

117TH CONGRESS
1ST SESSION

H. R. 4591

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2021

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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-
19 parency Act of 2021, and every 30 days after the
20 last day of each fiscal quarter thereafter until the
21 termination date specified in paragraph (3), the Sec-
22 retary of Veterans Affairs shall submit to the Com-
23 mittees on Veterans’ Affairs of the Senate and
24 House of Representatives a report on the costs of
25 the Electronic Health Record Modernization pro-
26 gram of the Department of Veterans Affairs. Each

1 such report shall include, for the period covered by
2 the report and for the total period beginning on the
3 date of the enactment of the VA Electronic Health
4 Record Transparency Act of 2021 and ending on the
5 date of the submittal of the report, a description of
6 all actual expenses of, and driven by, such program,
7 including any such expenses paid using—

8 “(A) any funds appropriated for the De-
9 partment of Veterans Affairs, for any source or
10 account, expended by any organizational ele-
11 ment of the Department or by the Federal
12 Electronic Health Record Modernization Office
13 for the Electronic Health Record Modernization
14 Program;

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

23 “(C) any funds, from any source or ac-
24 count, expended by any organizational element
25 of the Department or by the Federal Electronic

1 Health Record Modernization Office for con-
2 sultants, support contractors, or experts related
3 or pertaining to the Electronic Health Record
4 Modernization Program.

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

18 “(A) a list of the quality, performance,
19 safety, or value metrics, key performance indi-
20 cators, and other diagnostic or evaluation cri-
21 teria in use to assess the Electronic Health
22 Record Modernization Program and the elec-
23 tronic health record system, in general and at
24 individual facilities, with respect to veterans,

1 employees of the Department, and Depart-
2 mental 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 dents, alerts, or disclosures at each facility of
16 the Department where the electronic health
17 record 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 Vet-
22 erans’ Affairs of the Senate and House of Rep-
23 resentatives certification that the Electronic Health
24 Record Modernization program has been fully imple-
25 mented.”; and

