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# **The Indian Health Service Did Not Ensure That Commissioned Corps Officers' Background Investigations Complied With Federal Requirements**

# REPORT HIGHLIGHTS



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## The Indian Health Service Did Not Ensure That Commissioned Corps Officers' Background Investigations Complied With Federal Requirements

### Why OIG Did This Audit

- The Indian Child Protection and Family Violence Act (ICPFVPA) established minimum character standard requirements for Federal background investigations for individuals in contact with Indian children and the Crime Control Act established requirements for supervision of such individuals pending the completion of background investigations. Prior OIG work in this area found gaps in compliance with these requirements.
- This audit assessed whether Commissioned Corps Officers (Officers) assigned to provide health care services to Tribal and Indian Health Service (IHS) operated health programs received background investigations in accordance with Federal requirements.

### What OIG Found

Officers assigned to provide health care services to Tribal and IHS-operated health programs did not receive background investigations in accordance with Federal requirements. We found that:

- IHS did not ensure that the background investigations for any of the 100 Officers in our sample considered the minimum character standard requirements of the ICPFVPA.
- IHS did not provide evidence for 59 Officers in our sample with pending background investigations that the Officers were within the sight and under the supervision of staff members with satisfactory background investigations or communicated to Tribes that the Officers had pending background investigations and required supervision when children are in their care.
- IHS did not ensure that background investigations for 39 Officers in our sample that needed reinvestigations were initiated within the standard timeframe.

Commissioned Corps and IHS relied on the Office of National Security (ONS) adjudicated background investigations, but they were not aware that these background investigations were based on Federal guidelines that did not assess an individual's criminal history results against the minimum character standards of the ICPFVPA.

### What OIG Recommends

We made nine recommendations, including that IHS and the Commissioned Corps work with the Office of National Security to develop policies and procedures to ensure that all Officers assigned to IHS have background investigations adjudicated according to the requirements in the ICPFVPA. The full recommendations are in the report.

In written comments to our draft report, IHS concurred with our recommendations and the Commissioned Corps concurred with our report.

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## INTRODUCTION

### WHY WE DID THIS AUDIT

The Indian Health Service's (IHS's) mission is to partner with American Indians and Alaska Natives to elevate their physical, mental, social, and spiritual health to the highest level possible.<sup>1</sup> The goal of IHS is to ensure that comprehensive, culturally acceptable personal and public health services are available and accessible to all American Indian and Alaska Native people. To help achieve this goal, Officers of the Commissioned Corps of the United States Public Health Service (Commissioned Corps) are assigned to IHS and Tribes to assist with the provision of health services. Congress has expressed concerns about safeguards for Indian children and passed the Indian Child Protection and Family Violence Prevention Act (ICPFVPA), which established requirements for the minimum standards of character for individuals in contact with Indian children.<sup>2, 3</sup> Under the ICPFVPA, individuals who work with Indian children, including Commissioned Corps Officers (Officers), must meet these standards. The standards include a Federal background investigation that includes a Federal Bureau of Investigation (FBI) fingerprint check as well as supervision of such individuals pending completion of the background investigation.

Prior Office of Inspector General (OIG) work found that the Tribes, their health programs, and several IHS-operated facilities did not comply with Federal requirements to perform background investigations for individuals in contact with Indian children.<sup>4</sup> In addition, we found that IHS could not provide evidence of the required background investigations for some Officers assigned to Tribal health programs. This placed the children served by these programs at an increased risk of harm. In this audit, we evaluated the background investigation, reinvestigation, and supervision processes for Officers assigned to provide health services to Tribal and IHS-operated health programs.

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<sup>1</sup> IHS, "[Quick Look](#)" internet page includes IHS's mission. Accessed on May 20, 2025.

<sup>2</sup> In this report, we use the term "in contact with Indian children" to describe individuals whose positions involve regular contact with or control over Indian children. Regular contact with or control over an Indian child means taking responsibility for an Indian child or children within the scope of the individual's duties and responsibilities or contact with an Indian child or children on a recurring and foreseeable basis (42 CFR § 136.403).

<sup>3</sup> "Individuals" means persons with duties and responsibilities that involve regular contact with or control over Indian children and includes, but is not limited to, the Commissioned Corps Officers and people who perform services for or under the supervision of the IHS while being permanently assigned to another IHS office or to another organization, such as a Federal agency, State, or Tribe (42 CFR § 136.403).

<sup>4</sup> See Appendix B for related OIG reports.

## **OBJECTIVE**

Our objective was to determine whether Officers assigned to provide health care services to Tribal and IHS-operated health programs received background investigations and reinvestigations in accordance with Federal requirements.

## **BACKGROUND**

### **Indian Health Service's Partnership With American Indians and Alaska Natives To Promote Health Care**

The Secretary of the Department of Health and Human Services (HHS), acting through IHS, must provide health promotion and disease prevention services to Indians to achieve the health status objectives set forth in law (25 U.S.C. § 1621b(a)), and IHS will “provide health promotion and disease prevention services to Indians” to “ensure the highest possible health status for Indians and . . . to provide all resources necessary to effect that policy” (25 U.S.C. §§ 1621b(a) and 1602(1)). IHS is the principal Federal agency responsible for providing Federal health services to American Indians and Alaska Natives. In partnership with the 574 federally recognized Tribes, IHS provides primary and preventive health care services to approximately 2.8 million American Indians and Alaska Natives living in the United States through a network of over 605 hospitals, clinics, and health stations on or near Indian reservations. Facilities are predominantly located in rural primary care settings and are operated by IHS, Tribal, or urban Indian health programs. IHS-operated facilities include 21 hospitals, 53 health centers, 25 health stations, and 12 school health centers.

The strategic goals of IHS include: (1) being a leading health care organization; (2) ensuring comprehensive, culturally respectful health care services; (3) optimizing operations through effective stewardship; and (4) promoting proactive intergovernmental and external relationships. To accomplish these goals, IHS Headquarters provides general direction, policy development, and support to each of 12 Area Offices and their IHS-operated health care facilities that may include hospitals, urgent-care clinics, and other types of facilities. Area Offices oversee the delivery of health services and provide administrative and technical support to the facilities located within a specified geographic region.<sup>5</sup>

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<sup>5</sup> An Area Office is a bureau-level organization under the direction of an Area Director, who reports to the IHS Director. Each Area Office carries out the mission of IHS by providing a system of health care unique to the area's population. Area Directors oversee the administration of and are responsible for the programs of direct care to the area's population.

## **Background Investigation Requirements for Individuals in Contact With Indian Children**

In 1990, after a careful review of the problem of child abuse on Indian reservations, Congress passed the ICPFVPA, which required IHS to promulgate minimum standards of character for individuals working in IHS and Tribal health programs who are in contact with Indian children.<sup>6</sup>

The ICPFVPA and IHS's implementing regulations require IHS to investigate the character of each individual in contact with Indian children (42 CFR § 136.404(a)). Individuals include contractors, volunteers, employees, and those being considered for these roles (42 CFR § 136.403). IHS must compile a list of all authorized positions with duties and responsibilities that involve regular contact with or control over Indian children and investigate the character of each individual who is employed or is being considered for employment in such a position (42 CFR § 136.404).

An investigation of character must include a criminal history background investigation that includes a fingerprint check through the Criminal Justice Information Services Division of the FBI (FBI fingerprint check) (42 CFR § 136.406(b)).<sup>7</sup> An FBI fingerprint check accesses criminal history records voluntarily provided by Federal, State, and local jurisdictions. It provides positive identification and eliminates the false positives and false negatives associated with name-based investigations, and it provides additional criminal record history that may not be maintained by the State in which a Tribe is located.<sup>8</sup>

Additionally, IHS must make inquiries of an applicant's criminal history to State and Tribal law enforcement for the previous 5 years of residency listed on an individual's employment application (42 CFR § 136.406(b)). IHS must compare the results of these criminal history verifications to IHS's minimum character standards (42 CFR § 136.414(e)(1–5)). IHS may not place individuals who do not meet IHS's minimum standards in a position that is in contact with Indian children (42 CFR § 136.404(a)). For individuals who have been determined to be ineligible for employment in positions that have regular contact with Indian children, IHS may use Federal adjudicative standards to certify that an individual is suitable for employment in a position, if available, that does not involve regular contact with or control over Indian children (42 CFR § 136.414(g)).

IHS may provisionally hire an Officer pending completion of a background investigation so long as the individual is supervised while working with Indian children by a staff member who has

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<sup>6</sup> P.L. No. 101-630 (enacted Nov. 28, 1990) and codified at 25 U.S.C. §§ 3201–11.

<sup>7</sup> The Criminal Justice Information Services Division was formerly known as the Identification Division.

<sup>8</sup> False positives can occur when a name check identifies a criminal history record for an individual that has a similar name and biographic identifiers. False negatives can occur when a name check fails to identify the criminal history record of an individual who provides inaccurate biographic information either at the time of arrest or when applying for a job, such as a false name and/or date of birth, or a false negative can occur due to misspellings or other such errors.

successfully completed the background check requirements (42 CFR § 136.417).<sup>9</sup> Appendix C contains a detailed list of Federal requirements applicable to background investigations and supervision.

## **Commissioned Corps of the United States Public Health Services Federal Background Investigations**

The Commissioned Corps works at the frontline of public health. Its health, medical, and engineering staff conduct research, fight disease, and provide patient care for underserved communities throughout the nation and across the world. As a uniformed branch of service, the Commissioned Corps promotes the Nation's health care through service in Government agencies as physicians, nurses, dentists, veterinarians, scientists, engineers, and other professionals.

The Commissioned Corps Officers are classified as national security positions to align with the requirements of other uniformed services, enabling seamless integration in joint service activities. Further, the national security classification enables Officers to quickly access sensitive or confidential information, which is particularly important during periods of rapid deployment. The position categorization depends on the sensitivity of the information accessed and the damage the unauthorized disclosure of this information may cause to national security. Figure 1 on page 6 shows the background investigation process for an Officer initially assigned to IHS.

Generally, at the beginning of the employment process for Officers who will be assigned to IHS, the Commissioned Corps will provide IHS with employment documentation and the Officer completes an application in the Federal application system (eApp).<sup>10</sup> IHS performs a preliminary review of the application to determine the Officer's suitability and level of security clearance for the position based on the sensitivity of the information the Officer could access and the potential damage it could cause if disseminated. Officers are categorized with a national security clearance for access to classified information, including critical sensitive national security (top secret) and noncritical sensitive national security (secret) that require

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<sup>9</sup> In this report, we use the term "supervised" or "supervision" to describe instances when "IHS may hire provisionally individuals . . . prior to the completion of a background investigation if, at all times prior to receipt of the background investigation, during which children are in the care of the individual, the individual is within the sight and under the supervision of a staff person, and a satisfactory background investigation has been completed on that staff person" (42 CFR § 136.417).

<sup>10</sup> The eApp contains the investigative Standard Forms that Federal applicants and employees use to input information required to process their personnel background investigation.



periodic reinvestigations every 5 and 10 years respectively.<sup>11</sup> Once IHS reviews the application, HHS's Office of National Security (ONS) performs a preliminary review of the application to confirm suitability and security determination. Commissioned Corps then hires the Officer and assigns the individual to IHS.

ONS completes the preliminary review and releases the application documentation to the Defense Counterintelligence and Security Agency (DCSA) within the Department of Defense to conduct record searches, collecting and verifying the necessary information related to the investigation, including prior residences, employment, education, references, and criminal history. The results of an Officer's background investigation are then provided to ONS. ONS stated it relies on the Federal adjudicative guidelines when evaluating the Officer's background investigation.<sup>12</sup> However, the Federal adjudicative guidelines do not consider the minimum character standard requirements of the ICPFVPA.

Once an Officer's background investigation is adjudicated, ONS generates a Certificate of Investigation (COI) to document a favorable or unfavorable adjudication. If unfavorably adjudicated, the Officer may be terminated. The COI, which may contain a field indicating the performance of a child care position check, is maintained electronically in Security Manager with the physical copies provided to Commissioned Corps by the assigned Division for inclusion in an Officer's Electronic Official Personnel Folder (eOPF).<sup>13, 14, 15</sup>

IHS must initiate the background reinvestigation with DCSA every 5 or 10 years depending on the level of clearance. Per Commissioned Corps policy, the Division must initiate the background reinvestigation with DCSA. DCSA collects and reviews the most updated background information as of the time of the reinvestigation. Once DCSA gathers this data, ONS reviews the background documentation and determines whether the individual is still qualified for the position relative to suitability and national security. If the individual is

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<sup>11</sup> A National Security position is a role in a Government department or agency, and the occupant of which could bring about, by virtue of nature of the position, a material adverse event on the national security (5 CFR § 1400.102(a)(4)). The incumbent of a national security position requiring eligibility for access to classified information is subject to the reinvestigation requirements of E.O. 12968 (5 CFR § 1400.203(a)).

<sup>12</sup> ONS has the authority to adjudicate investigations using Federal Investigative Standards and the Office of the Director of National Intelligence Security Executive Agent Directive 4 (13 adjudicative guidelines). For the purpose of this report, we use the term Federal adjudicative guidelines to include both standards and guidelines.

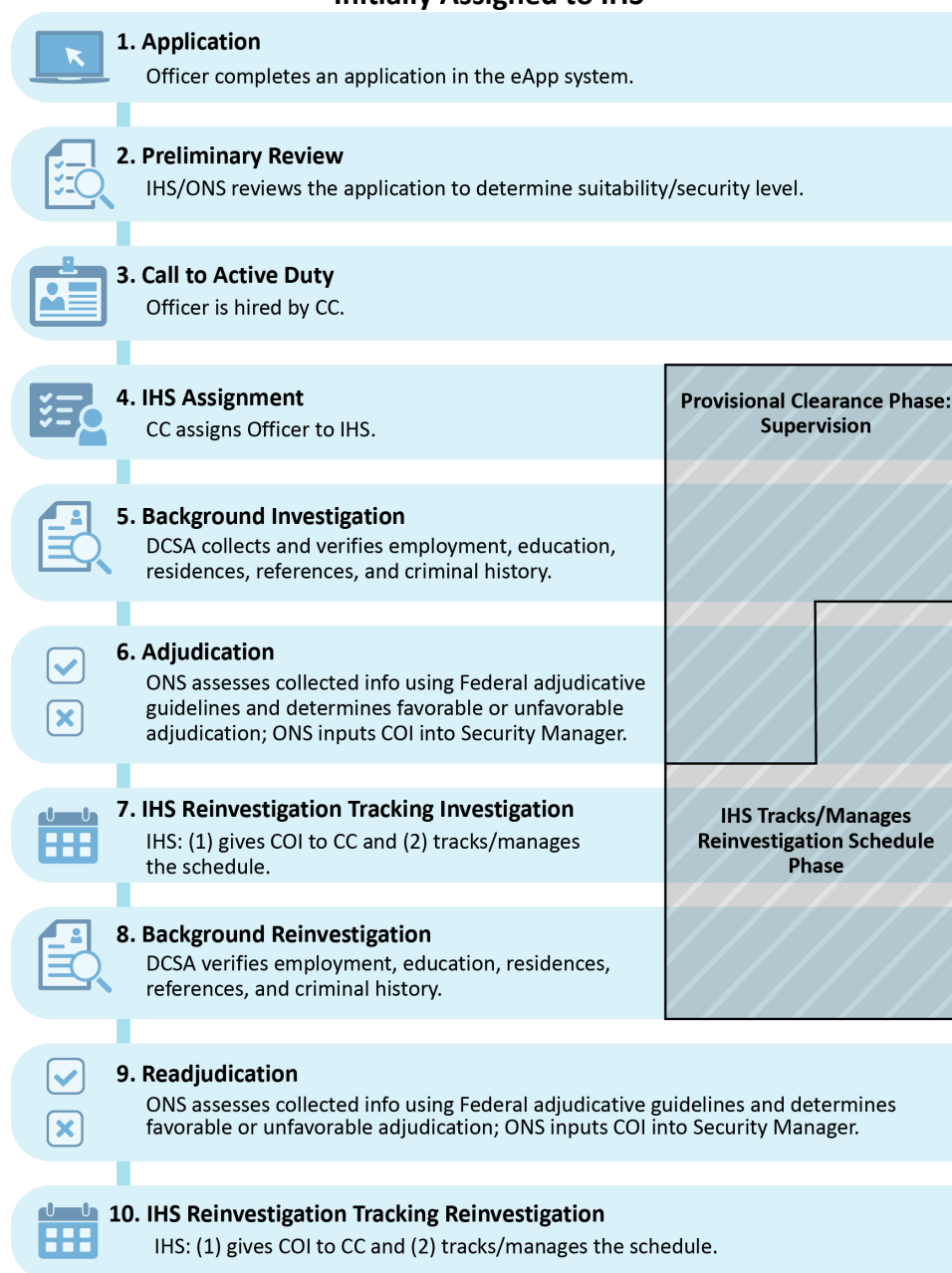
<sup>13</sup> When requested, DCSA will investigate for child care positions for each State that the individual has listed residency since the age of 16. Defense Counterintelligence and Security Agency, "[Form Requirements for Childcare Positions](#)." Accessed on May 20, 2025.

<sup>14</sup> Security Manager is the electronic system that maintains documentation about an Officer's background investigation.

<sup>15</sup> The eOPF is an electronic version of the paper official personnel file and a system for accessing the electronic folder online. The eOPF allows each employee to have an electronic personnel folder instead of a paper folder.

unfavorably adjudicated, the Officer may be terminated. If the individual is favorably adjudicated, ONS prepares and inputs the COI into Security Manager, and IHS forwards the physical copy of the COI to the Commissioned Corps to file in the Officer's eOPF.

**Figure 1: Background Investigation Process for a Commissioned Corps Officer Initially Assigned to IHS**



#### ACRONYMS

**eApp System:** Electronic Application System  
**IHS:** Indian Health Service  
**ONS:** Office of National Security  
**DCSA:** Defense Counterintelligence and Security Agency  
**CC:** Commissioned Corps of the U.S. Public Health Service

**COI:** Certificate of Investigation  
**Security Manager:** the electronic system that maintains documentation about an Officer's background investigation

#### LEGEND

 Time Period

## HOW WE CONDUCTED THIS AUDIT

We reviewed personnel and background investigation documentation for Officers assigned to provide health care services to Tribal and IHS-operated health programs as of September 2022 (our audit period). In addition, we reviewed the Commissioned Corps and IHS processes for initiating background investigations of Officers and the ONS process for adjudicating these investigations. Our audit evaluated compliance with applicable Federal requirements for conducting these background investigations. During our audit period, we identified 1,063 Officers whose positions were designated as providing health care services to Tribal and IHS-operated health programs.<sup>16</sup>

We selected a stratified random sample of 100 Officers assigned to provide health care services to IHS (65 Officers) and Tribal (35 Officers) health facilities and reviewed documentation to determine whether background investigations and reinvestigations were completed in accordance with Federal requirements. Specifically, we determined whether: (1) criminal history was assessed in accordance with the minimum character standard requirements of the ICPFVPA, (2) there was evidence that the sampled Officer was supervised while their background check was pending, and (3) the background reinvestigation was completed within the established Federal timeframe.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains our audit scope and methodology.

## FINDINGS

Officers assigned to provide health care services to Tribal and IHS-operated health programs did not receive background investigations in accordance with Federal requirements. Specifically, IHS did not ensure that the background investigations for any of the 100 sampled Officers considered the minimum character standard requirements of the ICPFVPA. In addition, we found that of the 100 Officers in our sample, 59 had pending background investigations. For these 59 Officers, we found the following:

- IHS could not provide evidence that 42 Officers who had pending background investigations were within the sight and under the supervision of staff members with

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<sup>16</sup> The following six position categories of Officers comprised our sample as they were consistent with our audit objective: pharmacist, nurse, dentist, dietitian, medical officer, and therapist.

satisfactory background investigations until the Officers received favorable background investigations.<sup>17</sup>

- IHS could not provide evidence that it communicated to the Tribes that 17 Officers had pending background investigations and required supervision until they received favorable background investigations.<sup>18</sup>

We could not determine the provisional status for 14 Officers because the Commissioned Corps provided inadequate documentation.<sup>19</sup> Specifically, the Commissioned Corps could not provide evidence that IHS was the Officer's first assignment during provisional status or notification of the provisional status. Finally, 58 of the 100 Officers required noncritical sensitive national security background reinvestigations. We identified that IHS did not initiate timely reinvestigations for 39 of the 58 Officers within the required 10-year timeframe.

Commissioned Corps and IHS officials stated that they were not aware that ONS relied only on Federal guidelines that did not consider the required minimum character standards of the ICPFVPA when performing background investigations. In addition, ONS officials stated they were not aware of the background investigation requirements of the ICPFVPA. The Commissioned Corps did not have written policies and procedures to communicate an Officer's provisional clearance status and final determination of the background status to a Division. IHS's procedures for supervising Officers with provisional clearance did not require documentation that such supervision occurred. Further, IHS did not have policies and procedure to communicate an Officer's provisional clearance status to Tribes. Finally, both agencies did not have policies and procedures to communicate the necessary information to facilitate the completion of background investigations within the established Federal timeframes. Consequently, Indian children receiving health care services at Tribal and IHS-operated health programs faced an increased risk of harm.

## **IHS DID NOT ENSURE BACKGROUND INVESTIGATIONS CONSIDERED ICPFVPA MINIMUM CHARACTER STANDARD REQUIREMENTS**

### **Federal Requirements**

#### *Adjudicative Requirements for Individuals in Positions That Allow Contact With Indian Children*

All positions that allow an individual regular contact with Indian children are subject to a background investigation and determination of eligibility for employment (42 CFR

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<sup>17</sup> Of the 59 Officers, 42 were assigned to IHS.

<sup>18</sup> Of the 59 Officers, 17 were assigned to Tribal health programs.

<sup>19</sup> Officers are permitted to work provisionally while supervised prior to adjudication of their background investigations. The Commissioned Corps notifies the OpDiv of this provisional status by providing documentation when the Officer is assigned to the position.

§ 136.409(a)). To protect Indian children, IHS has established minimum character standards so that no individuals who have been found guilty of, or entered a plea of no contest or guilty to, any felonious offense or any of two or more misdemeanor offenses under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact, or prostitution; crimes against persons; or offenses committed against children are placed in positions in contact with Indian children (42 CFR § 136.405). The minimum character standards are considered met only after the individual has been the subject of a satisfactory background investigation (42 CFR § 136.406).

### *Adjudicative Guidelines for Individuals in National Security Positions*

According to the adjudicative guidelines for individuals in National Security positions, the adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance. All available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination (32 CFR § 147.2(a)). The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security and must be an overall common-sense determination based upon careful consideration of the adjudicative guidelines, each of which is to be evaluated in the context of the whole person (32 CFR § 147.2(c)). In evaluating the relevance of an individual's misconduct, the adjudicator should consider the nature, extent, and seriousness of an incident, including circumstantial factors, such as the frequency and recency of an event and the evidence of rehabilitation and behavioral changes (32 CFR § 147.2(a)).

**Figure 2: Comparison of ICPFVPA Adjudicative Requirements  
and Federal Adjudicative Guidelines**

ICPFVPA Adjudicative Requirements	Federal Adjudicative Guidelines
<p>An individual who may come in contact with Indian children cannot have a criminal history that contains a felony or two misdemeanors of the following offenses:</p> <ul style="list-style-type: none"> <li>• crimes of violence,</li> <li>• sexual assault,</li> <li>• molestation,</li> <li>• exploitation,</li> <li>• contact or prostitution,</li> <li>• crimes against persons, or</li> <li>• offenses committed against children.</li> </ul>	<p>An individual is evaluated based on a whole person concept that considers the relevance of the individual's misconduct related to the following factors:</p> <ul style="list-style-type: none"> <li>• the nature, extent, and seriousness of the misconduct;</li> <li>• circumstances surrounding the misconduct;</li> <li>• frequency and recency of the misconduct;</li> <li>• age and maturity at the time of the misconduct;</li> <li>• evidence of rehabilitation and behavioral changes; and</li> <li>• likelihood of reoccurrence of misconduct.</li> </ul>

## **Standards Used To Adjudicate Background Investigations Did Not Consider the Minimum Character Standards of the ICPFVPA for Individuals in Contact With Indian Children**

Officers assigned to provide health care services to Tribal and IHS-operated health programs did not receive background investigations in accordance with Federal requirements. Specifically, IHS did not ensure that ONS considered the minimum character standards of the ICPFVPA for any of the 100 Officers' background investigations. ONS relied on the Federal adjudicative guidelines only when evaluating the background investigation results for the Officers.

Although the background investigation results were not compared to the minimum character standards of the ICPFVPA, we obtained and reviewed documentation that indicated 90 of the 100 Officers did not have any criminal history reported by FBI or the State law enforcement agencies. We found that 9 of the 100 Officers had reports of criminal history that included malicious injury, destruction of property, and driving under the influence of alcohol. However, the reported results would not disqualify the individuals from working with Indian children under the requirements of the ICPFVPA. For the remaining Officer, the individual's background investigation report was not available for review.<sup>20</sup>

Commissioned Corps and IHS were not aware that ONS adjudicated background investigations were based on Federal guidelines that did not assess an individual's criminal history results against the minimum character standards of the ICPFVPA. Additionally, ONS was not aware of the background investigation requirement that Officers assigned to IHS must be adjudicated in a way that considers the minimum character standards of the ICPFVPA. Commissioned Corps and IHS did not have policies and procedures to communicate to ONS that Officers assigned to IHS must be adjudicated against the requirements in the ICPFVPA.

Based on our analysis of the random sample results and the statements from ONS officials that they did not consider the requirements of the ICPFVPA when adjudicating Officer's background investigations, we concluded that the universe of 1,063 IHS-assigned Officers' background investigations was not adjudicated in accordance with the minimum character standard requirements of the ICPFVPA. As a result, some Officers may have been favorably adjudicated despite disqualifying conduct per the ICPFVPA. Consequently, Indian children who received health care services at IHS and Tribal health programs may have been placed at an increased risk of harm.

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<sup>20</sup> This Officer's background investigation was conducted by a non-HHS organization prior to IHS assignment. ONS did not have access to the background investigation results for us to review.

## **IHS DID NOT PROVIDE EVIDENCE THAT PROVISIONAL COMMISSIONED CORPS OFFICERS WERE SUPERVISED IN ACCORDANCE WITH FEDERAL REQUIREMENTS**

### **Federal Requirements**

Commissioned Corps may assign an Officer to IHS prior to the completion of a background investigation (known as provisional staff) if, at all times during which children are in the care of the individual prior to receipt of a background investigation, the individual is within the sight and under the supervision of a staff person with a satisfactorily completed background investigation (42 CFR § 136.417 and the Crime Control Act of 1990 (Crime Control Act), P.L. 101-647 § 231, as amended by P.L. 102-190).

IHS's Standard Operating Procedure (SOP) (June 2018) required documentation that provisional staff were within sight and under the supervision of a staff member who had a satisfactorily completed background investigation. The SOP requires the completion of a Provisional Authorization Form (the Form) to be signed by the provisional staff member and two facility officials. The Form (revised November 2018) advises the provisional staff members of the sight and supervision requirements and states that their supervisor must ensure that the supervision requirements are met. The Form also requires a supervisor's signature indicating that the supervisor's acceptance, responsibility, and compliance with the supervision requirements and that the supervisor will ensure that the provisional staff member is assigned to appropriate personnel.

### **No Evidence of Supervision for Provisional Commissioned Corps Officers**

IHS did not ensure the supervision of provisional Officers in accordance with Federal requirements. We found that of the 100 Officers in our sample, 59 had pending background investigations at the time they were assigned to IHS or a Tribe.<sup>21</sup> For the 59 Officers, we found the following:

- IHS could not provide evidence that 42 Officers who had pending background investigations were within the sight and under the supervision of staff members with satisfactory background investigations until the Officers received favorable background investigations.<sup>22</sup>

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<sup>21</sup> Of the 59 Officers, 56 were in provisional clearance prior to 2018.

<sup>22</sup> Of the 59 Officers, 42 were assigned to IHS.

- IHS could not provide evidence that it communicated to the Tribes that 17 Officers had pending background investigations and required supervision until they received favorable background investigations.<sup>23</sup>

In addition, we could not determine the provisional status for an additional 14 Officers because the Commissioned Corps provided inadequate documentation. For example, the Commissioned Corps could not provide documentation to support an Officer's assignment history after retirement. Also, the Officer's personnel file did not contain information to support the assignment to IHS. Therefore, the Commissioned Corps could not provide us with the necessary documentation to assess the Officers provisional status.

The Commissioned Corps did not have written policies and procedures for communicating to Divisions the Officer's provisional clearance status and the final determination of background investigations. Commissioned Corps officials stated they communicated Officers' provisional status to the Division through an acceptance letter. The acceptance letter indicated the individual was being called to active duty on a provisional status pending the outcome of the background investigation. IHS officials stated that they did not always receive documentation from the Commissioned Corps, and they were not aware Officers were in a provisional status and required supervision. In addition, IHS officials informed us that they were not always aware of the final determination of the background investigations and would not have the required information to terminate the supervision of an Officer when it was no longer required.

Prior to 2018, IHS did not have evidence of supervision because it did not have policies and procedures for the supervision of staff on provisional clearance. IHS's procedures for documenting its compliance with the supervision requirements for provisional staff included only assertions that compliance would be met but not that compliance actually occurred. Further, IHS did not have written policies and procedures to communicate to Tribes that the Officers were in a provisional clearance status and required supervision until the background investigations were completed.

In addition, IHS officials stated that IHS would review Officer's eOPFs for the final results of background investigations. However, the Commissioned Corps did not always maintain the necessary documentation to enable IHS to accomplish this.

Finally, Commissioned Corps did not always maintain necessary documentation to enable IHS to assess whether Officers were in a provisional clearance status and that final determination of background investigations were completed.

Based on our sample results, we estimated that approximately 628 of 1,063 Officers were in a provisional clearance status and may not have met supervision requirements. As a result, Indian children who received health care services at IHS and Tribal health programs may have been placed at an increased risk of harm.

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<sup>23</sup> Of the 59 Officers, 17 were assigned to Tribal health programs.



In January 2025, IHS implemented a policy that requires the use of colored and numbered identification badges to visually identify the Officer's need for a chaperone.<sup>24</sup> Although the new policy is beyond the scope of this audit, if effectively implemented, IHS's procedure should facilitate the supervision of individuals with provisional clearance and improve the safety of Indian children receiving care.

## **IHS DID NOT ENSURE THAT BACKGROUND REINVESTIGATIONS WERE INITIATED WITHIN THE ESTABLISHED TIMEFRAMES**

### **Federal Requirements**

Reinvestigations of national security positions deemed noncritical but sensitive (noncritical sensitive reinvestigations) may be initiated at any time following completion of, but not later than 10 years, from the date of the previous investigation or reinvestigation (32 CFR § 147, attachment A of sub part B, Standard A).

Commissioned Corps policies and procedures state that all members must promptly comply with the requirements for a periodic reinvestigation that is initiated by the Commissioned Corps or that is initiated by the Division, Staff Division, or non-HHS organization to which an Officer is assigned (Commissioned Corps Instruction (CCI) 231.04 § 6.1(c)).

### **Reinvestigations Not Initiated Within 10 Years of the Prior Investigation**

IHS did not ensure Officer's background reinvestigations were initiated within the standard time established by Federal requirements. We found that of the 100 sampled Officers, 58 needed reinvestigations. Of the 58 reinvestigations, 39 were not initiated within the standard timeframe. Specifically, we identified that 30 noncritical sensitive reinvestigations were initiated after the standard 10-year time period by as much as 63 months.<sup>25</sup> In addition, we identified that as of July 1, 2024, IHS had not initiated background reinvestigations for nine additional Officers whose reinvestigation exceeded the 10-year period.

IHS stated that it did not always have access to the Officers' prior background investigation information that would assist in planning for the initiation of reinvestigations. For example, IHS officials stated that they can only access background investigation data in Security Manager if IHS initiated the background investigation. They said that IHS does not always have access to prior investigation data in Security Manager if Commissioned Corps or another Division initiated the background investigation; therefore, IHS could not determine reinvestigation schedules for these Officers. In addition, IHS stated that it reviews the Officers' eOPFs to determine when the

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<sup>24</sup> IHS, "[Background Investigation Identification Requirement](#)" (Circular 25-10, Jan. 2025). Accessed on Aug. 19, 2025.

<sup>25</sup> The range exceeded the 10-year timeframe between 4 to 63 months.

last background investigation was completed; however, IHS indicated that Commissioned Corps did not always maintain COIs in the Officers' eOPFs.

Based on our sample results, we estimated that approximately 414 of 1,063 Officers' background reinvestigations had not been completed within the standard 10-year period. As a result, Indian children who received health care services at IHS and Tribal health programs may have been placed at an increased risk of harm.

## **RECOMMENDATIONS**

We recommend that the Commissioned Corps of the United States Public Health Service and the Indian Health Service work with the Office of National Security to develop policies and procedures to ensure that all Officers assigned to IHS have background investigations adjudicated according to the requirements of the ICPFVPA.

In addition, we recommend that the Indian Health Service:

- work with ONS to evaluate the most recent background investigation results for all Officers assigned to IHS and determine whether the individuals meet the minimum character standards of the ICPFVPA to allow the individuals to be in contact with Indian children,
- determine which Officers have pending background investigations and take immediate action to ensure the supervision of these individuals when children are in their care,
- develop policies and procedures to communicate provisional clearance status of Officers assigned to Tribal health programs to Tribes,
- work with ONS to obtain full access to all Officers' background investigation data in the Security Manager system that includes criminal history results to enable a determination of the schedule for reinvestigations, and
- develop and implement policies and procedures to identify and track when Officers background reinvestigations will expire and initiate reinvestigations within the standard timeframe.

Further, we recommend that the Commissioned Corps develop policies and procedures to:

- communicate an Officer's provisional clearance status at the time the individual is assigned to a Division and the final determination of the background investigation adjudication to Divisions,

- maintain documentation of provisional clearance status and final determination of background investigations in Officers' eOPFs to facilitate use of the Officers' personnel records in the redetermination of their eligibility for a position, and
- collect at least annually, background investigations that have been adjudicated and enter the COIs into the Officers' eOPF.

### **IHS AND COMMISSIONED CORPS COMMENTS**

In written comments on our draft report, IHS concurred with our recommendations, and Commissioned Corps concurred with our report. IHS and Commissioned Corps also described the actions they have taken or planned to take to address our recommendations. IHS comments are included in their entirety as Appendix F. Commissioned Corps comments are included in their entirety as Appendix G.

The following sections summarize IHS and Commissioned Corps comments.

#### **IHS COMMENTS**

IHS stated that it is actively engaged in efforts to ensure full compliance with the ICPFVPA requirements for all Officers assigned to IHS. This includes coordination with ONS to align internal procedures and oversight functions with applicable Federal requirements. IHS indicated that it has fully adjudicated the child care background investigations for 1,096 of the 1,220 Officers assigned to IHS as of September 2025. The remaining 124 Officers required renewals of their background investigations with 84 investigations submitted to ONS for adjudication and 40 pending internal processing before submission to ONS. IHS stated that it maintains a list of Officers who are under a provisional clearance status and developed a system to use identification cards to visually identify staff members in provisional status to ensure that such staff are within sight of a chaperone at all times when in contact with children. This system is expected to be fully implemented by April 2026. In addition, IHS stated that it has updated its standard operating procedures to communicate the Officers' provisional clearance status to their supervisor (Tribal or Federal). Further, IHS stated that ONS has granted greater access to Security Manager to view available criminal history data, and it will work with ONS to obtain information when another HHS Division or non-HHS agency has completed an Officers investigation and reinvestigation. Finally, IHS updated its procedures to identify all Officers permanently assigned to IHS and built a tracking mechanism to document the current date of adjudication and project when the next reinvestigation is needed for an Officer.

#### **COMMISSIONED CORPS COMMENTS**

Commissioned Corps stated that it developed a plan in coordination with IHS to ensure all Officers assigned to IHS meet the requirements of the ICPFVPA and will continue to work

collaboratively with IHS and ONS to ensure all Officers fully meet the requirements outlined in the ICPFVPA. The Commissioned Corps stated that it updated its process to communicate an Officers' provisional clearance status at the time of assignment to the respective Division. In addition, the Commissioned Corps stated that it has a system to document the background investigation dates of an Officer's provisional clearance, adjudication, and security clearance expiration in the Officer's eOPF. Furthermore, the Commissioned Corps stated that it receives Officers' COIs and uploads them to the Officers' eOPFs. Finally, the Commissioned Corps stated that it will conduct annual audits to ensure compliance with its policies and will conduct quarterly audits to identify Officers approaching the end of their security clearance and will notify the respective Divisions for necessary actions.

## **APPENDIX A: AUDIT SCOPE AND METHODOLOGY**

### **SCOPE**

We reviewed personnel and background investigation documentation for Officers assigned to provide health care services to Tribal and IHS-operated health programs as of September 2022 (our audit period). In addition, we reviewed the Commissioned Corps and IHS processes for initiating background investigations of Officers and ONS process for adjudicating these investigations. Our audit evaluated compliance with applicable Federal requirements for conducting these background investigations. During our audit period, we identified 1,063 Officers whose positions were designated as providing health care services to Tribal and IHS-operated health programs.<sup>26</sup> We selected a stratified random sample of 100 Officers assigned to provide health care services to IHS (65 Officers) and Tribal (35 Officers) health facilities and reviewed documentation to determine whether background investigations and reinvestigations were completed in accordance with Federal requirements. Specifically, we determined whether: (1) criminal history was assessed in accordance with the minimum character standard requirements of the ICPFVPA, (2) there was evidence that the sampled officer was supervised while their background check was pending, and (3) background reinvestigation was completed within the established Federal timeframe.

We did not assess the overall internal control structure of IHS or the Commissioned Corps. Rather, we limited our review of internal controls to those related to our audit objective. We assessed all components (control environment, risk assessment, control activities, information and communication, and monitoring) of internal control systems relative to the background investigations conducted on Officers. This included assessing IHS and Commissioned Corps' policies and procedures related to the hiring and background investigation process for Officers assigned to IHS and Tribal health programs.

We conducted our fieldwork from November 2023 through August 2025.

### **METHODOLOGY**

To accomplish our objective, we:

- reviewed applicable Federal requirements and Commissioned Corps and IHS policies and procedures for conducting background investigations for Officers assigned to provide health care services to Tribal and IHS-operated health programs;
- compared the Federal adjudicative guidelines process to the background investigation adjudicative requirements of the ICPFVPA;

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<sup>26</sup> The following six position categories of Officers comprised our sample as they were consistent with our audit objective: pharmacist, nurse, dentist, dietitian, medical officer, and therapist.

- interviewed officials from Commissioned Corps, DCSA, ONS, and IHS to gain an understanding of the background investigation process for Officers assigned to provide health care services to Tribal and IHS-operated health programs;
- reviewed a list of Officers assigned to Tribal and IHS programs and identified Officers designated to the following health care position categories: pharmacist, nurse, dentist, dietitian, medical officer, and therapist;
- created a sampling frame of 1,063 Officers assigned to provide health care services to Tribal and IHS-operated health programs during the month of September 2022 based on data provided by IHS;
- selected for review a stratified random sample of 100 Officers consisting of 65 individuals assigned to IHS health program and 35 individuals assigned to Tribal health programs;
- reviewed documentation to assess the history of Officers' personnel assignments, evidence of supervision, the schedule of investigations, and the adjudication of criminal history results;
- estimated the total number of Officers in the sampling frame for whom background investigations did not meet Federal requirements;
- estimated the number of Officers in the sampling frame that did not have evidence of supervision while in provisional clearance status and the number of Officers whose background investigation extended beyond the standard time frame; and
- discussed the results of our audit with officials at Commissioned Corps, IHS, and ONS.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

## APPENDIX B: RELATED OFFICE OF INSPECTOR GENERAL REPORTS

Report Title	Report Number	Date Issued
<i>Gallup Indian Medical Center—an IHS-Operated Health Facility—Did Not Timely Conduct Required Background Checks And Supervise Certain Staff</i>	<a href="#"><u>A-02-23-02006</u></a>	9/24/2024
<i>Two Tribes in Oklahoma Did Not Meet all Federal and Tribal Requirements for Background Investigations for Individuals in Contact With Indian Children</i>	<a href="#"><u>A-01-20-01505</u></a>	1/12/2024
<i>Crow/Northern Cheyenne Hospital—an IHS-Operated Health Facility—Did Not Timely Conduct Required Background Checks of Staff and Supervise Certain Staff</i>	<a href="#"><u>A-02-21-02004</u></a>	4/21/2023
<i>Three Tribes in New England and Their Health Programs Did Not Conduct Required Background Investigations on Individuals in Contact With Indian Children</i>	<a href="#"><u>A-01-20-01504</u></a>	11/4/2022
<i>Tribal Health Programs: Concerns About Background Verifications for Staff Working With Indian Children</i>	<a href="#"><u>A-01-20-01500</u></a>	8/28/2020
<i>Penobscot Indian Nation Did Not Meet All Federal and Tribal Health and Safety Requirements</i>	<a href="#"><u>A-01-17-01502</u></a>	11/26/2018
<i>The Passamaquoddy Tribe’s Pleasant Point Health Center Did Not Always Meet Federal and Tribal Health and Safety Requirements</i>	<a href="#"><u>A-01-17-01500</u></a>	7/30/2018

## **APPENDIX C: FEDERAL REQUIREMENTS APPLICABLE TO IHS BACKGROUND INVESTIGATION AND SUPERVISION**

### **Indian Child Protection and Family Violence Prevention Act**

ICPFVPA, P.L. No. 101-630 section 408, imposes requirements for character investigations on both IHS and on Tribes. The ICPFVPA requires IHS to: (1) compile a list of all positions in IHS that have duties or responsibilities that involve regular contact with or control over Indian children, (2) conduct a character investigation for each individual employed or being considered for these positions, and (3) prescribe minimum standards of character that each person employed or being considered in these positions must meet.

### **1990 Crime Control Act**

The Crime Control Act, P.L. 101-647 subtitle E, section 231, requires each agency of the Federal Government and every facility operated by the Federal Government or operated under contract with the Federal Government that hires or contracts for hire individuals involved with the provision to children under the age of 18 of child care services to ensure that all existing and newly hired employees undergo a criminal history background check. The term “child care services” means child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional, or treatment services.

Section 231 of the Crime Control Act requires that a criminal history background check must be: (1) based on a set of employee’s fingerprints obtained by a law enforcement officer and on other identifying information, (2) conducted through the Criminal Justice Information Services Division of the FBI and through the State criminal history repositories of all States that an employee or prospective employee lists as current or former residences in an employment application, and (3) initiated through the personnel programs of the applicable Federal agencies.

### **Code of Federal Regulations**

#### *Indian Child Protection and Family Violence Prevention*

All positions that allow an individual regular contact with Indian children are subject to a background investigation and determination of eligibility for employment (42 CFR § 136.409(a)).

The minimum standards of character are considered met only after an individual has been the subject of a satisfactory background investigation. The background investigation must include a: (1) review of the individual’s trustworthiness through inquiries with references, places of employment, and education; (2) criminal history background check that includes a fingerprint



check through the Criminal Justice Information Services Division of the FBI and inquiries through State and Tribal law enforcement agencies for the previous 5 years of residence listed on the individual's application; and (3) determination as to whether the individual has been found guilty of or has entered into a plea of nolo contendere or guilty to any felony offense or any of two or more misdemeanor offenses under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact, or prostitution; crimes against persons; or offenses committed against children (42 CFR § 136.406).

IHS must deny employment to an individual or dismiss an employee when the duties and responsibilities of the position the individual person would hold or holds involve regular contact with or control over Indian children when the individual's criminal history does not meet these requirements (42 CFR § 136.416). For individuals who have been determined to be ineligible for employment in positions that have regular contact with or control over Indian children, IHS may use Federal adjudicative guidelines to certify that an individual is suitable for employment in a position, if available, that does not involve regular contact with or control over Indian children. The adjudicating official must determine that the individual's prior conduct will not interfere with the performance of duties and will not create a potential risk to the safety and well-being of any Indian children after consideration (42 CFR § 136.414(g)).

IHS may provisionally hire individuals prior to the completion of a background investigation if at all times prior to receipt of the background investigation during which children are in the care of the individual, the individual is within the sight and under the supervision of a staff person and a satisfactory background investigation has been completed on that staff person (42 CFR § 136.417 and *Indian Health Manual* part 3, chapter 36, §§ 3–36.2(E)(6)).

#### *Adjudicative Guidelines for National Security Positions*

The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance. All available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's misconduct, the adjudicator should consider the nature, extent, and seriousness of an incident, including circumstantial factors, such as the frequency and recency of an event and evidence of rehabilitation and behavioral changes (32 CFR § 147.2(a)).

Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security (32 CFR § 147.2(b)).

The Federal adjudicative guidelines are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders, or grantees and their employees and other individuals who require access to classified information. They apply to individuals being considered for initial or continued

eligibility for access to classified information to include sensitive compartmented information and special access programs and are to be used by Government departments and agencies in all final clearance determinations (32 CFR § 147.1).

The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common-sense determination based upon careful consideration of the of the following, each of which is to be evaluated in the context of the whole person (32 CFR § 147.2(c)):

- Allegiance to the United States: Assesses loyalty and commitment to the U.S.
- Foreign Influence: Examines potential influences from foreign governments or Entities.
- Foreign Preference: Evaluates any preferences or allegiances towards foreign nations.
- Sexual Behavior: Considers behaviors that could compromise security.
- Personal Conduct: Assesses overall character and trustworthiness.
- Financial Considerations: Evaluates financial stability and potential vulnerabilities.
- Alcohol Consumption: Considers the impact of alcohol abuse on judgment and reliability.
- Drug Involvement: Assesses drug use and its potential impact on security.
- Psychological Conditions: Evaluates mental health and potential for emotional instability.
- Criminal Conduct: Investigates criminal history and potential for future criminal activity.
- Handling Protected Information: Assesses how an individual handles classified information.
- Outside Activities: Considers activities outside of work that could compromise security.
- Use of Information Technology Systems: Evaluates the use of technology and potential vulnerabilities.

Noncritical sensitive national security position reinvestigations may be initiated at any time following completion of, but not later than 10 years, from the date of the previous investigation or reinvestigation (32 CFR § 147, attachment A of sub part B, Standard A).

### **Indian Health Service Policies and Procedures**

All staff that have regular contact with or control over children must be screened through the Child Care National Agency Check with written inquiries for prior allegations of suspected child maltreatment as part of the recruitment-and-hiring process. This includes background checks consisting of past employment history, criminal, and child abuse registry (IHM 3-36.3).

IHS's procedures for documenting that provisional staff were within sight and under the supervision of a staff member who had a satisfactorily completed background investigation are based on IHS's SOP. The procedure identifies the completion of a Provisional Authorization Form (the Form) to be signed by the provisional staff member and two facility officials. The

Form (revised November 2018 and subsequently in 2024) advises the provisional staff member of the sight and supervision requirements and states that their supervisor must ensure that the supervision requirements are met. The Form also requires a supervisor's signature indicating their acceptance, responsibility, and compliance with the supervision requirements and that they will ensure that the provisional staff member is assigned to appropriate personnel (SOP, June 2018).

In January 2025, IHS issued an agencywide policy to ensure that the sight and supervision requirements for staff with pending background investigation are met. Specifically, the policy states all staff are required to wear an IHS Background Adjudication Identification Card (BAIC), placed behind their Personal Identity Verification badge, when onsite at all IHS federally-operated facilities. The color-coded IHS BAIC shall be longer than other badges and unobstructed from view. For staff in provisional status, the visible bottom of their IHS BAIC will have a red color code to identify their provisional status. The red coloring indicates the requirement for supervision of the staff by a chaperone at all times when children under the age of 18 are in their care, custody, or control. A number "2" will be visible in the red section of the BAIC for the color-blind. For staff with a current favorably adjudicated background investigation, the visible bottom of their IHS BAIC will have a green color code. The green color code indicates they do not require a chaperone and can serve as a chaperone. A number "1" is visible in the green section of the BAIC for the color-blind (IHS Circular 25-10).<sup>27</sup>

### **Commissioned Corps Policies and Procedures**

According to Commissioned Corps policy, Officers must obtain and maintain a favorably adjudicated Tier 3 (Secret) national security background investigation with an additional State criminal history child care check for appointment or continued service on active duty. In addition, all Officers must comply with the requirements for a periodic reinvestigation that is initiated by the Commissioned Corps or that is initiated by the Division, Staff Division, or non-HHS organization to which the Commissioned Corps Officer is assigned (Commissioned Corps Instruction (CCI) 231.04 § 6.1, Oct. 2, 2020).

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<sup>27</sup> IHS, "[Background Investigation Identification Requirement](#)" (Circular 25-10, Jan. 2025). Accessed on Aug. 6, 2025.

## APPENDIX D: STATISTICAL SAMPLING METHODOLOGY

### SAMPLING FRAME

The sampling frame consisted of 1,063 Officers assigned to provide health care services to Tribal and IHS-operated health programs during the month of September 2022.

### SAMPLE UNIT

The sample unit was an Officer.

### SAMPLE DESIGN AND SAMPLE SIZE

We used a stratified random sample as follows:

**Table 1: Sample Design and Sample Size**

<b>Stratum</b>	<b>Assignment Location</b>	<b>Number of Frame Units</b>	<b>Sample Size</b>
1	Officers assigned to Tribal health programs	367	35
2	Officers assigned to IHS health programs	696	65
Total		1,063	100

### SOURCE OF RANDOM NUMBERS

The source of the random numbers was the Office of Inspector General, Office of Audit Services (OIG/OAS) statistical software.

### METHOD OF SELECTING SAMPLE UNITS

We sorted the sample items by the Officer's administrative code to identify the two strata.<sup>28</sup> For each stratum we sorted by the Officer's last name in ascending order and then by first name in ascending order. We then sequentially numbered the Officers in each stratum. After generating the random numbers for our sample according to our sample design, we selected the corresponding frame items for review.

### ESTIMATION METHODOLOGY

We used the OIG/OAS statistical software to estimate the number of Officers in the sampling frame who: (1) had adjudicated background investigations that did not consider the minimum

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<sup>28</sup> The administrative code for each Officer identifies whether the Officer is assigned to an IHS or a Tribal health program.

character standard requirements of the ICPFVPA, (2) were provisionally cleared but did not have evidence of supervision or provisional clearance status was not communicated to the Tribe, and (3) had reinvestigations that exceeded the standard time frame. We calculated a point estimate and a two-sided 90-percent confidence interval.

## APPENDIX E: SAMPLE RESULTS AND ESTIMATES

**Table 2: Sample Detail and Results**

<b>Stratum</b>	<b>Assignment Location</b>	<b>Number of Frame Units</b>	<b>Sample Size</b>	<b>Noncompliant Adjudications</b>	<b>Noncompliant Provisional Investigations</b>	<b>Noncompliant Reinvestigations</b>
1	Officers assigned to Tribal health programs	367	35	35	17	16
2	Officers assigned IHS programs	696	65	65	42	23
<b>Total</b>		<b>1,063</b>	<b>100</b>	<b>100</b>	<b>59</b>	<b>39</b>

**Table 3: Estimated Number of Noncompliant Provisional Investigations and Reinvestigations in the Sampling Frame**  
*(Limits Calculated at the 90-Percent Confidence Level)*

	<b>Noncompliant Provisional Investigations</b>	<b>Noncompliant Reinvestigations</b>
Point Estimate	628	414
Lower Estimate	546	332
Upper Estimate	710	496

## APPENDIX F: IHS COMMENTS



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Indian Health Service  
Rockville MD 20857

DATE: October 10, 2025

TO: Carla J. Lewis, Acting Deputy Inspector General for Audit Services

FROM: Acting Director, Indian Health Service

SUBJECT: Indian Health Service Response to Draft Office of Inspector General Report: *The Indian Health Service Did Not Ensure That Commissioned Corps Officers' Background Investigations Complied With Federal Requirements*, A-01-24-01500

We appreciate the opportunity to provide our official comments on the draft Office of Inspector General (OIG) report entitled, *OIG Draft Report: The Indian Health Service Did Not Ensure That Commissioned Corps Officers' Background Investigations Complied with Federal Requirements*, A-01-24-01500. The Indian Health Service (IHS) concurs with the six OIG recommendations below.

**OIG Recommendation No. 1:** The IHS concurs with this recommendation.

*OIG recommends the Commissioned Corps of the United States Public Health Service and the Indian Health Service work with the Office of National Security to develop policies and procedures to ensure that all Officers assigned to IHS have background investigations adjudicated according to the requirements of the ICPFVPA.*

**Planned and completed actions:**

The IHS is actively engaged in efforts to ensure full compliance with the Indian Child Protection and Family Violence Prevention Act (ICPFVPA) for all Commissioned Corps Officers (CCOs) assigned to the IHS. In coordination with the Department of Health and Human Services (HHS) Office of National Security (ONS), the IHS Office of Human Resources (OHR) is aligning our internal procedures and oversight functions with applicable Federal requirements. In accordance with HHS Commissioned Corps Instruction 231.04, dated October 2, 2020, all CCOs must undergo a Tier 3 Federal background investigation, which must be favorably adjudicated as a condition of assignment within the IHS. This policy reinforces the obligation to ensure that individuals serving for or around childcare-covered positions meet the adjudicative criteria established under Federal suitability and character determinations.

Furthermore, per the IHS Division of Personnel Security and Eligibility (DPSE) Adjudication Standard Operating Procedure and IHS Circular No. 25-10, any staff member—regardless of employment type—whose background investigation has not yet received a favorable adjudicative determination, and who provides services for or around children, is required to be chaperoned. In such cases, a signed and dated Provisional Memorandum must be signed by both the staff

member and their supervisor to document the temporary conditions of service pending final adjudication.

These protocols are actively enforced across the agency and incorporated into our onboarding, compliance, and vetting frameworks. The IHS remains committed to strengthening safeguards for children and fully aligning its Federal background investigation and adjudication processes with the ICPFVPA and broader Federal requirements.

**OIG Recommendation No. 2:** The IHS concurs with this recommendation.

*OIG recommends the Indian Health Service work with ONS to evaluate the most recent background investigation results for all Officers assigned to IHS and determine whether the individuals meet the minimum character standards of the ICPFVPA to allow the individuals to be in contact with Indian children.*

**Planned and completed actions:**

The IHS completed background investigations for all staff identified in the OIG report as not having an adjudicated background investigation. As of September 8, 2025, the ONS has completed background investigations for 100 of 103 CCOs identified in this report, including ICPFVPA provisions; the three that remain open are pending ONS adjudication. There are currently 1,220 CCOs assigned to IHS as of September 4, 2025. The IHS has fully adjudicated 1,096 CCOs with childcare background investigations and 124 CCOs require a renewal of their background investigation with 84 investigations submitted for adjudication by ONS and the other 40 pending internal processing before submission to ONS.

The ONS has granted the IHS DPSE greater visibility in Security Manager to help process adjudicative procedures in accordance with the ICPFVPA. Although limited, the greater visibility in Security Manager is intended to ensure that the IHS can review the available criminal history data for CCOs, enabling the IHS to issue Line of Sight (i.e., provisional) memorandums as required.

As of September 8, 2025, ONS adheres to the ICPFVPA for CCOs to ensure they meet the minimum character standards when providing services to children under the age of 18. The IHS continues to work with ONS to ensure that final adjudication for CCOs occurs no later than 60 days after receipt of the closed background investigation, per the Department of Justice's Intelligence Reform and Terrorism Prevention Act of 2004 standards.

**OIG Recommendation No. 3:** The IHS concurs with this recommendation.

*OIG recommends the Indian Health Service determine which Officers have pending background investigations and take immediate action to ensure the supervision of these individuals when children are in their care.*



**Planned and completed actions:**

The IHS maintains a list of CCOs who are under a provisional clearance. The CCOs are identified in several ways, e.g., when new orders are issued, when new CCOs onboard, and when new CCOs are transferred. The IHS reviews each CCO in Security Manager to identify their current investigation and projects a renewal date based upon current data.

The IHS OHR provides status updates about background investigations to the IHS Areas and Service Units so that site supervisors can ensure full, consistent compliance with the sight and supervision requirements for staff with pending background investigations. Earlier this year, the IHS OHR developed the IHS Background Investigation Identification Requirement, <https://www.ihs.gov/ihs/circulars/2025/background-investigation-identification-requirement/>, to establish an identification card process to visually identify staff members in provisional status to ensure that such staff are within sight of a chaperone at all times when in contact with or exercising control over a child or children under the age of 18. The IHS anticipates this process to be fully implemented by April 2026.

**OIG Recommendation No. 4:** The IHS concurs with this recommendation.

*OIG recommends the Indian Health Service develop policies and procedures to communicate provisional clearance status of Officers assigned to Tribal health programs to Tribes.*

**Planned and completed actions:**

The IHS Division of Commissioned Personnel Support (DCPS) updated their standard operating procedures to include that upon receipt of the provisional clearance from DPSE to send the provisional letter to the following recipients:

- Commissioned Corps Headquarters Security for inclusion in the officer's electronic personnel folder;
- CCO subject to the provisional clearance; and
- Supervisor (Tribal or Federal) of the CCO subject to the provisional clearance.

**OIG Recommendation No. 5:** The IHS concurs with this recommendation.

*OIG recommends the Indian Health Service work with ONS to obtain full access to all Officers' background investigation data in the Security Manager system that includes criminal history results to enable a determination of the schedule for reinvestigations.*

**Planned and completed actions:**

The IHS will work with the ONS to obtain information about the Certificate of Investigations for CCOs assigned/attached to the IHS whose investigations or re-investigations were completed by another HHS Operating Division or non-HHS agency prior to the IHS's initial adjudicative review.

**OIG Recommendation No. 6:** The IHS concurs with this recommendation.

*OIG recommends the Indian Health Service develop and implement policies and procedures to identify and track when Officers background reinvestigations will expire and initiate reinvestigations within the standard timeframe.*

**Planned and completed actions:**

The IHS DCPS built a tracking mechanism and updated procedures to identify all CCOs permanently assigned to a Federal, Tribal, and Urban Indian Organization program. The tracker is used to document the current date of adjudication as well as projecting the next reinvestigation needed for a CCO. This list is provided to the IHS Personnel Security Representatives, who are responsible for reviewing and submitting investigations or reinvestigations.

Thank you for the opportunity to review and comment on this draft report. Please refer any follow up questions you have regarding our comments to Mr. Darrell LaRoche, Acting Deputy Director, IHS, by email at [darrell.laroche@ihs.gov](mailto:darrell.laroche@ihs.gov).

Phillip B.  
Smith -S

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B. Smith -S  
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P. Benjamin Smith, M.B.A, M.A.  
Acting Director



Commissioned Corps Headquarters  
Office of the Surgeon General  
1101 Wootton Parkway, Suite 300  
Rockville, MD 2085

**DATE:** 10/06/2025

**TO:** Carla J. Lewis | Acting Deputy Inspector General for Audit Services

**FROM:** Deputy Director, Commissioned Corps Services, Commissioned Corps Headquarters

**SUBJECT:** Office of Inspector General (Report Number: A-01-24-01500)

The Commissioned Corps Headquarters (CCHQ) appreciates the opportunity to review and respond to the recommendations outlined in the draft report issued by the HHS Office of Inspector General, Office of Audit Services. CCHQ concurs with the report and takes seriously its responsibility to ensure that all Commissioned Corps officers meet federal security requirements and that personnel practices are compliant, transparent, and efficient. Outlined below are CCHQ's responses and corrective actions addressing each of the four recommendations:

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#### CCHQ Response to OIG Recommendations

##### Recommendation 1:

***We recommend that the Commissioned Corps of the United States Public Health Service (USPHS) and the Indian Health Service (IHS) work with the Office of National Security (ONS) to develop policies and procedures to ensure that all Officers assigned to IHS have background investigations adjudicated according to the requirements of the Indian Child Protection and Family Violence Prevention Act (ICPFVPA).***

##### CCHQ Response:

*CCHQ's Call to Active Duty and Recruitment Branch (CADRe) has developed a plan in coordination with IHS to ensure that officers assigned to IHS meet the requirements of the ICPFVPA. We are currently reviewing our existing security policies and onboarding procedures to incorporate the specific requirements of the ICPFVPA. This includes implementing a distinct onboarding process for newly commissioned officers assigned exclusively to IHS. CCHQ, IHS, and ONS will continue to work collaboratively to ensure that all USPHS officers maintain the appropriate national security clearance and that CCHQ fully meets the requirements outlined in the ICPFVPA.*

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##### Recommendation 2:

***We recommend that the Commissioned Corps develop policies and procedures to communicate an Officer's provisional clearance status at the time the individual is assigned to an OpDiv and the final determination of the background investigation adjudication to OpDivs.***

##### CCHQ Response:

*CCHQ's CADRe Branch has updated the Call to Active Duty (CAD) process to ensure that both the officer and the respective OpDiv liaison are informed of the officer's provisional clearance status at the time of assignment. The following language will be added to the bottom of all CAD date request emails and included in the Acceptance Letter for each new officer:*

*"Per Executive Order 10450, all government personnel are required to undergo a minimum background investigation. You may be called to active duty on a provisional status pending the*

outcome of the investigation. Officers who receive a less than favorable report will be terminated from the service. (42 CFR §21.23) and/or (18 USC §1001). You and your liaison will be notified via email once your national security clearance has been fully adjudicated.”

This communication ensures transparency with the OpDiv and compliance with federal personnel security requirements.

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**Recommendation 3:**

***We recommend that the Commissioned Corps develop policies and procedures to maintain documentation of provisional clearance status and final determination of background investigations in Officers’ eOPFs to facilitate the use of Officers’ personnel records in the redetermination of their eligibility for a position.***

**CCHQ Response:**

CCHQ’s CADRe Branch currently documents the provisional clearance date, the date of full adjudication, and the national security clearance expiration date in the Security Clearance Module. Supporting documentation, including SROC notices and Certificates of Investigation (COIs), is uploaded into each officer’s eOPF. To ensure accuracy and accountability, the Security Clearance Module will be subject to annual audits to verify compliance with this policy.

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**Recommendation 4:**

***We recommend that the Commissioned Corps develop policies and procedures to collect, at least annually, background investigations that have been adjudicated and enter the Certificates of Investigation (COIs) into the Officers’ eOPF.***

**CCHQ Response:**

CCHQ’s CADRe Branch currently receives adjudication notifications from OpDivs in the form of Certificates of Investigation (COIs). To strengthen compliance, CADRe will implement quarterly audits of all USPHS Commissioned Corps officers’ security clearances. These audits will identify officers approaching the end of their clearance scope, and CADRe will provide this information to the respective OpDivs for necessary action. This process ensures timely updates and the proper maintenance of each officer’s eOPF.

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Respectfully,

Cedric Guyton, PharmD., MPH, GWCPM  
RDML, USPHS  
Deputy Director, Commissioned Corps Headquarters

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Office of Inspector General  
Public Affairs  
330 Independence Ave., SW  
Washington, DC 20201

Email: [Public.Affairs@oig.hhs.gov](mailto:Public.Affairs@oig.hhs.gov)