

Enclosure

**U.S. Department of Veterans Affairs (VA) Response to
Senators Grassley and Ernst Regarding VA's Hiring Practices**

Question 1: Provide the page number and section of the VA Policy (VA Handbook 5005/57) that permitted the Iowa City VA to hire the neurosurgeon.

VA Response: As stated in our December 21, 2017 response, Iowa City VA adhered to VA Handbook 5005, which suggested the facility could hire the neurosurgeon notwithstanding the revocation of his Wyoming license so long as he had a current, unrestricted license in another state. This is in accordance with VA Handbook 5005, part II, chapter 3, section B, paragraph 14(d), page II-84.

Question 2: Explain how hospital officials were expected to reconcile the aforementioned section with the information on page 80 which states that "individuals are not eligible for appointment" if their license had been revoked in another state.

VA Response: The aforementioned section unintentionally caused confusion in the hiring of the neurosurgeon, and VA has taken corrective action by issuing new guidance that clearly reflects the current law. Additionally, VA's Office of Human Resources and Administration is revising VA Handbook 5005 to ensure consistency with 38 U.S.C. § 7402(f), which prohibits hiring a physician, among other providers, who has a license, registration, or certification, terminated for cause, or has voluntarily relinquished a license, registration, or certification, after being notified in writing of a potential termination for cause.

Question 3: Provide a reference to the newly issued guidance referenced in VA's December 21, 2017, response.

VA Response: Please see attached Human Resources Management Letter No. 05-17-14, *Verification of Title 38 and Hybrid Title 38 Licensure, Registration, and/or Certification, 38 U.S.C. 7402(f)*, issued on December 18, 2017.

Question 4: Will the results of the national review be made public?

VA Response: VA is currently conducting the national licensure review of its providers, and the review is expected to be completed by the end of February 2018. At this time, VA has not made a determination on whether or not to publicize the results of the national licensure review.

Question 5: Will patients and family members be notified if they received care from a provider who had been hired illegally?

VA Response: VA has not identified a reason to notify Veterans and their family members that they received care from a provider who did not meet qualification requirements for appointment. While these providers are not eligible for VA

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employment, they are licensed, registered, or certified by a State licensing board to practice and therefore are not practicing illegally.

Question 6: Will VA expand the scope of the national review to examine providers hired from 2002 onwards?

VA Response: The scope of the national licensure review is comprehensive and includes all current, active Title 38 and Hybrid Title 38 healthcare providers, regardless of their date of hire. VA has over 150,000 Title 38 and Hybrid Title 38 healthcare providers currently appointed and for which the licensure qualification regulations apply. The licensure records of every healthcare provider was initially reviewed through the national credentialing database and approximately half (77,000) were identified for a manual review of licensure. The manual review included an extensive review of each identified provider's credentialing file, licensure verifications, and primary source verifications from the state licensing boards. The review was comprehensive to ensure all current Title 38 and Hybrid Title 38 providers meet VA's qualification standards. VA is dedicated to only hiring the most qualified providers and invested over 20,000 man hours nationwide to ensure compliance with the licensure qualification regulations.

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DEPARTMENT OF VETERANS AFFAIRS
ASSISTANT SECRETARY FOR HUMAN RESOURCES AND ADMINISTRATION
WASHINGTON DC 20420

December 18, 2017

HUMAN RESOURCES MANAGEMENT LETTER NO. 05-17-14

Verification of Title 38 and Hybrid Title 38 Licensure, Registration, and/or Certification, 38 U.S.C. 7402(f)

1. Purpose. This Human Resources Management Letter (HRML) provides updated guidance regarding the verification of employment (new and continued), as required by section 7402(f) of title 38, United States Code (U.S.C).

2. Background. Human Resources and Administration takes this opportunity to remind the Department of Veterans Affairs (VA) HR field components of the requirements of 38 U.S.C. 7402(f) regarding new or continued employment of title 38 employees who have ever had a license, registration or certification revoked or terminated for cause. This statute specifically prohibits the appointment of such individuals in the Veterans Health Administration (VHA). It is critical we ensure there are no employees on VA/VHA rolls in direct violation of the statute. Any employee found to be in violation of this statute must be identified and immediate action must be taken to remove them from VA rolls.

3. General.

a. In accordance with 38 U.S.C. § 7402(f), there is a clear statutory prohibition on the appointment of any healthcare provider required to possess a license, certification or registration who is licensed in more than one state and who has lost a license in one state for cause, or voluntarily relinquished such license, registration, or certification in any of those states after being notified in writing by that state of potential termination for cause.

b. VA policy in VA Handbook 5005, part II, Chapter 3, Section B, paragraphs 13d, 14 and 17 is being revised to clarify these requirements, and ensure compliance with the statute. VHA Handbook 1100.19, Credentialing and Privileging, currently provides specific guidance that states,

" Applicants and individuals appointed on or after November 30, 1999, who have been licensed, registered, or certified (as applicable to such position) in more than one State and who had such license, registration, or certification revoked for professional misconduct, professional incompetence, or substandard care by any of those States, or voluntarily relinquished a license, registration or certification in any of those States after being notified in writing by that State of potential termination for professional misconduct, professional incompetence, or substandard care, are not eligible for appointment, unless the revoked or surrendered license, registration, or certification is restored to a full and unrestricted status."

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4. Required Action. Human Resources Offices are responsible for applying the provisions of 38 U.S.C. § 7402(f). In addition to this HRML, VHA will be sending a separate request for field HR offices to conduct an immediate review of all licensed providers and ensure that they have no one currently on the rolls in violation of the statute. Any affected employee must be removed from patient care immediately, and appropriate action taken to terminate their employment from VA.

5. Questions. Questions concerning this HRML may be directed to the following:

Staffing Policy	Debbie Kolen, Director, Recruitment and Placement Policy, OHRM
Employee Relations (Separations/Terminations)	Larry Ables, Director, Employee Relations, OHRM
VHA Staffing Operations	Jeffrey Dintleman, Workforce Management Consulting Office, VHA
Credentialing and Privileging	Marianne Chick, Director, Medical Staff Affairs, VHA

/s/Peter J. Shelby