

# Pending Legislation

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Statement of

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For the Record

Subcommittee on Oversight & Investigations  
Committee on Veterans' Affairs  
United States House of Representatives

With Respect To

“Pending Legislation”

WASHINGTON, D.C.

Chairman Bergman, Ranking Member Kuster, and Members of the Subcommittee, on behalf of the men and women of the Veterans of Foreign Wars of the United States (VFW) and its Auxiliary, I would like to thank you for the opportunity to submit testimony regarding legislation pending before this committee.

## **H.R. 3497, Modernization of Medical Records Access for Veterans Act of 2017**

This legislation would provide a portable “credit card sized” health record for veterans. While this sounds appealing, the VFW is very concerned about this bill and opposes its passage.

The act of a veteran accessing their record and getting a copy is something they can already do. Veterans have the ability to get copies by using their My HealtheVet account. After logging into their account, the first page a veteran sees offers a selection of four large “buttons” and accessing their medical record is the fourth option. VFW staff tested the ability to download their record using this method, and in less than 90 seconds an electronic

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version had been downloaded. For those who do not use My HealtheVet, a hard copy can be obtained by the veteran from their local Department of Veterans Affairs (VA) Medical Center. As such, the VFW does not see how this improves the access a veteran has to VA.

To ensure that the veteran's medical record follows them after military service, VA has recently begun the process of adopting a commercial off-the-shelf system for the future electronic health record. The Electronic Health Record Modernization Program (EHRMP) will allow veterans to have more access to their medical records. This legislation allows the discharging service member to electronically "carry" their record to VA and for various portions of VA to interact with itself and with community care providers while caring for the veteran. The VFW believes H.R. 3497 could create a competing medical record that would prevent VA and the veteran from having all needed information on one platform, thus slowing the delivery of care. Because of a lack of vital information, this could lead to decisions being made that could harm the health of the veteran.

In looking at our first two concerns together, the VFW worries about interoperability between the device that would be created and other VA systems, and security of the information stored on it. There is no requirement for the device to ever be connected to, or even interoperable with, the electronic health record that will result from EHRMP. A lost device could also lead to compromised information and this is a real threat in the modern day.

Finally, the VFW opposes this bill because it specifically bans new appropriations for implementation. Unfunded mandates harm other programs by forcing VA to take money from other parts of its IT budget. The VFW is already concerned about VA's IT budget funding levels. This legislation would cause VA to divert precious and limited resources from other programs, thus hindering modernization of IT capabilities and implementation of EHRMP.

### **H.R. 4245, Veterans' Electronic Health Record Modernization Oversight Act of 2017**

The VFW is strongly supportive of VA's goal to have a medical record that is interoperable with DOD, so that as a service member becomes a veteran, their health history follows them. The work to accomplish such a major project is not something to be taken lightly, and the VFW supports efforts to ensure oversight of the project. The VFW supports H.R. 4245, which would help accomplish this goal.

The VFW is concerned by testimony regarding EHRMP as it relates to ensuring the project stays on budget on and on time. We know that Secretary of Veterans Affairs Shulkin has taken steps to ensure this project results in a program that is truly interoperable, and we support this as well. Only regular oversight, reports on actions, and explanations of why deviations from set plans were allowed, will ensure the project succeeds. Further, tracking of

associated expenditures will ensure that other IT projects will not be starved of funding by movement of funds within the budget for IT programs at VA. We applaud the bipartisan work on this legislation and urge quick passage.

### **Draft Bill to Restrict Purchase Card Abuse**

The VFW supports any actions necessary to ensure VA employees are using purchase cards responsibly. Fraud, waste, and abuse of government funds are detrimental to the overall success of VA's mission. If any employees are found to knowingly use purchase cards maliciously, then the right to use those cards must be revoked. We support removal of purchase card authority for employees who maliciously or irresponsibly abuse them.

### **Draft Bill to Use Regional Medical Surgical Prime Vendors**

The VFW sees value with the intent of this proposed bill. We always encourage the expansion of opportunities for Veteran Owned Small Businesses to compete for contracts with VA, but we also see value in having a single supplier if the situation is necessary. Mandating VA to use regional prime vendors could have a positive impact on competition in the market place; however, we would not want to see it negatively impact overall cost. The VFW does not have a position on this bill.

### **Information Required by Rule XI2(g)(4) of the House of Representatives**

Pursuant to Rule XI2(g)(4) of the House of Representatives, the VFW has not received any federal grants in Fiscal Year 2018, nor has it received any federal grants in the two previous Fiscal Years.

The VFW has not received payments or contracts from any foreign governments in the current year or preceding two calendar years.