

November 19, 2020

MAINTAINING VHA'S POLICY-ESTABLISHING DOCUMENTS

This notice maintains standards for operational memoranda, including memoranda issued by the Assistant Under Secretary for Health for Operations. The requirements established by this notice are critical to the Veteran Health Administration's (VHA's) overall efforts to improve its national policy and guidance processes. This notice is a re-issuance of VHA Notice 2019-19, Maintaining VHA's Policy-Establishing Documents, dated October 23, 2019, to ensure no gap in policy coverage. The policy information will be incorporated into the recertification of VHA Directive 6330(4), Controlled National Policy/Directives Management System, dated June 24, 2016.

1. RECERTIFICATION OF OVERDUE POLICIES

a. VHA Directive 6330(4), Controlled National Policy/Directives Management System, dated June 24, 2016, requires that all VHA national policies must be recertified at least every 5 years. Currently, VHA has not met this requirement. Accordingly, all national policies must be current, that is, not overdue for recertification.

b. Exceptions to this notice will be established on a case-by-case basis, and authority to allow an exception is specifically delegated to the Senior Advisor of the Office of Regulations, Appeals, and Policy (10BRAP, formerly Office of Regulatory and Administrative Affairs).

c. The repository for all VHA national policies can be found at: <https://www.va.gov/vhapublications/index.cfm>. The repository includes required recertification dates for all policies.

2. ROLE OF OPERATIONAL MEMORANDA

a. Operational memoranda (formally called "10N memos") disseminated to Veterans Integrated Service Networks (VISNs) and Department of Veterans Affairs (VA) medical facilities by the Assistant Under Secretary for Health for Operations are often viewed as a form of VHA "policy" by users and by oversight bodies, and, on occasion, have actually amended or contradicted national policies. However, operational memos are not subjected to the same level of institutional review or scrutiny as controlled national policy and do not have the same level of authority. Controlled National Policy (CNP) is defined by VHA Directive 6330(4), and no other types of documents are recognized as national policy. As a result, operational memoranda have created confusion about what standards govern the organization. **NOTE:** *CNP establishes a definite course of action for VHA and assigns responsibilities for executing that course to identifiable individuals or groups. All CNP must be clear, concise, and logically composed. They must be organized and arranged in a manner that helps users locate information quickly. CNP is either a directive or a notice. CNP must not meet the definition of a "rule" under the Administrative Procedures Act (5 U.S.C. § 551 et seq.), and certain human resources*

information or criteria (for example, position descriptions, performance plans) and clinical practice guidelines are not appropriate subjects for CNP.

b. Operational memos establish a course of action for a supervisee from a supervisor; accordingly, their authority is limited to that of their issuer only and must be consistent with CNP. When changes are required to existing CNP, the referenced CNP must be amended, and (if needed) a notice must be published.

3. OPERATIONAL MEMOS ISSUED PRIOR TO OCTOBER 23, 2019

All operational memos issued prior to October 23, 2019 are subject to the following:

a. All operational memos not published on <https://vaww.va.gov/vhapublications/index.cfm> are rescinded without further action and no longer in force. **NOTE:** *This is an internal VA website that is not available to the public.*

b. All operational memos published on <https://vaww.va.gov/vhapublications/index.cfm> remain valid until April 30, 2022, or until the content is integrated by the responsible program office into governing CNP (new or recertified); the memo is republished as an operational memo; or the memo is rescinded. **NOTE:** *This is an internal VA website that is not available to the public.* Operational memos as described in this paragraph will automatically expire no later than April 30, 2022.

4. OPERATIONAL MEMOS ISSUED AFTER OCTOBER 23, 2019

All operational memos establishing national standards and issued after October 23, 2019 must be published on <https://www.va.gov/vhapublications/index.cfm> and are subject to the following:

a. All operational memorandum issued under the authority of the Assistant Under Secretary for Health for Operations require concurrence by that Deputy Under Secretary for Health, the Assistant Under Secretary for Health for the VHA entity sponsoring the memorandum, and the Office of Regulations, Appeals, and Policy.

b. All operational memos published after October 23, 2019 will expire without further action 2 years after publication. The entity issuing the operational memo can identify an expiration date earlier than 2 years after publication. **NOTE:** *If the expiration date is earlier than 2 years, it will be published on the face of the operational memo.*

c. An entity responsible for an operational memo issued after October 23, 2019 may republish the memo before it expires, and the memo will continue in force for another 2 years.

d. All operational memos must be processed in accordance with procedures established by the Assistant Under Secretary for Health for Operations, email VHA CO 15 Operations Correspondence at: VHA10NCorrespondence@va.gov for assistance.

These procedures will include consultation, when appropriate according to established procedures, with the Office of Regulations, Appeals, and Policy (10BRAP) for consistency with VHA policy standards.

e. Any proposed operational memo that establishes mandatory VHA-wide standards, rights, or responsibilities must be converted into CNP, whether a VHA notice or integrated into an appropriate directive. Pursuant to VHA Directive 6330(4), the notice is effective for 1 year after publication, during which time the notice must be integrated into a new or recertified CNP. **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 of Regulations, Appeals, and Policy (10BRAP) at VHACO10B4Actions@va.gov.*

f. Any operational memo that mandates VHA employee training must comply with VHA Directive 1052, Appropriate and Effective Use of VHA Employee Mandatory and Required Training, dated June 29, 2018. Contact: VHACO10A2AWS@va.gov for more information.

5. All inquiries concerning this action should be addressed to the Office of Regulations, Appeals, and Policy (10BRAP) at VHACO10B4Actions@va.gov.

6. This VHA Notice will be archived as of November 30, 2021.

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

/s/ Jon Jensen
VHA Chief of Staff

DISTRIBUTION: Emailed to the VHA Publications Distribution List on November 20, 2020.