

116TH CONGRESS  
1ST SESSION

# S. 1154

To amend title 38, United States Code, to establish an advisory committee on the implementation by the Department of Veterans Affairs of an electronic health record.

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## IN THE SENATE OF THE UNITED STATES

APRIL 11, 2019

Mr. TESTER (for himself and Mrs. BLACKBURN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to establish an advisory committee on the implementation by the Department of Veterans Affairs of an electronic health record.

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 “Department of Vet-  
5 erans Affairs Electronic Health Record Advisory Com-  
6 mittee Act”.

1 **SEC. 2. ESTABLISHMENT OF ADVISORY COMMITTEE ON IM-**  
2 **PLEMENTATION OF ELECTRONIC HEALTH**  
3 **RECORD.**

4 (a) IN GENERAL.—Subchapter II of chapter 73 of  
5 title 38, United States Code, is amended by adding at the  
6 end the following new section:

7 **“§ 7330D. Electronic Health Record Advisory Com-**  
8 **mittee**

9 “(a) ESTABLISHMENT.—Not later than 180 days  
10 after the date of the enactment of this section, the Sec-  
11 retary shall establish the Electronic Health Record Advi-  
12 sory Committee (referred to in this section as the ‘Com-  
13 mittee’) to provide guidance to the Secretary and Congress  
14 regarding the implementation of and transition to an elec-  
15 tronic health record system of the Department.

16 “(b) MEMBERSHIP.—(1) The Committee shall be  
17 composed of 11 members appointed by the Secretary as  
18 follows:

19 “(A) One physician.

20 “(B) One nurse.

21 “(C) One individual with expertise in clinical  
22 support.

23 “(D) One individual with expertise in medical  
24 business and administration who is or was in an ex-  
25 ecutive management position at an organization that  
26 provides inpatient and outpatient care.

1           “(E) Two information technology developers.

2           “(F) Two individuals with expertise in health  
3 care information technology change management.

4           “(G) One interoperability specialist.

5           “(H) Two individuals who are members of a  
6 veterans service organization and are enrolled in the  
7 system of annual patient enrollment of the Depart-  
8 ment established and operated under section 1705 of  
9 this title.

10          “(2) No member of the Committee may—

11           “(A) be an employee of the Federal Govern-  
12 ment;

13           “(B) have worked during the two-year period  
14 before joining the Committee for any company con-  
15 tracted or subcontracted to the Department, the De-  
16 partment of Defense, the Department of State, the  
17 Department of Health and Human Services, or the  
18 Department of Homeland Security for the delivery  
19 of any electronic health record or interoperability  
20 software; or

21           “(C) have provided during the two-year period  
22 before joining the Committee any consulting or  
23 project management services relating to the delivery  
24 of any electronic health record or interoperability

1 software for any of the Federal agencies specified in  
2 subparagraph (B).

3 “(3) No individual who was involved in the procure-  
4 ment of an electronic health record for the Department,  
5 or privy to contract information relating to such procure-  
6 ment, may be a member of the Committee.

7 “(4)(A) A term for a member of the Committee shall  
8 be two years and a member may not serve more than three  
9 consecutive terms.

10 “(B) Initial members, at the election of the Secretary,  
11 may be appointed for one or two terms, with six members  
12 appointed for two terms and five members appointed for  
13 one term.

14 “(C) Any vacancy in the Committee shall be filled by  
15 the Secretary in the same manner as the original appoint-  
16 ment and not later than 180 days after the occurrence  
17 of the vacancy.

18 “(c) CHAIRPERSON AND VICE CHAIRPERSON.—The  
19 Committee shall select a Chairperson and Vice Chair-  
20 person from among the members of the Committee.

21 “(d) DUTIES.—The Committee shall carry out the  
22 following duties:

23 “(1) Analyze the priorities and plans of the De-  
24 partment for implementing the electronic health

1 record of the Department and provide advice on the  
2 best strategies to achieve those priorities and plans.

3 “(2) Conduct a risk identification analysis and  
4 develop recommendations to best mitigate the most  
5 prominent risks.

6 “(3) Conduct periodic, informal evaluations of  
7 the implementation of the electronic health record  
8 and suggest recommendations for such implementa-  
9 tion.

10 “(4) Tour facilities of the Department as those  
11 facilities begin use of the electronic health record to  
12 analyze implementation, including soliciting feedback  
13 from employees of the Department.

14 “(5) Ensure the voices of stakeholders, vet-  
15 erans, and other participants in the transition proc-  
16 ess to the electronic health record are elevated.

17 “(e) INITIAL MEETING.—(1) Not later than 90 days  
18 after the establishment of the Committee, the Committee  
19 shall hold the initial meeting of the Committee.

20 “(2) The initial meeting under paragraph (1) may be  
21 conducted either in person or via telephone conference.

22 “(f) MEETINGS, HEARINGS, AND SUBCOMMITTEES.—  
23 (1) After the initial meeting under subsection (e), the  
24 Committee shall meet at the call of the Chairperson, not

1 less frequently than monthly. Each such meeting may be  
2 conducted via telephone conference.

3 “(2) The Committee shall meet with the Secretary  
4 in person, or a designee of the Secretary, not less fre-  
5 quently than twice each year.

6 “(3) A majority of the members of the Committee  
7 shall constitute a quorum, but a lesser number of members  
8 may hold hearings.

9 “(4)(A) The Committee may establish subcommittees  
10 that report to the Committee to enhance the function of  
11 the Committee.

12 “(B) Any subcommittee established under subpara-  
13 graph (A) may not supersede the authority of the Com-  
14 mittee or provide direct advice or work products to the  
15 Department.

16 “(C) The Inspector General of the Department and  
17 the Comptroller General of the United States, or a des-  
18 ignee of the Inspector General and the Comptroller Gen-  
19 eral, may attend any meeting of the Committee as observ-  
20 ers, including the initial meeting under subsection (e), re-  
21 gardless of whether the meeting is open to the public.

22 “(g) REPORTS.—(1) The Committee shall submit to  
23 the Secretary, the Committee on Veterans’ Affairs of the  
24 Senate, and the Committee on Veterans’ Affairs of the  
25 House of Representatives an annual report on the activi-

1 ties of the Committee during the year covered by the re-  
2 port that includes recommendations for activities of the  
3 Committee during the following year.

4 “(2) Not later than 90 days after receiving the report  
5 submitted under paragraph (1), the Secretary shall submit  
6 to the Committee, the Committee on Veterans’ Affairs of  
7 the Senate, and the Committee on Veterans’ Affairs of the  
8 House of Representatives a written response addressing  
9 any recommendations or questions raised by the Com-  
10 mittee in such report.

11 “(3) Not less frequently than twice each year during  
12 the first two years following the establishment of the Com-  
13 mittee, and as the Committee determines necessary there-  
14 after, the Committee shall submit to the Committee on  
15 Veterans’ Affairs of the Senate and the Committee on Vet-  
16 erans’ Affairs of the House of Representatives such rec-  
17 ommendations for legislative or administrative actions re-  
18 lating to the work of the Committee as the Committee con-  
19 siders appropriate.

20 “(h) PAY AND REIMBURSEMENT FOR TRAVEL EX-  
21 PENSES.—(1) Members of the Committee shall serve with-  
22 out pay.

23 “(2) A member of the Committee shall be allowed  
24 travel expenses, including per diem in lieu of subsistence,  
25 at rates authorized for employees of agencies under sub-

1 chapter I of chapter 57 of title 5, United States Code,  
2 while away from their home or regular places of business  
3 in the performance of services for the Committee.

4 “(i) INFORMATION FROM CONTRACTORS.—On and  
5 after the date of the enactment of this section, the Sec-  
6 retary shall include in any contract or contract renewal  
7 entered into with a person working on the electronic health  
8 record of the Department that is not part of the Federal  
9 Government a provision requiring that the person provide  
10 to the Committee, upon request by the Committee, records  
11 relating to the work of the person on the electronic health  
12 record.

13 “(j) VETERANS SERVICE ORGANIZATION DE-  
14 FINED.—In this section, the term ‘veterans service organi-  
15 zation’ means an organization recognized by the Secretary  
16 for the representation of veterans under section 5902 of  
17 title 38, United States Code.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of chapter 73 of such title is amended  
20 by inserting after the item relating to section 7330C the  
21 following new item:

“7330D. Electronic Health Record Advisory Committee.”.

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