

August 24, 2022

REVIEW OF VHA OPERATIONAL MEMORANDA

NOTE: *This is the second issuance of this notice on the review of VHA informational and operational memoranda.*

1. PURPOSE

This Veterans Health Administration (VHA) notice maintains the requirements for the review of informational and operational memoranda at VHA. **NOTE:** *All resource materials located in the appendices are co-located on the VHA Operational Memoranda SharePoint available here:*

<https://dva.gov.sharepoint.com/sites/VHAOperationalMemoranda>. *This is an internal VA website that is not available to the public.*

2. BACKGROUND

a. In 2015, the Government Accountability Office (GAO) placed VHA on the High-Risk List citing ambiguous policies and inconsistent processes. As the Office of Regulations, Appeals and Policy has taken steps to address the GAO concerns through establishing a rigorous review process and increasing transparency and field involvement, existing operational memoranda and program offices reliance on issuing operational memoranda in lieu of VHA national policies remain a concern.

b. Operational memoranda (formerly called 10N memoranda) are often viewed as a form of VHA “policy” by users and oversight bodies, and on occasion, have amended or contradicted national policies. Operational memoranda are not subjected to the same level of institutional review or scrutiny as VHA national policy and do not have the same level of authority. VHA national policy is defined by VHA Directive 0999, VHA Policy Management, dated March 29, 2022), and no other types of documents are recognized as national policy.

c. In 2020, the Assistant Under Secretary for Health for Operations directed a multidisciplinary team to analyze and improve the process for communicating information from VHA Central Office (VHACO) to the field (i.e., Veterans Integrated Service Network (VISN) Directors and VA medical facilities). This policy presents a standardized process for communications to the field. **NOTE:** *See Appendix A for the Intake Checklist and Appendix B for the process flow of communications from VHACO to the field. As changes to the resource documents are made, amendments will be made to this policy.*

3. DEFINITIONS

a. **VHA Informational Memoranda.** Informational memoranda are announcements that do not require immediate action. Examples include but are not limited to site visit announcements and awards. **NOTE:** See Appendix A for the Intake Checklist.

b. **VHA Operational Memoranda.** Operational memoranda are supplemental guidance that establish a course of action consistent with VHA national policy from VHACO to the field. Operational memoranda are not policy; and their authority are limited to that of the issuer(s) only.

4. MINIMUM REQUIREMENTS FOR ALL OPERATIONAL MEMORANDA

a. All operational memoranda must be published on VHA Forms and Publications website at: <https://vaww.va.gov/vhapublications/index.cfm>. **NOTE:** VHA operational memoranda are internal VA documents and are not available to the public.

Concurrence. All operational memoranda issued under the authority of the Assistant Under Secretaries for Health require concurrence by the Assistant Under Secretary for Health for Operations, Assistant Under Secretary for Health for the VHA entity sponsoring the operational memorandum, and the Office of Regulations, Appeals and Policy. **NOTE:** This is a minimum concurrence requirement; additional stakeholder concurrences may be necessary based on subject matter.

b. **Contact Information.** All operational memoranda must include the contact information (email address) of the subject matter expert or email group responsible for the content.

c. **Expiration Date.** All operational memoranda will expire without further action 2 years after publication. The entity issuing the operational memorandum can identify an expiration date earlier than 2 years after publication. Expiration dates must be annotated on the face of the operational memorandum.

NOTE: Independent publication of operational memoranda including but not limited to: Patient Safety Notices, EthicsRx and News Flash; is suspended.

d. Conversion to VHA National Policy.

(1) Any proposed operational memorandum that establishes mandatory VHA-wide standards, rights, or responsibilities (that extend beyond reasonable professional bounds) must be converted into VHA national policy, either an Under Secretary for Health memo or integrated into an appropriate VHA national policy. **NOTE:** For information on material which constitutes policy and material which is better suited to non-policy documents such as standard operating procedures, please contact the Office Regulations, Appeals and Policy (10BRAP): VHA10BRAPPolicy@va.gov.

(2) VHA national policy automatically rescinds any operational memoranda that should be in a VHA national policy document and was published in the wrong format.

(3) **Training.** Any operational memoranda that mandate VHA employee training must comply with VHA Directive 1052, Appropriate and Effective Use of VHA Employee

Mandatory and Required Training, dated June 29, 2018. **NOTE:** For more information, contact: VHACO10A2AWS@va.gov.

(4) **Checklist.** All operational memoranda must be consistent with the Intake Checklist for VHA Memoranda (see Appendix A).

5. RESPONSIBILITIES

a. **Assistant Under Secretary for Health for Operations.** The Assistant Under Secretary for Health for Operations is responsible for communicating the contents of this notice to the VISN Directors.

b. **VHA Upper Level Leadership.** VHA upper-level leadership (ULL) drafting and sending operational memoranda to the field are responsible for:

(1) Ensuring VIEWS assignments include a completed checklist when accompanying an operational memorandum (see checklist located in Appendix A).

(2) Reviewing and remedying (on a continual basis) all published and proposed operational memoranda under their purview.

(3) Disseminating approved memos to the following email groups:

(a) VHA VISN Directors: VHAVISNDirectors@va.gov.

(b) VHA VISN Deputy Directors: VHAVISNDND@va.gov.

(c) VHA VISN CMO Only: VHAVISNCMOOnly@va.gov.

(d) VHA VISN Chief Nursing Officers: VHAVISNChiefNursingOfficers@va.gov.

(e) VHA VISN Admin Reps: VHAVISNAdminReps@va.gov.

(f) VHA 10BRAP Policy: VHA10BRAPPolicy@va.gov.

(4) Including the Email address of a point of contact for questions.

(5) Monitoring for process oversight and consistent implementation in accordance with standards set by the governing body for VHA policy management.

(6) Following the process for review of operational memoranda with national distribution (see process located in Appendix B).

c. **Chair, VHA Executive Policy Committee.** The Chair of the VHA Executive Policy Committee is responsible for developing, in coordination with the Assistant Under Secretary for Health for Operations, a process for review of operational memoranda with national distribution **NOTE:** All operational memoranda are reviewable by this governing body to ensure compliance with the review process and Intake Checklist for VHA Memoranda.

d. **Senior Advisor, VHA Office of Regulatory and Administrative Affairs.** The Senior Advisor, VHA 10BRAP is responsible for:

(1) Reviewing and concurring on all operational memos with national distribution within 2 business days. 10BRAP reviews operational memoranda for the following items: consistency with VHA national policy, unfunded mandates, mandatory training, Union concurrence, and Office of General Council consults. 10BRAP reviews must be consistent with the process for review of operational memoranda.

(2) Publishing operational memoranda distributed by VHA ULL through correspondence email groups.

6. VHA Notice 2021-12(1), Review of VHA Operational Memoranda, dated June 25, 2021 is rescinded.

7. All questions concerning this notice should be addressed to the Office of Regulations, Appeals and Policy (10BRAP). **NOTE:** *To rescind VHA memoranda located on VHA Publications, please email VHA10BRAPPolicy@va.gov. To revise or recertify VHA operational memoranda on VHA Publications please email the appropriate VHA correspondence email group.*

8. This VHA notice will be archived as of August 31, 2023.

**BY DIRECTION OF THE OFFICE OF THE
UNDER SECRETARY FOR HEALTH:**

/s/ Maureen Marks, PhD
Acting Chief of Staff

DISTRIBUTION: Emailed to the VHA Publications Distribution List on August 24, 2022.

INTAKE CHECKLIST

NOTE: As there are updates to this checklist, an amendment will be made to this policy to reflect the changes. This checklist will also be updated on the VHA Memoranda SharePoint: <https://dvagov.sharepoint.com/sites/VHAOperationalMemoranda>. **NOTE:** The version with checkboxes and insertable text is on SharePoint.

1. Is this a policy? No. [see **2.a.** and **2.b.**]. **NOTE:** If the document establishes standards, a mandatory and definite course of action for VHA, and assigns responsibilities for executing that course to identifiable individuals or groups within VHA, email: VHA10BRAPPolicy@va.gov for assistance.

2. Document Category: [Operational Memoranda (see **2.a.**) or Informational Memoranda (see **2.b.**)]. **NOTE:** Please only complete the section that applies to the document category.

a. **Operational Memorandum.**

(1) Resources: [If any, please list] _____.

(2) Leadership: _____.

(3) Distribution: [Please list recipients] _____.

(4) Topic: Please identify the topic using the list below (a) through (g).

(a) Finance.

(b) Leadership.

(c) Quality Management.

(d) Human Resources.

(e) Labor.

(f) Training.

(g) IT.

(h) Other [Please list] _____.

(5) Required Action/ Tasking: [If any, please list] _____.

(6) Cited Policy/ Authority: [If any, please list] _____.

(7) Mandatory Performance: [If any, please list] _____.

b. **Informational Memorandum.** **NOTE:** Please confirm the following information.

(1) No Resources Required. (If required, use VHA notice (email VHA10BRAPPolicy@va.gov for assistance) or operational memorandum, see 2.a. above).

(2) No Immediate Action Required.

(3) No Accountability/ Oversight, (if auditable, or performance is required, use VHA notice (email VHA10BRAPPolicy@va.gov for assistance) or operational memorandum, see 2.a. above).

(4) No Required Authority.

PROCESS FLOW FOR INFORMATIONAL AND OPERATIONAL MEMORANDUM

NOTE: As there are updates to this diagram, an amendment will be made to this policy to reflect the changes. This diagram will also be updated on the VHA Memoranda SharePoint: <https://dva.gov.sharepoint.com/sites/VHAOperationalMemoranda>.

