

117TH CONGRESS  
1ST SESSION

# S. 3341

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.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2021

Mr. MORAN (for himself, Mr. TESTER, Mr. BOOZMAN, Mr. CASSIDY, Mr. ROUNDS, Mr. TILLIS, Mr. SULLIVAN, Mrs. BLACKBURN, Mr. CRAMER, Mr. BRAUN, Ms. SINEMA, Ms. HASSAN, Mr. BROWN, Mr. BLUMENTHAL, Mrs. MURRAY, Ms. HIRONO, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## 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.

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”.

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

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

8 (1) by redesignating subsection (e) as sub-  
9 section (f);

10 (2) by inserting after subsection (d) the fol-  
11 lowing new subsection (e):

12 “(e) QUARTERLY REPORTS.—

13 “(1) REPORTS ON COSTS OF PROGRAM.—

14 “(A) IN GENERAL.—Not later than 90  
15 days after the date of the enactment of the VA  
16 Electronic Health Record Transparency Act of  
17 2021, and not later than the date that is 30  
18 days after the last day of each fiscal quarter  
19 thereafter until the termination date specified  
20 in paragraph (3), the Secretary shall submit to  
21 the appropriate congressional committees a re-  
22 port on the costs of the Electronic Health  
23 Record Modernization Program.

24 “(B) ELEMENTS.—Each report under sub-  
25 paragraph (A) shall include, for the period cov-  
26 ered by the report and for the total period be-

1 ginning on the date of the enactment of the VA  
2 Electronic Health Record Transparency Act of  
3 2021 and ending on the date of the submittal  
4 of the report, a description of all actual ex-  
5 penses of, and driven by, the Electronic Health  
6 Record Modernization Program, including any  
7 such expenses paid using—

8 “(i) any funds appropriated for the  
9 Department of Veterans Affairs, for any  
10 source or account, expended by any organi-  
11 zational element of the Department or by  
12 the Federal Electronic Health Record  
13 Modernization Office for the Electronic  
14 Health Record Modernization Program;

15 “(ii) any funds, from any source or  
16 account, expended by any organizational  
17 element of the Department for physical or  
18 technology infrastructure modifications,  
19 enhancements, improvements, or expan-  
20 sions at a facility of the Department neces-  
21 sitated by, or related or pertaining to, the  
22 Electronic Health Record Modernization  
23 Program; and

24 “(iii) any funds, from any source or  
25 account, expended by any organizational

1 element of the Department or by the Fed-  
2 eral Electronic Health Record Moderniza-  
3 tion Office for consultants, support con-  
4 tractors, or experts related or pertaining to  
5 the Electronic Health Record Moderniza-  
6 tion Program.

7 “(2) REPORTS ON PERFORMANCE METRICS AND  
8 OUTCOMES.—

9 “(A) IN GENERAL.—Not later than 90  
10 days after the date of the enactment of the VA  
11 Electronic Health Record Transparency Act of  
12 2021, and not later than the date that is 30  
13 days after the last day of each fiscal quarter  
14 thereafter until the termination date specified  
15 in paragraph (3), the Secretary shall submit to  
16 the appropriate congressional committees a re-  
17 port on the performance metrics and outcomes  
18 of the Electronic Health Record Modernization  
19 Program.

20 “(B) ELEMENTS.—Each report under sub-  
21 paragraph (A) shall include, for the period cov-  
22 ered by the report—

23 “(i) a list of the quality, performance,  
24 safety, or value metrics, key performance  
25 indicators, and other diagnostic or evalua-

1           tion criteria in use to assess the Electronic  
2           Health Record Modernization Program  
3           and the electronic health record system, in  
4           general and at individual facilities, with re-  
5           spect to veterans, employees of the Depart-  
6           ment, and operations of the Department;

7           “(ii) an explanation of any change to  
8           any of such metrics, indicators, and cri-  
9           teria compared to the metrics, indicators,  
10          and criteria included in any previous re-  
11          port submitted under subparagraph (A);

12          “(iii) the data supporting or dem-  
13          onstrating each such metric, indicator, and  
14          criteria compared to the data supporting  
15          or demonstrating such metric, indicator, or  
16          criteria as included in the previous report  
17          submitted under subparagraph (A); and

18          “(iv) a list of patient safety reports,  
19          incidents, alerts, or disclosures at each fa-  
20          cility of the Department where the elec-  
21          tronic health record system has been im-  
22          plemented.

23          “(3) TERMINATION DATE.—The requirements  
24          to submit reports under paragraphs (1) and (2)  
25          shall terminate on the date that is 90 days after the

1 date on which the Secretary submits to the appro-  
2 priate congressional committees a certification that  
3 the Electronic Health Record Modernization Pro-  
4 gram has been fully implemented.”; and

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

8 “(3) The term ‘electronic health record system’  
9 means the electronic health record system imple-  
10 mented pursuant to the Electronic Health Record  
11 Modernization Program.

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

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

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