

**U.S. DEPARTMENT OF HEALTH  
AND HUMAN SERVICES**



**COMMISSIONED CORPS DIRECTIVE**



**CCD 121.05  
EFFECTIVE DATE: 17 February 2012**

---

**By Order of the Secretary:**

**Kathleen Sebelius**

---

SUBJECT: Reserve Corps Officers Deemed Regular Corps

1. PURPOSE: This Directive prescribes regulations governing the assimilation of officers of the Reserve Corps of the U.S. Public Health Service (Corps) into the Regular Corps of the U.S. Public Health Service as authorized by 42 USC 204(b).
2. APPLICABILITY: This Directive applies to commissioned officers of the Reserve Corps of the U.S. Public Health Service who were on active duty on March 23, 2010.
3. AUTHORITIES:
  - 3-1. [42 USC 204\(b\)](#) "Assimilating Reserve Corps Officers into the Regular Corps."
  - 3-2. [42 USC 209](#), "Appointment of Personnel."
4. PROponent: The proponent of this Directive is the Secretary of the Department of Health and Human Services (HHS). The authority to promulgate policies implementing this Directive shall reside with the Assistant Secretary for Health (ASH) without further delegation.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Directive within the electronic Commissioned Corps Issuance System (CCIS).

## 6. POLICY:

6-1. Reserve Corps to Regular Corps: Effective on the date of enactment of the Patient Protection and Affordable Care Act (ACA) [enacted March 23, 2010], all individuals classified as officers in the Reserve Corps under 42 USC 204 (as such section existed on the day before the date of enactment of the ACA) and serving on active duty were deemed to be commissioned officers of the Regular Corps (42 USC 204(b)).

## 6-2. General.

- a. Date of Appointment. The ASH or his/her designee shall issue personnel orders assimilating those members who were on active duty in the Reserve Corps with an effective date of appointment of March 23, 2010.
- b. Appointment Grade. Reserve Corps officers deemed members of the Regular Corps pursuant to 42 USC 204(b) shall maintain the permanent grade held on March 23, 2010.
- c. Limited Tours. Officers who were called to active duty on limited tours (e.g. medical, program, academic and license) prior to March 23, 2010, must complete and comply with the all terms and conditions specified on their Initial Appointment and Call to Active Duty Orders. Officers who fail to comply with the requirements within the timeframe specified in their call to active duty orders shall be subject to summary involuntary separation. The ASH or his or her designee may grant an extension of time for the officer to comply with the terms and conditions of the initial orders. Officers who are on program-limited tours and who are otherwise qualified may seek reassignment prior the expiration of their limited tour.
- d. Constructive Credit. Officers assimilated into the Regular Corps pursuant to 42 USC 204(b) are ineligible for constructive credit granted to officers appointed to the Regular Corps pursuant to 42 USC 209.
- e. Probationary Period. All officers who were deemed members of the Regular Corps shall serve a 3-year probationary period commencing on March 23, 2010. The probationary period for these officers shall terminate on March 22, 2013. During the probationary period, the officer's performance and conduct shall be evaluated in accordance with policies established by the ASH. The commission of any Regular Corps officer on active duty may be terminated at any time during the 3-year probationary period. Officers may be involuntary separated for reasons including but not limited to:
  1. Substandard Performance as evidenced by, but not limited to, an officer's Annual Commissioned Officers' Effectiveness Report(s) (COER) or other documentation contained in the officer's service records,
  2. Conduct including, but not limited to, evidence of criminality, misconduct even if not resulting in criminal conviction, receipt of disciplinary action in accordance with Federal or State law, Federal regulation, or HHS and/or Corps policy, or other information evidenced in an officer's service records, and;
  3. Professionalism as a member of a uniformed service.

