

PERSONNEL SECURITY AND SUITABILITY PROGRAM

1. REASON FOR ISSUE: This Veterans Health Administration (VHA) Directive is a supplement to the Department of Veterans Affairs (VA) policies on personnel suitability and security contained in VA Directive and VA Handbook 0710. The policies contained in this Directive must be used in conjunction with VA Directive and VA Handbook 0710 and VHA Handbook 0710.01. **NOTE:** *The provisions in the Directive only apply to positions that are exempt from the background investigation requirements in VA Directive 0710.*

2. SUMMARY OF CONTENTS/MAJOR CHANGES. This revised VHA Directive:

a. Provides that clinical trainees and volunteer assignments are low risk and do not require that individual VA Form 2280, Position Risk and Sensitivity Level Designation, be completed for each incumbent, unless the trainee or volunteer works under the supervision and guidance of VA employees who occupy positions designated as moderate or high risk.

b. Incorporates the requirement to use VA Form 10-0453, Screening Checklist, to document that required screening activities have been completed.

c. Incorporates the requirement for facilities to establish local policies and procedures to ensure that required personnel screenings are accomplished and documented.

d. Incorporates the requirement to conduct quarterly file reviews and reports of screening compliance.

3. RELATED ISSUE. VA Directive 0710, VA Handbook 0710, and VHA Handbook 0710.01.

4. RESPONSIBLE OFFICE. The Management Support Office (10A2) is responsible for the contents of this Directive. Questions may be directed to 202-273-8247.

5. RESCISSIONS. VHA Directive 0710, dated August 19, 2005, is rescinded.

6. RECERTIFICATION. This VHA Directive is scheduled for recertification on or before the last working day of May 2012.

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1. PURPOSE: This Veterans Health Administration (VHA) Directive supplements the Department of Veterans Affairs (VA) policies on personnel suitability and security contained in VA Directive and Handbook 0710, dated September 10, 2004. The policies contained in this Directive must be used in conjunction with VA Directive and Handbook 0710, and VHA Handbook 0710.01. The primary purpose of this Directive is to establish screening requirements for categories of individuals who are exempt from the requirement in VA Directive 0710 to have a National Agency Check with Written Inquiry (NACI) or higher level background investigation. This includes all exempted individuals in the following categories: on-station fee-basis, consultants, and attendings; without compensation (WOC) employees; trainees including students, interns, and residents; contract personnel hired for less than 180 days to perform direct or ancillary health care services at VA facilities or who have access to VA computer systems, and patient or sensitive information; volunteers in certain categories; and individuals appointed or detailed to VHA under the Intergovernmental Personnel Act for less than 6 months and who have access to computer systems, patient or sensitive information.

2. BACKGROUND

a. Executive Order (EO) 10450, Security Requirements for Government Employment, and related Office of Personnel Management (OPM) regulations (Title 5 Code of Federal Regulations (CFR) Part 731 and Part 732) provide that all Federal appointments are subject to investigation. The lowest level of investigation is the NACI, which includes a check of Federal Bureau of Investigation (FBI) fingerprint files, with written inquiries to former employers and supervisors, references, and schools attended by the person under investigation. OPM exempts certain positions, provided agencies conduct such checks they determine appropriate to ensure employment and retention are consistent with national security interests.

b. Guidelines issued by the National Institute of Standards and Technology (NIST) direct Federal agencies to conduct appropriate background screenings of individuals, both employees and non-employees, who have access to non-national security, sensitive information (including patient records). In addition, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) 2004 Hospital Standards requires facilities to verify information on the criminal background of appointees. **NOTE:** *Most VHA appointees and health care contractors have access to VA computer systems and patient or other sensitive information.*

c. VA requested and received permission from OPM to exempt certain low-risk, non-sensitive positions from the investigative requirements of EO 10450, provided VA conducts such checks as appropriate to ensure that the employment or retention of such individuals in these positions is consistent with the interests of national security. Included in the exempt category are contract and WOC health care practitioners who work for 6 months (180 days) or less; medical consultants who are appointed for 1 year or less and not to be reappointed; medical consultants who are appointed for more than 1 year or reappointed after 1 year with no break in service, but work less than 30 days per calendar year; purchase and hire employees appointed for 6 months or less; and all employees appointed in either a single continuous appointment or series of

appointments that do not exceed an aggregate of 180 days. Physicians appointed as medical residents are exempt from this requirement provided they do not exceed 1 year of continuous service at a VA facility, regardless of the duration of the residency program. **NOTE:** *A recent survey indicates VHA appoints approximately 100,000 individuals per year in these exempt categories.*

d. The Federal Information Processing Standards 201 (FIPS 201), as amended by FIPS 201-1, requires that a minimum background investigation (NACI) be completed prior to the issuance of a Personal Identity Verification (PIV) compliant identity card. However, an agency can issue an electronically distinguishable identity credential (non-PIV card) on the basis of a completed FBI National Criminal History Check (fingerprint check). Under the Office of Management and Budget (OMB) interpretive guidance, the applicability of FIPS 201 standards to agency specific categories of individuals requiring short term access to Federally-controlled facilities and/or Federally-controlled information systems is an agency risk-based decision. Categories of individuals covered by this Directive may require more than a Special Agreement Check (SAC) if they are required to obtain a PIV card.

e. In 2001, OPM began to offer the SAC for Fingerprint Only option to agencies for screening fingerprints through the FBI. The cost of this check is deducted from the cost of a NACI, if one is to be conducted. VA and OPM entered into an agreement to perform these checks in August 2001. **NOTE:** *A copy of the agreement can be accessed at the Office of Human Resources Management Web site at: <http://vaww1.va.gov/Ohrm/Staffing/Suitability.htm>*

f. Formerly, VHA facilities used paper-based fingerprint checks, which took 4 weeks or more to complete with a large percentage these prints returned as unreadable. VHA Directive 0710, dated August 19, 2005, mandated that all VHA facilities acquire and use electronic fingerprint equipment no later than September 1, 2005.

g. VHA Directive 0710 established a requirement that individuals who are exempt from the requirement in VA Directive 0710 to have a NACI or higher level background investigation must have a SAC performed before starting work in a VHA facility.

3. POLICY

It is VHA policy that position risk and sensitivity designations must be made at all VHA facilities following the criteria in VA Handbook 0710 and a corresponding level of background investigation must be initiated and adjudicated in a timely manner (see App. A in VHA Handbook 0710).

4. RESPONSIBILITIES

a. **Facility Directors.** Facility Directors are responsible for ensuring:

(1) A SAC is performed on all new appointees, who are exempt from the requirement to have a NACI. Whenever possible, the SAC should be initiated prior to the appointee's entrance on duty. However, when this is not possible, the SAC must be initiated as part of the appointee's

in-processing. The SACs results must be adjudicated not later than 5 workdays after the results are received.

(2) SACs are initiated prior to entry on duty for all new contract personnel who are exempt from the requirement to have a NACI background investigation and who provide direct and/or ancillary health care services at VA facilities or have access to VA information systems or sensitive information. The SACs results must be adjudicated not later than 5 workdays after the results are received.

(3) SACs are initiated prior to entry on duty, and adjudicated not later than 5 workdays after the results are received, for all new volunteers 18 years of age or older who have:

- (a) Assignments associated with home health care;
- (b) Assignments involving the provision of patient care or working alone with patients;
- (c) Assignments involving contact with pharmaceuticals or other biological agents;
- (d) Assignments that provide access to patient records;
- (e) Assignments involving clinical research;
- (f) Assignments that provide access to any VA computer system; or

(g) Access to any sensitive information not identified above (e.g., Privacy Act-protected information).

(4) Facility policy on personnel suitability and security is established that conforms to the requirements in VHA Handbook 0710.01.

(5) Quarterly file reviews are completed (see VHA Handbook 0710.01).

NOTE: *Employees, health care contractors, residents, trainees (including students, interns, and residents), and volunteers with assignments above the low risk or non-sensitive levels must receive the appropriate level of investigation required by 5 CFR Parts 731 and 732, and VA Handbook 0710.*

b. **Facility Human Resources Officers.** Facility Human Resources Officers are responsible for ensuring that:

(1) Appropriate position risk and sensitivity designations are made for positions to which individuals will be appointed.

(2) The appropriate level of background screening is completed for appointees.

(3) The results of background screenings, including SACs, are adjudicated within required timeframes for all appointees.

(4) A Screening Checklist is completed for all new appointees and volunteers with assignments listed in paragraph 4a(3) (see VHA Form 10-0453, Screening Checklist).

c. **Facility Service Chiefs and Supervisors in Comparable Positions.** Facility service chiefs, and supervisors in comparable positions, are responsible for:

(1) Making appropriate risk and sensitivity designations for contractor activities in their organization; and

(2) Recording these designations on VA Form 2280, Position Risk and Sensitivity Level Designation, unless a position is exempted from this requirement.

d. **Facility Contracting Officers.** Facility Contracting Officers are responsible for reviewing the SACs results for contract personnel who are exempt from the requirement to have a NACI or higher background investigation and who provide direct and/or ancillary health care services at the facility or have access to VA information systems or sensitive information. If the SAC is returned without issues, then the Contracting Officer is not required to take action. If the SAC is returned with negative or questionable background screening information, then the Contracting Officer, in consultation with the Contracting Officer Technical Representative's, (COTR) must make the decision relating to the individual's suitability to safely carry out the work of the contract.

e. **Facility Voluntary Service Officers**

a. VHA volunteer assignments are generally low-risk and an individual VA Form 2280 is not required for volunteers, unless the volunteer is assigned to work closely with VA employees who occupy positions designated as moderate-risk or high-risk. In such situations, the Voluntary Service Officer must complete an individual VA Form 2280 to determine if the volunteer's assignment is higher than low risk. When completed, the VA Form 2280 must be maintained on file in Voluntary Service at the facility.

b. Facility Voluntary Services Officers are responsible for:

(1) Appropriate position risk and sensitivity assessments for volunteer assignments at the facility.

(2) Adjudicating the results of background screenings for volunteers, when required.

5. REFERENCES

a. VA Directive and Handbook 0710.

b. Title 5 Code of Federal Regulations (CFR) Part 731 and Part 732.

c. Executive Order 10450.

- d. The Federal Information Security Management Act.
- e. OMB Circular A-130.
- f. NIST Special Publication 800-53, Recommended Security Controls for Federal Information Systems.
- g. Homeland Security Presidential Directive 12 (HSPD-12), “Policy for a Common Identification Standard for Federal Employees and Contractors” (August 27, 2004).
- h. Federal Information Processing Standards 201 (FIPS 201), Personal Identity Verification (PIV) of Federal Employees and Contractors, (February 25, 2005), as amended by FIPS 201-1 (March 2006).
- i. OMB Memorandum M-05-24, “Implementation of Homeland Security Presidential Directive (HSPD) 12 – Policy for a Common Identification Standard for Federal Employees and Contractors” (August 5, 2005).
- j. VA Directive 0735, “Personal Identity Verification (PIV) of Federal Employees and Contractors.”