclosures at each facility of
23 the Department where the electronic health
24 record system has been implemented.

1 “(3) TERMINATION DATE.—The requirement to
2 submit a report under paragraph (1) shall terminate
3 on the date that is 90 days after the date on which
4 the Secretary submits to the Committees on Vet-
5 erans’ Affairs of the Senate and House of Rep-
6 resentatives certification that the Electronic Health
7 Record Modernization program has been fully imple-
8 mented.”; and

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

12 “(3) The term ‘electronic health record system’
13 means the electronic health record system imple-
14 mented pursuant to the Electronic Health Record
15 Modernization Program.

16 “(4) The term ‘Federal Electronic Health
17 Record Management Office’ means the office estab-
18 lished under section 1635(b) of the Wounded War-
19 rior Act (title XVI of Public Law 110–181; 10
20 U.S.C. 1071 note).

21 “(5) The term ‘facility of the Department’ in-
22 cludes a joint facility of the Department of Veterans
23 Affairs and the Department of Defense.”.

Amend the title so as to read: “A bill direct the Sec-
retary 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.”.

