

One Hundred Seventeenth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday,
the third day of January, two thousand and twenty-two*

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.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

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

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

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

(1) by redesignating subsection (e) as subsection (f);

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

“(e) QUARTERLY REPORTS.—

“(1) REPORTS ON COSTS OF EHRM PROGRAM.—Not later than 90 days after the date of the enactment of the VA Electronic Health Record Transparency Act of 2021, and every 30 days after the last day of each fiscal quarter thereafter until the termination date specified in paragraph (3), the Secretary of Veterans Affairs shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the costs of the Electronic Health Record Modernization program of the Department of Veterans Affairs. Each such report shall include, for the period covered by the report and for the total period beginning on the date of the enactment of the VA Electronic Health Record Transparency Act of 2021 and ending on the date of the submittal of the report, a description of all actual expenses of, and driven by, such program, including any such expenses paid using—

“(A) any funds appropriated for the Department of Veterans Affairs, for any source or account, expended by any organizational element of the Department or by the Federal Electronic Health Record Modernization Office for the Electronic Health Record Modernization Program;

“(B) any funds, from any source or account, expended by any organizational element of the Department for physical or technology infrastructure modifications, enhancements, improvements, or expansions at a facility of the

Department necessitated by, or related or pertaining to, the Electronic Health Record Modernization Program; and

“(C) any funds, from any source or account, expended by any organizational element of the Department or by the Federal Electronic Health Record Modernization Office for consultants, support contractors, or experts related or pertaining to the Electronic Health Record Modernization Program.

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

Not later than 90 days after the date of the enactment of the VA Electronic Health Record Transparency Act of 2021, and every 30 days after the last day of each fiscal quarter thereafter until the termination date specified in paragraph (3), the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the performance metrics and outcomes of the Electronic Health Record Modernization Program. Each such report shall include, for the period covered by the report—

“(A) a list of the quality, performance, safety, or value metrics, key performance indicators, and other diagnostic or evaluation criteria in use to assess the Electronic Health Record Modernization Program and the electronic health record system, in general and at individual facilities, with respect to veterans, employees of the Department, and Departmental operations;

“(B) an explanation of any change to any of such metrics, indicators, and criteria compared to the metrics, indicators, and criteria included in any previous report submitted under this paragraph;

“(C) the data supporting or demonstrating each such metric, indicator, and criteria compared to the data supporting or demonstrating such metric, indicator, or criteria as included in the previous report submitted under this paragraph; and

“(D) a list of patient safety reports, incidents, alerts, or disclosures at each facility of the Department where the electronic health record system has been implemented.

“(3) TERMINATION DATE.—The requirement to submit a report under paragraph (1) shall terminate on the date that is 90 days after the date on which the Secretary submits to the Committees on Veterans’ Affairs of the Senate and House of Representatives certification that the Electronic Health Record Modernization program has been fully implemented.”; and

(3) in subsection (f), as redesignated by paragraph (1), by adding at the end the following new paragraphs:

“(3) The term ‘electronic health record system’ means the electronic health record system implemented pursuant to the Electronic Health Record Modernization Program.

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

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“(5) The term ‘facility of the Department’ includes a joint facility of the Department of Veterans Affairs and the Department of Defense.”.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*