

**Department of  
Veterans Affairs**

# Memorandum

VAOPGCADV 13-2006

Date: **NOV 29 2006**

From: Acting General Counsel (023)

Subj: EES Use of Research Corporation Money to Fund Training to Meet Needs Identified by VA and DOD to Train Staff at the Long Beach VAMC

To: VHA Chief Learning Officer (102)

**QUESTION PRESENTED:**

Whether the Southern California Institute of Research and Education (SCIRE) may fund staff training at the Long Beach VAMC/Education Resource Center (ERC) to meet needs identified by Employee Education Service (EES) in partnership with VA and /or DOD relating to the facility's care of veterans and DOD annuitants where the training will also be accessible to employees at other VA facilities.

**DISCUSSION**

Background

1. This is in response to your opinion request of September 8, 2006. Your office has provided the following information.
  2. Employee Education Service has proposed to enter into a partnership with VA and DOD to identify staff training needs at the Long Beach VAMC/ Education Resource Center. You propose to use the Southern California Institute of Research and Education, a non profit VA research and education corporation established at the Long Beach VAMC, to fund the training. These training needs would be forwarded to SCIRE, which, in turn, would make them known to potential donors to support one or more of the training projects through an education grant.
  3. You anticipate using these grants to design and develop web based or video based training programs to train staff at the Long Beach VAMC/ERC which will also be accessible by staff from other VA health care facilities who wish to view them utilizing preexisting web and satellite platforms. In all cases this
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training will be applicable to the care provided veterans and DoD beneficiaries receiving care at the Long Beach VAMC but may also be of value to other staff at other VAMCs who wish to access the training to facilitate their professional growth and competency. We conclude that it would be a permissible use of SCIRE moneys to fund the training you have described subject to the approval of the Long Beach VAMC Education Committee.

#### Legal Analysis

4. The law governing the VA education corporations authorizes the Secretary to establish at any VAMC a nonprofit corporation to provide a flexible funding mechanism for the conduct of approved education at the VAMC. 38 U.S.C. § 7361(a). Such corporations are established solely to facilitate education, as described in sections 7302 and 7471, in conjunction with the applicable VAMC. Id. at § 7362(a). Section 7302 authorizes the Secretary to develop and carry out a program of education and training of health personnel, and section 7471 authorizes the establishment of regional medical education centers (RMEC) to facilitate the section 7302 training mission. In essence, the ERCs are the former RMECs.

5. SCIRE was established to meet the research and education needs of the Long Beach VAMC/ERC. Using donations it received to fund the creation of web-based and video-based training for staff at Long Beach VAMC and ERC in connection with their care of veteran patients and DOD beneficiaries would be consistent with the VA research corporation law. 38 U.S.C. §§ 7361(a), 7362(a). The authority to furnish training to Long Beach VAMC staff in connection with their care of DOD beneficiaries does not include direct funding of education for DOD. Rather, to the extent that VA provides care to DOD beneficiaries under sharing agreements or other arrangements, education corporations may fund training applicable to such care.

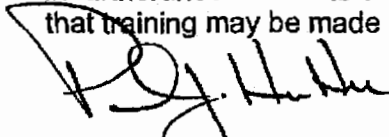
6. Making the Long Beach training accessible to employees at other VA facilities would be permissible. VHA policy authorizes corporations to administer funds for multi-center education and training activities provided that, in so doing, the corporation is serving the education mission at its "home" medical center and the multi-center activities benefit approved education and training activities at the medical facility where the corporation is established. VHA Handbook 1400.2, Paragraph 7i (Nov. 14, 2001). Thus SCIRE may spend funds to facilitate educational activities approved by the Long Beach VAMC Training Committee, and may administer funds for multi-center educational activities that serve the education mission at Long Beach. SCIRE may not spend funds for projects that do not benefit educational activities approved by the Long Beach Educational Committee.

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HELD

SCIRE may use funds donated to meet training needs identified by EES in partnership with VA/DOD to provide staff training at the Long Beach VAMC/ERC in furtherance of care to veterans and DOD beneficiaries at that facility. Further that training may be made available to employees at other facilities.

A handwritten signature in black ink, appearing to read "Paul J. Hutter", is written over a large, irregular white scribble or stamp.

Paul J. Hutter

