

111TH CONGRESS
1ST SESSION

S. _____

To amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, 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 “Department of Vet-
5 erans Affairs Hospital Quality Report Card Act of 2009”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS HOSPITAL**
2 **QUALITY REPORT CARD INITIATIVE.**

3 (a) **PURPOSE.**—The purpose of this section is to pro-
4 vide for the establishment within the Department of Vet-
5 erans Affairs of an initiative to be known as the “Hospital
6 Quality Report Card Initiative” to ensure that information
7 on the quality and performance of hospitals administered
8 by the Secretary of Veterans Affairs is readily available
9 and accessible for purposes as follows:

10 (1) To inform patients and consumers about
11 health care quality in such hospitals.

12 (2) To assist health care providers of the De-
13 partment of Veterans Affairs in identifying opportu-
14 nities for quality improvement and cost containment.

15 (3) To enhance the understanding of policy
16 makers and public officials of health care issues,
17 raise public awareness of hospital quality issues, and
18 help constituents of such policy makers and officials
19 identify quality health care options for the Depart-
20 ment of Veterans Affairs.

21 (b) **ESTABLISHMENT.**—Subchapter I of chapter 17 of
22 title 38, United States Code, is amended by inserting after
23 section 1706 the following new section:

1 **“§ 1706A. Management of health care: Hospital Qual-**
2 **ity Report Card Initiative**

3 “(a) IN GENERAL.—Not later than 18 months after
4 the date of the enactment of the Department of Veterans
5 Affairs Hospital Quality Report Card Act of 2009, the
6 Secretary shall establish and implement an initiative, to
7 be known as the ‘Hospital Quality Report Card Initiative’
8 (in this section referred to as the ‘Initiative’), to report
9 on health care quality in Department medical centers.

10 “(b) PUBLICATION OF INFORMATION ON QUALITY
11 AND PERFORMANCE OF DEPARTMENT MEDICAL CEN-
12 TERS.—(1)(A) Under the Initiative, not less frequently
13 than twice each year, the Secretary shall make available
14 to the public a report containing the most current infor-
15 mation on the quality and performance of each Depart-
16 ment medical center. Such information shall include qual-
17 ity measures that allow for an assessment with respect to
18 health care provided by Department medical centers, of
19 the following:

20 “(i) Effectiveness.

21 “(ii) Safety.

22 “(iii) Timeliness.

23 “(iv) Efficiency.

24 “(v) Patient centered.

25 “(vi) Patient satisfaction.

1 “(vii) Satisfaction of health professionals em-
2 ployed at Department medical centers.

3 “(viii) The equity of care provided to various
4 patient populations, including female, geriatric, dis-
5 abled, rural, homeless, mentally ill, and racial and
6 ethnic minority populations.

7 “(B) For each quality measure reported under sub-
8 paragraph (A), the Secretary shall include a quality meas-
9 ure represented by an incremental letter grade scale, with
10 ‘A+’ being the highest and ‘F’ being the lowest, based
11 on information reported in paragraph (2) and such other
12 information as the Secretary considers appropriate.

13 “(2)(A) In reporting information pursuant to para-
14 graph (1), the Secretary shall, except as provided in sub-
15 paragraph (B), include to the maximum extent practicable
16 information about Department medical centers relating
17 to—

18 “(i) staffing levels of nurses and other health
19 professionals, as appropriate;

20 “(ii) rates of nosocomial infections;

21 “(iii) the volume of each of the different types
22 of procedures performed;

23 “(iv) hospital sanctions and other violations;

24 “(v) the quality of care provided to various pa-
25 tient populations, including female, geriatric, dis-

1 abled, rural, homeless, mentally ill, and racial and
2 ethnic minority populations;

3 “(vi) the availability of emergency rooms, inten-
4 sive care units, maternity care, and specialty serv-
5 ices;

6 “(vii) the quality of care in various hospital set-
7 tings, including inpatient, outpatient, emergency,
8 maternity, and intensive care unit settings;

9 “(viii) ongoing patient safety initiatives;

10 “(ix) use of health information technology sys-
11 tems; and

12 “(x) such other matters the Secretary considers
13 appropriate.

14 “(B) In making a report available to the public under
15 paragraph (1), the Secretary may provide information in
16 addition to the information required by subparagraph (A)
17 or provide information in lieu of the information required
18 by subparagraph (A) if the Secretary—

19 “(i) not later than 15 days before the date on
20 which such report is made available to the public,
21 submits to the Committee on Veterans’ Affairs of
22 the Senate and the Committee on Veterans’ Affairs
23 of the House of Representatives a certification in
24 writing that such additional or substituted informa-

1 tion is more appropriate for purposes of carrying out
2 the requirement of paragraph (2)(B); and

3 “(ii) includes in such report and certification an
4 indication of which information has been added or
5 substituted under this subparagraph.

6 “(3)(A) In reporting information as provided for
7 under paragraph (1), the Secretary may risk adjust qual-
8 ity measures to account for differences relating to—

9 “(i) the characteristics of the reporting Depart-
10 ment medical center, such as licensed bed size, geog-
11 raphy, and teaching hospital status; and

12 “(ii) patient characteristics, such as health sta-
13 tus, severity of illness, and socioeconomic status.

14 “(B) If the Secretary reports data under paragraph
15 (1) using risk-adjusted quality measures, the Secretary
16 shall establish procedures for making the unadjusted data
17 available to the public in a manner determined appropriate
18 by the Secretary.

19 “(4) Under the Initiative, the Secretary may verify
20 information reported under this subsection to ensure accu-
21 racy and validity.

22 “(5) Before disclosing to the public any information
23 under this subsection, the Secretary shall disclose the
24 methodology for the reporting of such information and the
25 nature and scope of such information to each—

1 “(A) organization the Secretary considers rel-
2 evant to such information; and

3 “(B) Department medical center that is the
4 subject of such information.

5 “(6)(A) For each report made available to the public
6 under paragraph (1), the Secretary shall submit to the
7 Committee on Veterans’ Affairs of the Senate and the
8 Committee on Veterans’ Affairs of the House of Rep-
9 resentatives a copy of such report.

10 “(B) The Secretary shall ensure that each report
11 made available to the public under paragraph (1) is made
12 available—

13 “(i) in an electronic format;

14 “(ii) in a manner that can be understood by in-
15 dividuals who are not medical professionals and indi-
16 viduals with low functional health literacy; and

17 “(iii) at each Department medical centers cov-
18 ered by the report.

19 “(C) The Secretary shall ensure that information on
20 health care quality is provided in a manner that is condu-
21 cive for comparisons with other local hospitals or regional
22 hospitals, as appropriate.

23 “(D) The Secretary shall establish procedures for
24 making the information covered by reports made available
25 to the public under paragraph (1) available to the public

1 upon request in non-electronic format, such as through a
2 toll-free telephone number.

3 “(7) The analytic methodologies and limitations on
4 information sources utilized by the Secretary to develop
5 and disseminate the comparative information under this
6 subsection shall be identified and acknowledged in a notice
7 or disclaimer as part of the dissemination of such informa-
8 tion, and include the appropriate and inappropriate uses
9 of such information.

10 “(c) IDENTIFYING AND REPORTING ACTIONS THAT
11 COULD LEAD TO FALSE OR ARTIFICIAL IMPROVEMENTS
12 IN QUALITY MEASUREMENTS.—Not less frequently than
13 annually, the Secretary shall compare quality measures
14 data submitted by each Department medical center to the
15 Secretary with quality measures data submitted to the
16 Secretary in the prior year or years by each such Depart-
17 ment medical center in order to identify and report actions
18 that could lead to false or artificial improvements in the
19 quality measurements of such Department medical cen-
20 ters.

21 “(d) PRIVACY AND SECURITY.—(1) The Secretary
22 shall develop and implement effective safeguards to pro-
23 tect against the unauthorized use or disclosure of Depart-
24 ment medical center data that is reported under this sec-
25 tion.

1 “(2) The Secretary shall develop and implement ef-
2 fective safeguards to protect against the dissemination of
3 inconsistent, incomplete, invalid, inaccurate, or subjective
4 Department medical center data.

5 “(3) The Secretary shall ensure that identifiable pa-
6 tient data shall not be released to the public.

7 “(e) PERIODIC REPORTS.—(1) The Secretary shall
8 periodically submit to Congress a report on the effective-
9 ness of the Initiative.

10 “(2) Each report required by paragraph (1) shall in-
11 clude the following:

12 “(A) An assessment of the effectiveness of the
13 Initiative in meeting the purpose described in section
14 2(a) of the Department of Veterans Affairs Hospital
15 Quality Report Card Act of 2009.

16 “(B) A description of the measures the Sec-
17 retary can undertake to ensure that the Initiative
18 meets such purpose.

19 “(3) The Secretary shall carry out each measure the
20 Secretary includes in a report under paragraph (2)(B).

21 “(4) The Secretary shall make each report submitted
22 under paragraph (1) available to the public.

23 “(f) DEPARTMENT MEDICAL CENTER DEFINED.—In
24 this section, the term ‘Department medical center’ means

1 a Department of Veterans Affairs Medical Center admin-
2 istered by the Secretary.

3 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to carry out this section
5 such sums as may be necessary for each of fiscal years
6 2010 through 2018.”.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 17 of such title is amended
9 by inserting after the item relating to section 1706 the
10 following new item:

“1706A. Management of health care: Hospital Quality Report Card Initiative.”.