

VA Office of Inspector General

OFFICE OF AUDITS AND EVALUATIONS



Department of Veterans Affairs

*Review of
Guidance on Protecting
Religious Beliefs*

June 16, 2016
15-03700-283

ACRONYMS

NCA	National Cemetery Administration
NCC	National Chaplain Center
OIG	Office of Inspector General
VA	Department of Veterans Affairs
VHA	Veterans Health Administration

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Highlights: Review of VA's Guidance on Protecting Religious Beliefs

Why We Did This Review

In the report to accompany H.R. 2029, Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill, 2016, the House Appropriations Committee requested the Office of Inspector General (OIG) review VA's guidance to ensure religious sensitivity.

What We Found

VA's religious tolerance guidance generally aligned with Federal laws and included policies that provided reasonable assurance of ensuring sensitivity to the religious beliefs of veterans and their families, and employees at VA facilities. However, as of February 2016, VA was operating with eight policies governing the protection of religious beliefs that VA had not reviewed for recertification or rescission as required by VA policies. This included five from the National Cemetery Administration (NCA) and three from the Veterans Health Administration (VHA).

Although our review did not find evidence that VA's outdated guidance contributed to religious insensitivity, VA should have recertified or rescinded these eight policies. The length of time VA was past due in performing these actions ranged from about 14 months to approximately 22 years.

VA had not updated these policies because NCA and VHA did not complete timely reviews to compensate for the time needed for drafting guidance and to obtain necessary staff concurrences. By updating guidance, VA will help mitigate future risks of religious insensitivity.

What We Recommended

We recommended the Interim Under Secretary for Memorial Affairs and the Under Secretary for Health recertify or rescind and replace religious tolerance guidance documents and develop mechanisms to ensure staff begin the process of updating guidance and compensate for the time needed to draft guidance and obtain staff concurrence. We also recommended the Under Secretary for Health provide a means to assist in obtaining timely concurrences.

Agency Comments

The Interim Under Secretary for Memorial Affairs and the Under Secretary for Health concurred with our recommendations and provided acceptable corrective action plans. We will monitor planned actions and follow up on their implementation.

A handwritten signature in black ink that reads "Gary K. Abe".

GARY K. ABE
Acting Assistant Inspector General for
Audits and Evaluations

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INTRODUCTION

- Objective** We conducted this review to evaluate whether VA guidance aligns with Federal laws to protect the religious beliefs of employees and veterans and their families at VA facilities.
- Congressionally Requested Review** In the report to accompany H.R. 2029, Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill, 2016, the House Appropriations Committee requested the Office of Inspector General (OIG) review VA's guidance on religious beliefs. Specifically, the committee requested the OIG to review VA guidance on funeral services, chaplain ministries, and religious holiday celebrations at VA facilities and determine whether VA guidance ensures sensitivity to the religious beliefs of VA employees and veterans and their families.
- Public Law 112-260** In 2013, Public Law 112-260, Dignified Burial and Other Veterans' Benefits Improvement Act of 2012 (January 10, 2013), required the VA Secretary to develop guidance to ensure the expressed wishes of veterans' families and representatives are respected during interment, funeral, or memorial services, and inform veterans' families and their representatives of national cemetery services. VA's National Cemetery Administration (NCA) issued interim guidance documents that generally met the intent of the public law.
- Program Offices** VA's Human Resources and Administration is responsible for providing VA-wide guidance on employee diversity and inclusion. NCA is responsible for developing policy for committal services and providing services that honor veterans and their families with final resting places. Veterans Health Administration's (VHA) National Chaplain Center (NCC) is responsible for developing policy for chaplain ministries to ensure VA Chaplains meet the spiritual healthcare needs of veterans.
- Other Information**
- Appendix A details our scope and methodology.
 - Appendix B contains the Interim Under Secretary for Memorial Affairs comments.
 - Appendix C contains the Under Secretary for Health comments.

RESULTS AND RECOMMENDATIONS

Finding

VA Guidance Needs Updating To Ensure Policies Are Current

VA's guidance generally aligned with Federal laws and included policies that provided reasonable assurance of ensuring sensitivity to the religious beliefs of veterans and their families, and employees at VA facilities. However, as of February 2016, VA was operating with eight policies, governing the protection of religious beliefs that VA had not recertified or rescinded as required by VA policies. This included five from NCA and three from VHA.

Although our review did not find evidence that VA's outdated guidance contributed to religious insensitivity, VA should have recertified or rescinded these eight policies. The length of time VA was past due in performing these actions ranged from about 14 months to approximately 22 years. VA had not updated these policies because NCA and VHA did not ensure staff began the process of updating guidance early enough to compensate for the time needed to draft guidance, such as delays to obtain necessary staff concurrences. By updating guidance, VA will help mitigate future risks of religious insensitivity.

Guidance for Employees' Religious Beliefs

In FY 2014, VA reported 46 of its approximately 320,000 employees (0.01 percent) filed complaints regarding religious insensitivity. Below are details on VA's guidance and employee training requirements for ensuring sensitivity to employees' religious beliefs.

- VA's Human Resources and Administration's *Guidance on Religious Exercise and Expression in VA Facilities and Property Under the Charge and Control of VA*, November 2014, provides detailed answers to frequently asked questions to help ensure employees' religious freedoms and rights are honored and respected in the VA workplace.
- VA's *Equal Employment Opportunity, Diversity and Inclusion, No FEAR, and Whistleblower Rights and Protection Policy Statement*, April 2015, provides VA's policy that protects VA employees' religious beliefs. This policy allows employees to express and exercise their religion in the VA workplace if such expression does not suggest Government endorsement or preference for one faith over another, interfere with efficient working of VA operations, nor intrude upon the legitimate rights of other employees.
- Public Law 107-174, The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, May 2002, requires all VA employees receive training on employees' rights and responsibilities in the areas of equal employment opportunity and nondiscrimination

protections including religious tolerance. This training supports efforts to cultivate a fair, diverse, harassment-free work environment for VA employees and provides employees avenues to resolve instances of discrimination.

**Guidance
Protecting
Veterans
Needs
Updating**

As of February 2016, VA was operating with eight policies, including three interim guidance documents, governing the protection of religious beliefs that VA should have recertified or rescinded. Although our review did not find evidence that VA's outdated guidance contributed to religious insensitivity, maintaining current guidance may mitigate future religion-related concerns. VA should have recertified or rescinded these eight policies. The length of time VA was past due in performing these actions ranged from about 14 months to approximately 267 months or about 22 years.

VA Handbook 6330, *Directive Management Procedures*, describes recertification as reviewing guidance to ensure it is accurate and up to date, and when determined to be up to date, certification by program approving officials.¹ The handbook states that VA should rescind guidance when the contents become obsolete. VA publishes interim guidance that has a temporary duration, which VA later rescinds. Notices are interim guidance that carry a rescission date of no more than 6 months.

¹During our review, we determined that VA Directive 6330 and VA Handbook 6330 were due for recertification.

This table lists these eight documents.

Table. VA Guidance on Religious Beliefs

Title	Established	When VA Should Have Recertified or Rescinded	Months Past Due
NCA			
Manual 40-2 (Chapters 6 and 7): <i>National Cemeteries – Administration, Operation, and Maintenance</i>	May 1984	October 1993	267
Directive 3170/1: <i>Ceremonies and Special Events at VA National Cemeteries</i>	February 2013	December 2014	14
NCA Interim Guidance			
Policy Memorandum: <i>Policy on Recitations Presented at VA National Cemetery Committal Services</i>	December 2011	June 2012	44
Notice 2013-01: <i>Public Law 112-260 Provisions Relevant to the National Cemetery Administration</i>	February 2013	August 2013	29
Policy Memorandum: <i>Long-Standing Practices With Respect to Family Wishes for Committal Services at VA National Cemeteries</i>	May 2013	November 2013	26
VHA			
Directive 1111: <i>Spiritual and Pastoral Care in the Veterans Health Administration</i>	May 2008	May 2013	32
Handbook 1111.02: <i>Spiritual and Pastoral Care Procedures</i>	July 2008	July 2013	30
Directive 0022: <i>Religious Symbols in Holiday Displays in VA Facilities</i>	February 2009	February 2014	23

Source: OIG analysis of guidance related to religious beliefs.

Note: The number of months shown are rounded to cover the approximate period from when VA should have recertified or rescinded guidance through February 2016. VHA's Office of the Director, Chaplain Service, which operates the NCC, is responsible for the contents of Directive 0022, to include the update and recertification of the Directive.

*NCA Guidance
Not Recertified
or Rescinded*

NCA was operating under five guidance documents, including three interim documents, which NCA should rescind and consider for publication as formal guidance. Although VA Directive 6330, *Directives Management*, requires directives and handbooks be reviewed every 5 years, NCA established a stricter 3-year time frame. NCA Handbook 6330, *NCA Directives, Handbooks, and Notices Procedures*, requires management to review all guidance every 3 years to determine the necessity of issuing new guidance, updating guidance, and rescinding obsolete guidance. NCA Handbook 6330 also states interim guidance should be in effect for only 6 months and then issued as formal guidance.

Additionally, VA Directive 6330, issued in October 1993, stated that manuals should no longer be used and be rescinded. NCA has not replaced Chapters 6 and 7 from Manual 40-2, *National Cemeteries – Administration, Operation, and Maintenance*, May 1, 1984. These chapters provide information about the use of clergy for committal services and arranging services with the deceased family members or representative. In July 2015, an NCA official told us NCA plans to rescind Manual 40-2 and incorporate appropriate material into a handbook or other form of publication. However, as of February 2016, NCA had not rescinded or replaced these chapters.

In accordance with NCA Handbook 6330, NCA should have rescinded the three interim guidance documents. The three interim guidance documents included critical requirements that addressed previous instances of religious insensitivity at NCA facilities, such as:

- Respecting and upholding the wishes of the deceased veteran and surviving family
- Allowing families of deceased veterans to use appropriate public areas within NCA facilities, such as committal shelters and chapels, for contemplation, prayer, mourning, or reflection
- Permitting families to choose any religious or other symbols to display on the day of interment or committal

To ensure NCA managers and staff have access to current NCA guidance, NCA needs to rescind its five outdated publications and consider replacing them as a handbook or other form of publication.

*VHA Guidance
Not Recertified
or Rescinded*

VHA was also operating with three guidance documents requiring recertification or rescission that addressed religious sensitivity at VA medical facilities. VHA's NCC oversees VA chaplain services, which provide religious, spiritual, and pastoral care to veterans and their families, and is responsible for implementing and developing a program to ensure every patient's right to free exercise of religion.

VHA Directive 6330, *Directives Management System*, and VHA Handbook 6330.01, *Directives Management System Procedural Handbook*, requires management to review and recertify guidance every 5 years and determine if VHA should remove obsolete guidance. However, VHA did not adequately comply with these requirements regarding the timely review and update of the three documents.

For example, VHA's NCC was reminded in November 2012 that VHA Directive 1111 was expiring May 2013. In November 2013, 6 months after the Directive expired, VHA's NCC sent the proposed updated draft for concurrence within VHA. In June 2014 (13 months after the Directive expired), VHA sent the proposed draft to the Office of General Counsel for Counsel's concurrence. Although Counsel has not yet concurred with the draft proposal and the time obtaining Counsel's concurrence is outside of VHA's control, VHA did not conduct a timely review on its part.

These dated documents included critical requirements addressing previous instances of religious insensitivity at VA medical facilities such as:

- Ensuring every patient's constitutional right to free exercise of religion
- Protecting veterans from the imposition of religious beliefs or activities
- Allowing holiday displays to be placed in public areas at VHA facilities

VHA needs to update or replace these three religious belief guidance documents to ensure staff at VA's medical facilities consistently permit veterans and their families to follow their religious beliefs.

**Reasons for
Not Updating
Guidance**

Maintaining current guidance is a basic internal control principle. Although NCA and VHA's NCC officials were aware they should recertify or rescind guidance, they did not ensure timely reviews, updates, or certification within applicable time frames. In the situation above, VHA's NCC was reminded 6 months before VHA Directive 1111's expiration date, yet 6 months was not sufficient to publish a timely update.

NCA Handbook 6330 states NCA's Directive Management Office must contact responsible program offices 2 to 3 months prior to guidance expiration dates to start the recertification process and 3 months before rescission. After notification from the Directive Management Office, responsible NCA offices prepare new or updated guidance for review and concurrence prior to issuance. However, given the extensive review process to include legal reviews, mechanisms are needed to ensure staff complete timely guidance reviews to compensate for the time needed to obtain staff concurrences. This will help staff at NCA and VHA facilities consistently ensure they honor veterans' and their families' religious beliefs during committal services, pastoral care, and religious holiday celebrations.

Conclusion

VA must be respectful of the diverse beliefs of all its stakeholders when providing committal services, pastoral care, and religious holiday celebrations. VA's religious tolerance guidance generally aligned with Federal laws and included policies that provide reasonable assurance of protecting the religious beliefs of veterans and their families, and employees at VA facilities. However, VA continues to operate with eight policies governing the protection of religious beliefs that VA needs to review for recertification or rescission.

Recommendations

1. We recommended the Interim Under Secretary for Memorial Affairs rescind and replace Chapters 6 and 7 from Manual 40-2, *National Cemeteries, Administration, Operation, and Maintenance*.
2. We recommended the Interim Under Secretary for Memorial Affairs recertify or rescind Directive 3170/1, *Ceremonies and Special Events at VA National Cemeteries*.
3. We recommended the Interim Under Secretary for Memorial Affairs incorporate National Cemetery Administration's three interim guidance documents into directives or handbooks.
4. We recommended the Interim Under Secretary for Memorial Affairs develop mechanisms to ensure staff begin the process of updating guidance and compensate for the time needed to draft guidance and obtain staff concurrence.
5. We recommended the Under Secretary for Health recertify or rescind Veterans Health Administration's three religious belief guidance documents that need to be updated.
6. We recommended the Under Secretary for Health develop mechanisms to ensure staff begin the process of updating guidance and compensate for the time needed to draft guidance and obtain staff concurrence.
7. We recommended the Under Secretary for Health provide staff a means to request senior official assistance, when necessary, to obtain timely agency-level concurrences.

**NCA
Management
Comments**

The Interim Under Secretary for Memorial Affairs concurred with Recommendations 1 through 4. To address Recommendations 1 through 3, NCA will develop a new handbook on "General Cemetery Operations" that will include information from Chapters 6 and 7 of Manual 40-2, Directive 3170/1, and two of the interim guidance documents. NCA will rescind the third interim guidance document, Notice 2013-01, since it does not include a

policy statement and is merely a summary of the provisions of Public Law 112-260. NCA plans to complete these actions by August 2016.

To address Recommendation 4, NCA reported it will revise and update Directive 6330 and Handbook 6330.01 to reflect a more structured approach to policy development and publication. The revised directive and handbook will also include a provision requiring reviews of policies to begin at least 8 months prior to scheduled recertification dates. NCA plans to complete these actions in May 2016.

The Interim Under Secretary noted that although the OIG report states that Manual 40-2 was 267 months “past due”, Chapters 6 and 7 of the manual are not obsolete and still reflect valid NCA policy. In addition, the Interim Under Secretary stated that VA Directive and Handbook 6330 do not contain any requirement that existing manuals be rescinded by any specific date. Furthermore, to provide context, the Interim Under Secretary suggested the OIG include in its report how many of VA’s reported FY 2014 employee complaints regarding religious insensitivity were substantiated and from which VA administration the complaints originated.

**OIG
Response**

The Interim Under Secretary for Memorial Affairs provided responsive action plans for Recommendations 1 through 4. We will monitor NCA’s progress and follow up on its implementation of these recommendations until all proposed actions are complete.

Despite the Interim Under Secretary’s concern about the OIG report stating Manual 40-2 was 267 months past due, NCA should have rescinded Manual 40-2 in 1993 when VA issued Directive 6330, which explicitly stated, manuals will no longer be used. By concurring with Recommendation 1, the Interim Under Secretary has recognized the need to rescind and replace Manual 40-2.

The OIG did not revise its report, as suggested by the Interim Under Secretary, to include the number of substantiated employee complaints regarding religious insensitivity and from which VA administration the complaints originated. The OIG review found that VA’s guidance for ensuring sensitivity to employees’ beliefs and aligned with applicable Federal laws. Disclosing the information suggested by the Interim Under Secretary was not needed, since the extremely low percent (0.01 percent) of employees who filed complaints provides sufficient context on the effectiveness of VA’s guidance.

**VHA
Management
Comments**

The Under Secretary for Health concurred with Recommendations 5 through 7. To address Recommendations 5, VHA’s NCC will pursue the concurrence and publication of VHA Handbook 1111.02 and VHA Directive 1111. The NCC will also continue to work with VA’s Office of

Policy and Planning to help revise or update VA Directive 0022. VHA plans to complete these actions by February 2017.

To address Recommendation 6, VHA has a three-step plan. First, review its policy promulgation process for opportunities to reduce complexity and make it less resource intensive. Second, consider reducing the number of documents and the appropriate level of signatures required to promulgate policies. Third, formally require VHA's Publications Control Office to notify program offices 12 months and 6 months before a document's recertification date passes. The Publications Control Office will notify VHA's Chief of Staff when action is not taken to initiate the recertification/rescission process. VHA plans to complete these actions by December 2016.

To address Recommendation 7, VHA will require the Publications Control Office to notify VHA's Chief of Staff when action is not taken to recertify/rescind policies. In addition, VHA will develop a process for regularly reporting to senior officials at the agency level on the timeliness of policy reviews. VHA plans to complete these actions by March 2017.

**OIG
Response**

The Under Secretary for Health provided responsive action plans for Recommendations 5 through 7. We will monitor VHA's progress and follow up on its implementation of these recommendations until all proposed actions are complete.

Appendix A Scope and Methodology

Scope	We conducted this review from May 2015 to March 2016. The review focused on guidance related to VA's protection of religious beliefs. We conducted onsite work at VA's Central Office in Washington, DC.
Methodology	To evaluate whether VA guidance appropriately protects the religious beliefs of employees and veterans and their families, we reviewed VA's handbooks, directives, notices, memorandums, manual, policies, and procedures related to religious tolerance. Specifically, we focused on guidance related to committal services, chaplain ministries, and religious holiday celebrations. We also reviewed Federal laws, applicable VA court cases, and stakeholder complaints and concerns. We interviewed officials from VA's Office of Human Resources and Administration, Office of General Counsel, NCA, and VHA's NCC. We did not use computer-processed data to perform this review.
Government Standards	We conducted this review in accordance with the Council of the Inspectors General on Integrity and Efficiency's <i>Quality Standards for Inspection and Evaluation</i> , January 2012.

Appendix B Management Comments – Interim Under Secretary for Memorial Affairs

Department of Veterans Affairs

Memorandum

Date: April 28, 2016

From: Interim Under Secretary for Memorial Affairs (40)

Subj: Draft Report, Review of VA Guidance on Protecting Religious Beliefs
(Project Number 2015-03700-R3-0197)

To: Acting Assistant Inspector General for Audits and Evaluations (52)

1. I have reviewed the draft report of the Office of Inspector General's (OIG) Review of VA Guidance on Protecting Religious Beliefs and I concur in the recommendations in the report.
2. I am very pleased that the Inspector General has found that VA's and NCA's guidance generally aligns with Federal laws and includes policies that provide reasonable assurance of protecting the religious beliefs of Veterans and their families, and the employees at national cemeteries and other VA facilities. OIG did express concerns over the timeliness of policy revisions and updates; however, they found no evidence that these concerns contributed to religious intolerance. Unfortunately, as detailed below, some of the narrative in the report may leave an unintended impression that runs contrary to the OIG's overall findings.
3. Table 1 on page 4 of the report contains information regarding NCA and VHA policies that relate to matters involving religious expression. The table states that NCA's manual M40-2 is 267 months "past due," or past the date OIG believes the document should have been rescinded or recertified. VA Directive and Handbook 6330 state that certain terminology and formats for VA policy or procedure "no longer" will be used; however, these documents do not contain any requirement that existing manuals be rescinded by any specific date. Although NCA is in the process of converting its M40 manuals to directives and handbooks, Chapters 6 and 7 of M40-2 are not obsolete and still reflect valid NCA policy that ensures respect for a family's wishes to include clergy in committal services and guides cemetery personnel as they provide assistance to families. As noted above, OIG found no evidence that the age of this policy or any of the other policies OIG reviewed contributed to religious intolerance.
4. On page 6, OIG notes that "In FY 2014, VA reported 46 (0.01 percent) of their approximately 320,000 employees filed complaints regarding religious insensitivity." However, the report contains no discussion of the actual number of findings of religious insensitivity based on the complaints. Information regarding the percentage of these complaints that were substantiated, and indicating from which VA Administration or program office these complaints originated, would provide valuable context to the report.

5. I am attaching NCA's corrective action plan for recommendations 1 through 4, to ensure that NCA's written policy statements continue to reflect our commitment to respect and protect the expression of religious beliefs.
6. Thank you for the opportunity to review the draft report. If you have any questions, please contact Andrea Henderson, Business Process Improvement and Compliance Service (42D), at 202-461-6685.

(original signed by:)

RONALD E. WALTERS

Attachment

**NATIONAL CEMETERY ADMINISTRATION (NCA)
Action Plan**

OIG Draft Report: Review of Guidance on Protecting Religious Beliefs

Date of Draft Report: March 24, 2016

Recommendations/ Actions	Status	Completion Date
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Recommendation 1: We recommended the Interim Under Secretary for Memorial Affairs rescind and replace Chapters 6 and 7 from Manual 40-2, National Cemeteries, Administration, Operation and Maintenance.

NCA Comments: Concur.

NCA is in the process of developing a new Handbook on "General Cemetery Operations" that will include information on the conduct of interment ceremonies. Information from Chapters 6 and 7 of Manual 40-2 will be incorporated in that handbook.

Status	Target Completion Date
In process	August 15, 2016

Recommendation 2: We recommended the Interim Under Secretary for Memorial Affairs recertify or rescind Directive 3170/1, Ceremonies and Special Events at VA National Cemeteries.

NCA Comments: Concur.

NCA is in the process of developing a new Handbook on "General Cemetery Operations" that will include information on the conduct of interment ceremonies. Information from Directive 3170/1, Ceremonies and Special Events at VA National Cemeteries will be incorporated in that handbook.

Status	Target Completion Date
In process	August 15, 2016

Recommendation 3: We recommended the Interim Under Secretary for Memorial Affairs incorporate National Cemetery Administration's three interim guidance documents into directives or handbooks.

NCA Comments: Concur.

NCA is in the process of developing a new Handbook on "General Cemetery Operations" that will include information on the conduct of interment ceremonies. Information from the policy memoranda entitled "Policy on Recitations Presented at VA National Cemetery Committal Services," and "Long-Standing Practices with Respect to Family Wishes for Committal Services at VA National Cemeteries" will be incorporated in that handbook. NCA will rescind Notice 2013-01 because this notice contains no policy statement, but is merely a summary of the provisions contained in Public Law 112-260 and was intended to alert NCA staff to those provisions.

Status	Target Completion Date
In process	August 15, 2016

Recommendation 4: We recommended the Interim Under Secretary for Memorial Affairs develop mechanisms to ensure staff begins the process of updating guidance and compensate for the time needed to draft guidance and obtain staff concurrence.

NCA Comments: Concur

NCA has revised and updated its Directive 6330 and Handbook 6330.01 to reflect a more structured approach to policy development and publication. The policies include a provision that review of policies must begin at least eight months prior to the scheduled recertification date and that a project plan be developed for each document that includes a timeline for drafting and timely concurrence. In the event that delays are encountered in publishing recertified or revised documents, the new policies state that all policies will continue in effect until replaced by an updated version or rescinded.

Status
In process

Target Completion Date
May 1, 2016

Appendix C Management Comments – Under Secretary for Health

Department of Veterans Affairs

Memorandum

Date: April 22, 2016
From: Under Secretary for Health (10)
Subj: Office of Inspector General (OIG) Draft Report: Review of VA Guidance on Protecting Religious Beliefs (VAIQ 7687647)
To: Acting Assistant Inspector General for Audits and Evaluations (52)

1. Thank you for the opportunity to review the OIG draft report, Review of Guidance on Protecting Religious Beliefs.
2. The Department of Veterans Affairs (VA) is committed to maintaining a diverse workforce and inclusive work environment, and to protecting First Amendment freedoms. As our Nation becomes increasingly diverse, so do the religious affiliations and belief systems of its citizens. VA honors and respects the humanity of all and protects the freedoms and rights guaranteed for each of us.
3. We are pleased that OIG found VA's religious tolerance guidance generally aligned with Federal laws, and included policies that provided reasonable assurance of ensuring sensitivity to the religious beliefs of Veterans and their families, and employees at VA facilities.
4. The Veterans Health Administration (VHA) is strongly committed to developing long-term solutions that mitigate risks to the timeliness, cost-effectiveness, quality, and safety of the VA health care system. VHA is using the input from the Office of Inspector General (OIG) and other advisory groups to identify root causes and to develop critical actions. As VHA implements corrective measures, we will ensure our actions are meeting the intent of the recommendations. VHA is dedicated to sustained improvement in the high risk areas.
5. The recommendations in this report apply to Government Accountability Office high risk area 1 (ambiguous policies and inconsistent processes). VHA's actions will serve to clarify policy and ensure consistency with National processes safeguarding the religious freedoms of employees, Veterans and their families.
6. VHA acknowledges that we have a chronic problem with policies that have passed their recertification date, and we are currently revising our document management system to address the concerns raised in this report.
7. VHA is not responsible for department-level policy and appreciate that during their review OIG found that VA Directive 6330 (Directives Management) and VA Handbook 6330 (Directives Management Procedures) are both due for recertification.

8. I concur with the findings and recommendations in the draft report and provide comments in response to recommendations 5-7.
9. If you have any questions, please contact Karen Rasmussen, M.D., Director, Management Review Service (10E1D), at (202) 461-6643 or be email at Karen.Rasmussen@va.gov.

(original signed by:)

DAVID J. SHULKIN, M.D.

Attachment

**VETERANS HEALTH ADMINISTRATION (VHA)
Action Plan**

OIG Draft Report: Review of Guidance on Protecting Religious Beliefs

Date of Draft Report: March 24, 2016

Recommendations/ Actions	Status	Completion Date
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Recommendation 5: We recommended the Under Secretary for Health recertify or rescind Veterans Health Administration's three religious belief guidance documents that need to be updated.

VHA Comments: Concur

This recommendation is related to high risk area 1 (ambiguous policies and inconsistent processes). VHA's actions will clarify national policy that will ensure the protection of religious beliefs at our medical facilities.

VHA acknowledges the importance of maintaining current policies and either recertifying or rescinding outdated ones in a timely manner. This is critical to ensuring field staff remain aware of their responsibilities in providing the best care to the Veterans they serve. We are pleased that OIG found VA's religious tolerance guidance generally aligned with Federal laws, and included policies that provided reasonable assurance of ensuring sensitivity to the religious beliefs of Veterans and their families, and employees at VA facilities.

We underestimated the length of time it would take to recertify these policies. We have nearly completed the process and the documents are currently with VA's Office of General Counsel (OGC) to ensure they meet legal standards for national policy. The National Chaplain Center will pursue the concurrence and publication of VHA Handbook 1111.02 and VHA Directive 1111.

The National Chaplain Center, as subject-matter experts on religious beliefs, will continue to work with VA's Office of Policy and Planning (OPP) to provide necessary revisions or updates to VA Directive 0022 which is an agency-level policy. The National Chaplain Center defers to OPP for publication of this agency-level policy.

To date, VHA continues to monitor the progression of the handbook, VHA, and VA directive. VHA is working closely with the VA Office of Policy and Planning to expedite the VA Directive 0022, with the plan to push VA's directive directly behind the VHA handbook and directive and gain OGC signature on all three at the same time. Additionally, the Office of the Deputy Under Secretary for Health for Policy and Services (DUSHPS) continues to work closely with VHA's Office of Regulatory Affairs to assist in moving handbooks and directives through the system as quickly as possible. The Office of the DUSHPS worked with other VHA offices in the Fall of 2015 to establish a process on moving directives and handbooks in the most timely manner. This group included representatives from all VHA offices.

Status: In process	Target Completion Date: February 2017
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Recommendation 6: We recommended the Under Secretary for Health develop mechanisms to ensure staff begin the process of updating guidance and compensate for the time needed to draft guidance and obtain staff concurrence

VHA Comments: Concur

This recommendation is related to high risk area 1 (ambiguous policies and inconsistent processes). VHA's actions will clarify national policy that will ensure the protection of religious beliefs at our medical facilities.

VHA acknowledges that we have a chronic problem with policies that have passed their recertification date, and we are currently revising our document management system to address the concerns raised in this report. These revisions will also address some of the broader, systemic concerns underlying recommendation 5.

VHA's Office of Regulatory Affairs has a three-step plan to address this issue. First, we are reviewing the policy promulgation process for opportunities to reduce complexity and make it less resource intensive. Actions under consideration include reducing the number of redundant or unnecessary reviews by offices and/or individuals inside VHA and at the agency level. We are also considering simplified procedures to extend the recertification date and authorizing VHA to continue to follow policies with a past-due recertification date until such policy is past-due or superseded.

Second, we are considering reducing the number of documents and the appropriate level of signatures required to promulgate policies. Specifically, we are considering ways to combine multiple documents on the same topic (such as the documents cited in the Draft Report). In addition, responsibility for routine recertifications would be delegated below the Under Secretary level.

Third, we will formally require VHA's Publications Control Officer (PCO) to notify program offices 12 months and 6 months before a document's recertification date passes. The PCO will notify VHA's Chief of Staff when action is not taken to initiate the recertification/rescission process.

To date, VHA's Office of Regulatory Affairs has incorporated these improvements into a substantial re-write of VHA's guidance on the policy promulgation process. That document is currently in concurrence within VHA. That re-write includes the recommendation that VHA reduce the number of documents and signatures required to policies and that recertifications be delegated under the Under Secretary level. Finally, the VHA PCO has contacted program offices to begin recertifying or rescinding all VHA manuals, many of which are significantly outdated, and once complete, will begin the same process for outdated Directives and Handbooks.

Status: In process	Target Completion Date: December 2016
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Recommendation 7: We recommended the Under Secretary for Health provide staff a means to request senior official assistance, when necessary, to obtain timely agency-level concurrences.

VHA Comments: Concur

This recommendation is related to high risk area 1 (ambiguous policies and inconsistent processes). VHA's actions will clarify national policy that will ensure the protection of religious beliefs at our medical facilities.

In addition to considering the procedure described above, which would require VHA's PCO to provide reminders to program offices and to report to the VHA Chief of Staff, VHA's Office of Regulatory Affairs is working with its partners at the agency-level to facilitate their review. We are also attempting to develop a process for regularly reporting to senior officials at the agency level on the timeliness of reviews, and for seeking expedited or priority consideration of particular policies.

The improvements included in this recommendation were included in the re-write of VHA's guidance on the policy promulgation process, and VHA's Office of Regulatory Affairs is collecting and analyzing data related to review and concurrence to improve practices related to timely reviews and expedited completion of priority policies.

Status: In process	Target Completion Date: March 2017
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Appendix D **OIG Contact and Staff Acknowledgments**

Contact	For more information about this report, please contact the Office of Inspector General at (202) 461-4720.
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Acknowledgments	Kent Wrathall, Director Cherelle Claiborne Marci Davis Glenn Dawkins Jessica Rodriguez Briana Webster
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