

# GAO Highlights

Highlights of [GAO-24-107188](#), a testimony before the Subcommittee on Oversight and Investigations, Committee on Veterans' Affairs, House of Representatives

## Why GAO Did This Study

The Department of Veterans Affairs (VA) operates one of the largest health care systems in the nation, with over 9 million veterans enrolled in the VHA health care program. VHA is responsible for ensuring that its more than 400,000 health care providers and support staff are qualified, competent, and suitable to provide safe care.

This testimony discusses (1) VHA's policies and procedures for dealing with employees with controlled substance-related felony convictions and the need to obtain waivers from DEA before employing these people in certain positions; and (2) VHA's suitability process, including control weaknesses associated with the conduct of background investigations.

This testimony is based primarily on GAO's [February 2023 report](#) on VHA's employee screening processes. For that report, GAO analyzed a generalizable sample of 305 VHA employees employed as of January and June 2020 with indications of controlled substance-related criminal history. GAO examined court records and other documentation, reviewed regulations and policies, and interviewed officials from VHA, DEA, and other agencies. For this statement, GAO also obtained updates on actions VA has taken to address related GAO recommendations.

## What GAO Recommends

In February 2023, GAO made 14 recommendations to VA. As of November 2023, the recommendations are not yet implemented.

View [GAO-24-107188](#). For more information, contact Seto J. Bagdoyan at (202) 512-6722 or [bagdoyans@gao.gov](mailto:bagdoyans@gao.gov).

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## VETERANS HEALTH ADMINISTRATION

### Actions Needed to Address Persistent Control Weaknesses and Related Risks in Employee Screening Processes

## What GAO Found

The Veterans Health Administration (VHA) received information regarding some employees but did not have control procedures to ensure it responded as required. For example, VHA received information about some employees' controlled substance-related felony convictions and actions taken against certain employees by the Drug Enforcement Administration (DEA). VHA was required to obtain waivers from DEA for any of these employees whose job gave them access to controlled substances.

#### Drug Enforcement Administration (DEA) Employment Waiver Requirements



Source: GAO analysis of DEA information and [sdecoret/stock.adobe.com](#) (icon). | [GAO-24-107188](#)

<sup>a</sup>DEA registrations are required for certain health care practitioners licensed to dispense, administer, or prescribe controlled substances.

GAO identified 12,569 VHA employees with indications of controlled substance-related criminal history. Of these, GAO obtained further information about a generalizable sample of 305 employees and found 50 of them had one or more controlled substance-related felony convictions. However, VHA has no policy regarding DEA employment waivers, including guidance for determining whether an employee has access to controlled substances. VHA confirmed that it did not request waivers for 48 of the 50 employees GAO identified. VHA did not confirm whether it requested waivers for the remaining two. GAO previously recommended the development of a waiver policy and, while VA agreed, it had not yet developed the policy. Therefore, in February 2023, GAO recommended that VHA establish a timeline for finalizing and implementing a waiver policy. In November 2023, VA informed GAO that it is developing a DEA waiver policy and expects to implement it in March 2024. Until VHA implements such a policy with guidance for determining whether an employee has access to controlled substances, it cannot assess whether its employees need waivers. VHA also lacks assurance that its facilities are complying with DEA regulations and controlling against theft and diversion of controlled substances.

GAO also identified vulnerabilities in VHA's process for completing employee background investigations. For example, GAO found that 13 of the 305 employees in the generalizable sample did not have background investigations as required by regulation and policy. From the universe of the approximately 12,569 VHA employees, GAO estimated that about 400 (3 percent) did not have completed background investigations. As a result, in February 2023, GAO recommended that VHA establish control procedures to ensure background investigations are completed as required. In November 2023, VA informed GAO this recommendation would be implemented by March 2024.