

Report in Brief

Date: January 2024

Report No. A-01-20-01505

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Audit

The Indian Child Protection and Family Violence Prevention Act (ICPFVPA) established requirements for Federal Bureau of Investigation (FBI) fingerprint background investigations for individuals in contact with Indian children. From 2018 to 2022, we completed three health and safety audits of five Tribes and their health programs. We found that all five Tribes and their health programs did not comply with Federal requirements to perform FBI fingerprint background investigations for all employees in contact with Indian children. This lack of compliance placed the children served by these programs at an increased risk of harm. In this audit, we evaluated the background investigation process for individuals who had contact with Indian children at the Choctaw Nation and Cherokee Nation health programs.

Our objective was to determine whether two Tribes in Oklahoma and their health programs complied with Federal and Tribal requirements for performing background investigations on individuals in contact with Indian children.

How OIG Did This Audit

We reviewed the background investigation process and documentation at two Tribal health programs for 111 employees, 68 contractors, 26 temporary employees and 10 volunteers in contact with Indian children for the period October 1, 2018, through December 31, 2019.

Two Tribes in Oklahoma and Their Health Programs Did Not Meet All Federal and Tribal Requirements for Background Investigations on Individuals in Contact With Indian Children

What OIG Found

The two Tribes and their health programs varied in their level of compliance with Federal and Tribal requirements for performing background investigations. The Choctaw Nation did not conduct required FBI fingerprint background investigations on any individuals and sometimes did not make inquiries about an applicant's criminal history to State and Tribal law enforcement for the previous 5 years of residency. The Cherokee Nation sometimes did not conduct required FBI fingerprint investigations primarily for volunteers.

Indian Health Service (IHS) officials stated that they did not provide training for background investigations to the area's Tribes prior to our audit period. Because the two Tribes and their health programs did not always collect the required criminal history results, they could not always compare complete criminal history results to the minimum standards of character for individuals in contact with Indian children. As a result, Indian children faced an increased risk of harm.

What OIG Recommends and Auditee Comments

We recommend that the two Tribes: (1) identify and perform background investigations required by the ICPFVPA on individuals in contact with Indian children who were not properly screened, and (2) implement policies and procedures to ensure that the Tribes conduct required background investigations and assess results. We recommend that IHS update the Single Audit Compliance Supplement to include audit procedures related to ICPFVPA background investigation requirements and develop national training on those requirements. We also recommend that IHS develop procedures to provide documentation that HHS employees assigned to Tribes met all background investigation requirements.

In written comments on our draft report, the two Tribes concurred with our recommendations and described actions taken to address them. However, we revised the title for the final report based on the Tribes' comments. IHS concurred with our recommendations to update the Compliance Supplement and develop national training. IHS did not concur with two recommendations related to sharing background investigation results on HHS employees assigned to Tribes. After considering IHS's comments, we revised these two recommendations.