

MANUAL: Personnel  
 Chapter Series CC--Commissioned Corps Personnel Manual  
 Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 Public Health Service

Chapter CC23--Staffing  
 Subchapter CC23.3--Appointment  
 Personnel INSTRUCTION 6--Exception to Medical Requirements for Limited  
 Tours of Active Duty in the Reserve Corps

CONTENTS

<u>Section</u>	<u>Subject</u>	<u>Page</u>
A.	Purpose and Scope . . . . .	1
B.	Authority . . . . .	2
C.	General . . . . .	2
D.	Types and Duration of Tours of Active Duty . . . . .	2
E.	Deteriorating Condition . . . . .	3
F.	Administrative Waiver of Medical Standards . . . . .	4
G.	Inquiries . . . . .	4
H.	Privacy Act Provisions . . . . .	4
Exhibit I	Form PHS-6351, "Limited Tour of Duty Statement of Understanding" . . . . .	5

Section A. Purpose and Scope

1. This INSTRUCTION states the conditions under which a candidate for the Public Health Service (PHS) Commissioned Corps may be appointed and called to active duty in the reserve corps for a limited period when he/she does not meet the entrance medical requirements.
2. This INSTRUCTION does not apply to applicants for the Junior Commissioned Officer Student Training and Extern Program (See INSTRUCTION 4, CC25.2, "Commissioned Officer Student Training and Extern Program," of this Manual) or to Inactive Reserve Corps officers who are recalled for short tours of active duty (See INSTRUCTION 9, CC23.5, "Short Tours of Active Duty," of this Manual).

### Section B. Authority

The authority to establish policy and procedure for the call to duty of officers in PHS has been delegated by the Assistant Secretary for Health to the Surgeon General (SG) as part of the general authority to administer the PHS Commissioned Corps and is published at 53 Federal Register 5046-5047, February 19, 1988. Pursuant to this authority, the SG has delegated the authority for daily administration of the commissioned corps to the Director, Division of Commissioned Personnel (DCP), Office of the Surgeon General.

### Section C. General

1. Medical standards for appointment to the commissioned corps are designed to exclude those conditions which may limit the utilization of an officer, or result in increased morbidity or premature disability retirement. When it is determined that a candidate has a medical condition or finding which would normally be disqualifying for career appointment or which is of questionable significance, the candidate may be appointed and called to active duty in the reserve corps for a limited period, with or without an option for extension, provided he/she is otherwise qualified. Such tours may be for a period of one to four years. The candidate will be required to complete form PHS-6351, "Limited Tour of Duty Statement of Understanding," (Exhibit I) before appointment.
2. Until the restriction is removed, the officer will not be eligible to participate in certain types of training programs, will not be eligible for appointment for extended active duty, or for appointment in the regular corps.

### Section D. Types and Duration of Tours of Active Duty

1. Limited Tour of Active Duty With Option for Extension. This type of active service may be offered when the significance, stability, or etiology of a medical condition or finding is undetermined and requires further observation or workup. A detailed medical evaluation of the condition for which the restriction was imposed may be required at a later date for review by Medical Branch (MB), DCP, and if indicated, for presentation to a PHS Medical Review Board (PHS MRB) to determine the officer's physical qualification for continued active duty.
  - a. Arrangements for these evaluations will be initiated by MB, DCP, six months before the expiration of the initial limited tour of duty.
  - b. The MB, will write to the officer asking whether he/she desires to remove the medical limitation and, if the officer requests removal, he/she is required to demonstrate, through appropriate medical records,

justification for such action. If, after a review of the medical data, MB agrees that the medical condition has been overcome, resolved, and/or otherwise found to be insufficient cause for denial of extended active duty, the medical limited tour is either lifted or extended. The MB will inform the officer in writing and notify the employing Agency in writing that the Director, DCP, has removed or extended the medical limited tour. No form PHS-1662, "Request for Personnel Action," will be required from the employing Agency.

- c. A personnel order will be issued announcing the removal or extension of the limited tour upon written directive of the Director, DCP.
2. Limited Tour of Active Duty Without Option for Extension. If an applicant has a medical condition which is disqualifying for career service, but such condition does not represent an undue short-term risk, a limited tour may be granted but removal of the restriction does not ordinarily apply.

#### Section E. Deteriorating Condition

1. If an officer is ordered to active service with or without an option for extension by reason of a medical condition, that officer's pre-existing medical condition may lead to excessive use of sick leave and/or excessive use of medical services. If MB determines that further observation on active duty will not alter the conclusion of medical disqualification for career appointment at the end of the tour, the Director, DCP, may terminate the limited tour appointment earlier than the date specified on the call to active duty personnel order. In such case, the officer must be provided with at least 30 days notice.
2. Such an action may be appealed by the officer to the PHS MRB, if written intent to appeal is received in MB within 7 days of the officer's receipt of notice of termination. In addition, the documentation for the appeal must be received in MB within 21 days of receipt of the termination notice.
3. After review of the appeal, PHS MRB will recommend to the Director, DCP, one of the following:
  - a. Disqualified for career appointment--terminate appointment early;
  - b. Continue on active duty under medical limited tour for a specified time, then reevaluate;
  - c. Qualified for career service--remove medical restriction now; or

- d. Not fit for duty because of service aggravation of the pre-existing condition--entitled to disability benefits.
4. The decision of the Director, DCP is final.

#### Section F. Administrative Waiver of Medical Standards

1. An applicant who is found by the MB not to meet medical standards for either or both career and limited tour appointment may appeal this disqualification decision to a PHS MRB. The PHS MRB represents the final determiner of medical qualifications for career and for limited tour appointments.
2. When a program has identified a candidate who has exceptional qualifications not possessed by other candidates under consideration, but who does not meet the entrance medical standards, the program may submit a supporting request for waiver of the standards. Such a request should be initiated at the program headquarters level and submitted through channels to the Director, DCP. The request should include documentation concerning the unique qualifications of the candidate and the specific program plans for utilization of the candidate under consideration. The request should also explain why program needs cannot be met through another applicant or officer, and why they cannot be met through this applicant in an employment arrangement other than the PHS Commissioned Corps.
3. A program may also request waiver of medical standards for an officer who has been determined to be medically not qualified for further active duty under the medical limited tour authority set forth in this INSTRUCTION.

#### Section G. Inquiries

Questions concerning tours of duty which are limited for medical reasons should be directed to:

Medical Branch, DCP  
Room 4-35, Parklawn Building  
Rockville, Maryland 20857  
Telephone 301/(FTS) 443-2606

#### Section H. Privacy Act Provisions

Personnel, medical, and board records are subject to the Privacy Act of 1974. The applicable systems of records are 09-37-0002, "PHS Commissioned Corps General Personnel Records, HHS/OASH/OSG," 09-37-0003, "PHS Commissioned Corps Medical Records, HHS/OASH/OSG," and 09-37-0005, "PHS Commissioned Corps Board Proceedings, HHS/OASH/OSG."

## EXHIBIT I

## Form PHS-6351 - Limited Tour of Duty Statement of Understanding

Department of Health and Human Services  
Public Health Service  
Office of the Surgeon General  
Division of Commissioned Personnel

LIMITED TOUR OF DUTY  
STATEMENT OF UNDERSTANDING

I, \_\_\_\_\_ hereby understand that if appointed to the Commissioned Corps of the U.S. Public Health Service, I will be initially appointed as a Reserve Officer. I also understand that I will be placed on a limited tour of active duty if specified in the personnel orders effecting my appointment and call to active duty.

I also understand that my active duty as a Public Health Service officer will conclude at the end of the limited tour approved in the initial orders, unless the date is extended or removed by one or more subsequent orders.

However, I also understand that in the course of being considered for an appointment, other issues affecting the duration of the initial limited tour of duty may arise. These include, among other things, professional licensure and program conditions. If any such issue applies to me, I understand that I will be informed of it, the more restrictive limited tour of duty that would result from it, and the steps I would have to take to remove it knowing that if I took those steps the restriction would be removed by a specific personnel order.

I also understand that, in the case of a medical limited tour, if my medical condition deteriorates, my tour of duty may be terminated by action of the Director, Division of Commissioned Personnel, prior to the date given in the initial orders

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Return this completed form to:

Transactions and Applications Branch  
Division of Commissioned Personnel/OSG  
Parklawn Building, Room 4-35  
5600 Fishers Lane  
Rockville, MD 20857

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PHS-6351  
(10/91)