

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC42 – Pay and Allowance Administration
Subchapter CC42.2 – Special Pays
Personnel INSTRUCTION 11– Health Services Category Special Pays

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Section A. Purpose and Scope

1. This INSTRUCTION prescribes the regulations governing the award of special pays to active-duty officers in the U.S. Public Health Service (PHS) Commissioned Corps who are assigned to the Health Services category.
2. The purpose of special pays is to aid the Department of Health and Human Services (HHS) and programs to which officers are assigned, in recruiting and/or retaining such officers.

Section B. Authorities

1. Officers assigned to the Health Services category are authorized special pays pursuant to 37 U.S.C. 302a, "Special pay: optometrists"; 37 U.S.C. 302c, "Special pay: psychologists and nonphysician health care providers"; and 37 U.S.C. 303a, "Special pay: health professionals; general provisions."
2. Section 211(c) of the PHS Act (42 U.S.C. 212(c)).

3. Section 215(a) of the PHS Act (42 U.S.C. 216(a)).
4. The Secretary of HHS has delegated the authority to administer the PHS Commissioned Corps to the Assistant Secretary of Health (ASH) (53 FR 3457, February 5, 1988). The Office of Commissioned Corps Force Management (OCCFM), under the direction of a Director who reports to the ASH, oversees the systems of compensation for officers of the PHS Commissioned Corps (68 FR 243, December 18, 2003).

Section C. Definitions

1. Board Certified. For purposes of this INSTRUCTION, officers are "board certified" when they have successfully completed all board certification requirements and are deemed "certified" by a professional board in the officer's specialty as designated by the ASH pursuant to F.1, below.
2. Call or Order to Active Duty (CAD) for at least one (1) year. An order calling an officer to active duty by personnel order which specifies either:
 - a. No terminal date for the CAD; or
 - b. A terminal date for the tour of active duty that is at least one (1) year after the effective date of the CAD.
3. Creditable Service. For purposes of determining the rates of special pay listed in Section E.1, of this INSTRUCTION, below, creditable service is hereby defined as all periods of active service in the Uniformed Services after the officer was qualified in the health care specialty for which Diplomate pay for psychologists or nonphysician board certified pay (both referred to as "NPBCP" in this INSTRUCTION) is being received.
4. Health Services Officer (HSO). A Regular or Reserve Corps officer who has been met all of the appointment standards listed in Subchapter CC23.3, INSTRUCTION 4, "Appointment Standards and Appointment Boards," including those listed in Exhibit XI, "Health Services Appointment Standards," for the specialty in which the special pay is being paid.
5. Internship. A formal program of postgraduate training in optometry.
6. Optometrist Retention Special Pay (ORSP) Agreement. A written, signed, and notarized agreement in which an officer agrees to remain on active for any 12-month period as a condition for payment of ORSP pursuant to 37 U.S.C. 302a(b).
7. Personnel Order. An official PHS Commissioned Corps personnel document issued by the ASH:
 - a. Appointing, or officially announcing the appointment of a commissioned officer;
 - b. Ordering an officer to active duty;
 - c. Officially effectuating, documenting, and announcing PHS Commissioned Corps personnel actions;
 - d. Authorizing travel and transportation; or
 - e. Authorizing pays and allowances.

8. Residency Training. A formal program of postgraduate training in optometry that is approved by a nationally recognized accrediting body.

Section D. Eligibility for Special Pays

HSOs must be serving on active duty as a result of a call or order to active duty for a period of at least one (1) year in order to be eligible for special pays under this INSTRUCTION.

Section E. Special Pays

Special pays authorized by this INSTRUCTION are in addition to any other pays or allowances to which HSOs are entitled (See 37 U.S.C. 303(c)). The special pays for which HSOs may be paid are as follows.

1. Nonphysician Board Certified Pay (NPBCP)
- a. HSOs who meet the appointment standards listed at Subchapter CC23.3, INSTRUCTION 4, including Exhibit XI, are entitled to receive NPBCP in the amount(s) specified in 37 U.S.C. 302c(b) based on their years of creditable service provided:
- (1) The officer is designated as a psychologist and has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology; or
 - (2) The officer, other than a psychologist, has a post-baccalaureate degree in his/her clinical specialty, and is board certified in a specialty that has been designated as eligible to receive NPBCP pursuant to Section F.1, below.
- b. Payment will be effective:
- (1) The date on which eligible HSOs are called to active duty, provided documentation of specialty certification is furnished; or
 - (2) For HSOs who become board certified after their CAD, the effective date of board certification, provided documentation of specialty certification is furnished; but
 - (3) No earlier than the effective date specified by the ASH pursuant to Section F.1, below.
- c. Such amounts will be paid in equal monthly installments.
- d. For purposes of calculating creditable service in Section E.1, officers will only be credited for active-duty service performed in the discipline for which the officer is seeking NPBCP (See Section C.3, "Creditable Service").
- e. HSOs who are board certified in two or more specialties are entitled to only one NPBCP per month.
2. Optometrist Special Pay (OSP)

HSOs are entitled to OSP at the rate listed in 37 U.S.C. 302a(a) provided officers:

- a. Meet the appointment standards for optometrists as set forth at Subchapter CC23.3, INSTRUCTION 4, including Exhibit XI; and
 - b. Are on a CAD for at least one (1) year.
3. Optometrist Retention Special Pay (ORSP)
- a. Subject to any payment limitations listed in the policy INSTRUCTION, HSOs may be paid ORSP for any 12-month period in an amount not to exceed the rate listed in 37 U.S.C. 302a(b), provided officers:
 - (1) Are entitled to OSP as provided in Section E.2, above;
 - (2) Are not undergoing an internship or initial residency training in optometry;
 - (3) Have completed any initial active-duty service commitment incurred for education and training;
 - (4) Agree to execute an ORSP contract under which the officer agrees to remain on active duty for at least one (1) year; and
 - (5) Meet any additional program requirements deemed necessary by the ASH pursuant to Section F, below.
 - b. The Secretary of HHS or ASH may terminate at any time the eligibility of an HSO to receive the ORSP. Reasons for terminating an ORSP may include, but are not limited to loss or restriction of licensure or privileges, failure to meet or maintain eligibility requirement(s), medical incompetence, unprofessional conduct, or for reasons that are in the best interest of the PHS Commissioned Corps. If such eligibility is terminated, the officer concerned will receive such special pay only for the part of the period of active duty that the officer served and may be required to refund any amount in excess of that amount.

Section F. Administrative Oversight of Special Pays Program

The ASH, through the Director, OCCFM, will oversee the administration of the special pays program for the Health Services category. In doing so, the ASH:

1. Will designate which specialty board certifications are eligible to receive the NPBCP and the effective date of such pay pursuant to Section E, above;
2. Will publish the amount(s) of NPBCP that are authorized by 37 U.S.C. 302c(b) or other applicable provision of law, in Part 2 of the Commissioned Corps Personnel Manual (CCPM);
3. Will publish the rate of pay at which OSP is authorized by 37 U.S.C. 302a(a) or other applicable provision of law, in Part 2 of the CCPM;
4. Will establish the ORSP amount(s) within the limits authorized by 37 U.S.C. 302a(b) or other applicable provision of law, and publish the rate(s) in Part 2 of the CCPM;

5. Will prescribe any other requirement(s) necessary to implement the ORSP program, e.g., officers may have to sign at least a 2-year contract to qualify for ORSP, and establish rules regarding termination of ORSP contracts and the repayment of funds; and
6. May issue any additional policy INSTRUCTIONS in Part 2 of the CCPM that are necessary for the proper administration of the HSO special pays program.

Section G. Cross References

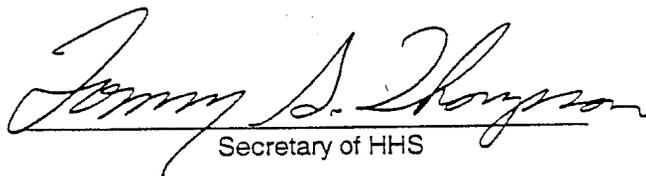
1. Subchapter CC23.3, INSTRUCTION 4, "Appointment Standards and Appointment Boards."
2. Subchapter CC22.2, INSTRUCTION 1, "Monthly Special Pays for Health Professionals."
3. Department of Defense Financial Management Regulation (DoD FMR), Vol. 7A, Ch.7, paragraph 0702.
4. DoD FMR Vol 7A, Ch 5, paragraphs 0509, "Board Certified Pay for Nonphysician Health Care Providers," and 0510 "Diplomate Pay for Psychologists" paragraph dated February 2002.

Section H. Historical Notes

This is the first regulation consolidating all special pays for which HSOs may be paid into one document. This regulation also introduces the ORSP for the first time.

Section I. Privacy Act Provisions

Personnel Records are subject to the Privacy Act of 1974. The applicable systems of records are 09-40-0001, "PHS Commissioned Corps General Personnel Records," HHS/PSC/HRS, and 09-40-0006, "PHS Commissioned Corps Payroll Records," HHS/PSC/HRS.


Secretary of HHS

JUN 4 2004
Date