

115TH CONGRESS  
1ST SESSION

# H. R. 3497

To direct the Secretary of Veterans Affairs to carry out a pilot program establishing a secure, patient-centered, portable medical records system, that would allow veterans to have access to their Personal Health Information, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2017

Mrs. McMORRIS RODGERS (for herself and Mr. MOULTON) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To direct the Secretary of Veterans Affairs to carry out a pilot program establishing a secure, patient-centered, portable medical records system, that would allow veterans to have access to their Personal Health Information, and for other purposes.

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 “Modernization of Med-  
5       ical Records Access for Veterans Act of 2017”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PILOT PRO-**  
2 **GRAM ON SECURE, PATIENT-CENTERED,**  
3 **PORTABLE MEDICAL RECORDS STORAGE**  
4 **SYSTEM.**

5 (a) PILOT PROGRAM.—Not later than 180 days after  
6 the date of the enactment of this Act, the Secretary of  
7 Veterans Affairs shall commence a pilot program under  
8 which veterans who are enrolled in the patient enrollment  
9 system under section 1705 of title 38, United States Code,  
10 use a portable medical records storage system described  
11 in subsection (e) to store and share with Department of  
12 Veterans Affairs health care providers and community  
13 health care providers, records of their individual medical  
14 history.

15 (b) SELECTION OF LOCATIONS.—The Secretary shall  
16 select not less than one Veterans Integrated Services Net-  
17 work in which to carry out the pilot program under sub-  
18 section (a).

19 (c) CONTRACTS.—

20 (1) AUTHORITY.—The Secretary shall seek to  
21 enter into a contract using competitive procedures  
22 with an appropriate entity for the provision of the  
23 medical records storage system described in sub-  
24 section (e).

25 (2) NOTICE OF COMPETITION.—Not later than  
26 60 days after the date of the enactment of this Act,

1 the Secretary shall issue a request for proposals for  
2 the contract described in paragraph (1). Such re-  
3 quest shall be full and open to any contractor that  
4 has an existing commercially available medical  
5 records storage capability described in subsection  
6 (e).

7 (3) SELECTION.—Not later than 120 days after  
8 the date of the enactment of this Act, the Secretary  
9 shall award a contract to an offeror pursuant to the  
10 request for proposals under paragraph (2) if at least  
11 one acceptable offer is submitted.

12 (d) DURATION OF PILOT PROGRAM.—The Secretary  
13 shall carry out a pilot program under this section for a  
14 period of at least 12 months. After carrying out such pro-  
15 gram for 12 months, the Secretary may terminate the pro-  
16 gram, continue the program, expand the program to in-  
17 clude additional locations, or implement the use of port-  
18 able medical records storage systems on a national basis.

19 (e) REQUIREMENTS OF PORTABLE MEDICAL  
20 RECORDS STORAGE SYSTEM.—A medical records storage  
21 system described in this subsection is a physical device  
22 that meets the following requirements:

23 (1) Capability to store not less than four  
24 gigabytes of electronic health records on a physical  
25 device, which is not larger than the dimensions of a

1 credit card, issued to each veteran enrolled in the  
2 pilot program.

3 (2) Capability to be used by substantially all  
4 electronic health records systems certified by the Of-  
5 fice of the National Coordinator for Health IT on or  
6 before January 1, 2017.

7 (3) Capability to limit access to electronic  
8 health records stored on each device to the patient  
9 and health care providers.

10 (4) Capability for health care providers to se-  
11 curely access, annotate, and add electronic health  
12 records to the physical device, including in instances  
13 where the health care provider is not in possession  
14 of the physical storage device.

15 (5) Requirement that all electronic health  
16 records transferred from a health care provider over  
17 the internet to the physical storage device be  
18 encrypted.

19 (6) Requirement that the portable medical  
20 records system can operate without persistent stor-  
21 age of any electronic health records on the internet  
22 or within a cloud computing repository.

23 (7) Capability to provide a replacement device  
24 containing an up-to-date electronic health record, if  
25 the original physical storage device has been re-

1 moved from the owner's possession or otherwise ren-  
2 dered inoperable.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “dimensions of a credit card”  
5 means three and three-eighths inches in width, two  
6 and one-eighth inches in length, and five-one hun-  
7 dred twenty-eighth of one inch in depth.

8 (2) The term “electronic health records” means  
9 electronic documentation of physicians' notes, elec-  
10 tronic viewing of lab test results, diagnostic images  
11 and video, clinical decision support, and interoper-  
12 ability with other systems.

13 (g) PROHIBITION ON NEW APPROPRIATIONS.—No  
14 additional funds are authorized to be appropriated to  
15 carry out the requirements of this Act. Such requirements  
16 shall be carried out using amounts otherwise authorized  
17 to be appropriated for the Department of Veterans Af-  
18 fairs.

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