MANUAL: Personnel
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Part 4--Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC42 -- Pay and Allowance Administration
Subchapter CC42.2 -- Special Pay
Personnel INSTRUCTION 8 -- Pharmacist Special Pays: Variable Special Pay (VSP), Nonphysician Board Certified Pay (NPBCP), and Accession Bonus (AB)

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Section A. Purpose and Scope

This instruction prescribes the regulation governing the award of special pays to pharmacists serving on active duty in the Commissioned Corps of the Public Health Service (PHS).

Section B. Authority

Pharmacists in the PHS Commissioned Corps are authorized special pays and bonuses pursuant to 37 U.S.C. § 302c (Special pay: psychologists and nonphysician health care providers),37 U.S.C. § 302i (Special pay: pharmacy officers), 37 U.S.C. § 302j (Special pay: accession bonus for pharmacy officers) and 37 U.S.C. § 303a (Special pay: health professionals; general provisions).

Section C. Definitions

The following definitions and abbreviations will apply for purposes of administering special pays for PHS pharmacists, including the implementing policies and procedures contained in Part 2 of the Commissioned Corps Personnel Manual (CCPM):

1. Accession Bonus (AB) Contract. A written, signed, and notarized agreement in which a person agrees to accept a commission as a PHS pharmacist and remain on active duty for a period of not less than 4 years, beginning on the effective date of the agreement, as a condition for payment of an AB.

2. Board Certified. An officer who has successfully completed an examination in a pharmacy specialty administered by the Board of Pharmaceutical Specialties.

3. Call or order to active duty (CAD) for not less than 1 year. An order to active duty by personnel order which either:

   a. Specifies no terminal date for the CAD; or

   b. Specifies a terminal date for the tour of active duty that is at least 1 year after the effective date of the CAD.

4. Creditable Service. For purposes of determining the rates of special pay listed in Section D of this regulation, creditable service is hereby defined as all periods of active service in the Uniformed Services as a pharmacist.

5. Internship. A formal program of postgraduate training in pharmacy.

6. Personnel Order. An official commissioned corps personnel document issued by the Surgeon General (SG):

   a. appointing, or officially announcing the appointment of a commissioned officer;

   b. ordering an officer to active duty;

   c. officially effectuating, documenting, and announcing commissioned corps personnel actions;

   d. authorizing travel and transportation; or

   e. authorizing pays and allowances.

7. Pharmacist. A person who has been commissioned as either a Reserve or Regular Corps officer in the PHS pursuant to CC23.3-I4, "Appointment Standards and Appointment Boards," and who in addition, has met all of the pharmacy appointment standards listed under exhibit VIII of CC23.3-I4. For purposes of this regulation only, any pharmacist appointed to the Reserve Corps of the PHS pursuant to CC23.3-I4 who is serving a license-limited tour not to exceed 1 year, will be deemed a pharmacist for purposes of receiving the special pays provided by 37 U.S.C. § 302i and 37 U.S.C. § 302j. See also CC43-I1, "Titles" which sets out the category titles of officers other than medical officers.

8. Pro rata refund of an accession bonus. If a pro rata refund to the United States is required, the refund amount shall be an amount that bears the same ratio to the amount paid to the pharmacist as the unserved part of such period bears to the total period agreed to be served.

9. Residency training. A formal program of postgraduate training in pharmacy that is approved by a nationally recognized accrediting body.

Section D. Special Pays

Special pays, when authorized, are in addition to basic pay and allowances. Special pays may be paid only to pharmacists who are on active duty under a CAD for a period of not less than 1 year. The special pays for which a pharmacist may be eligible are as follows.

1. Variable Special Pay (VSP).

   Subject to any payment limitations specified in the policy instruction, VSP is payable to eligible pharmacists in the amounts specified in 37 U.S.C. § 302i. Such amounts will be paid in equal monthly installments. Rates payable are dependent upon years of creditable service as defined in Section C.4, supra. VSP is payable to all eligible pharmacists serving on active duty, including those:

   a. undergoing pharmacy internship training as defined in Section C.5, supra;

   b. undergoing training as a pharmacy resident as defined in Section C.9, supra;

   c. undergoing other training deemed acceptable by the SG; and

   d. serving obligatory periods of service.

2. Nonphysician Board Certified Pay (NPBCP).

a. NPBCP is payable to board certified pharmacists in the amounts specified in 37 U.S.C. § 302c.

b. Such amounts will be paid in equal monthly installments.

c. Payment will be effective:

(1) The date on which a board certified pharmacist is called to active duty, provided documentation of specialty certification is furnished;

(2) For pharmacists who become board certified after their CAD, the effective date of board certification, provided documentation of specialty certification is furnished; or

(3) No earlier than October 1, 1997.

d. A pharmacist who is board certified in two or more specialties is entitled to only one board certified pay.

3. Accession Bonus (AB).

a. Subject to any payment limitations listed in the policy instruction, an AB is payable to a pharmacist called to active duty:

(1) Who is a graduate of an accredited pharmacy school; and

(2) During the period beginning October 30, 2000 and ending on September 30, 2004, or as otherwise amended by public law, executes a written contract, as defined in Section C.1 supra, to accept a commission as a PHS pharmacist and remain on active duty for a period of not less than 4 years.

b. Upon acceptance of the agreement by the SG, a payment may be made to an officer in an amount not to exceed that specified in 37 U.S.C. § 302j.

c. Limitations on Eligibility: An otherwise eligible pharmacist may not be paid an accession bonus, if:

(1) In exchange for an agreement to accept an appointment as a pharmacist, the person accepted financial assistance from the Department of Defense (DOD) or Department of Health and Human Services (HHS) to pursue a course of study in pharmacy;

(2) In exchange for an agreement to accept employment with HHS, the person accepted financial assistance from HHS to pursue a course of study in pharmacy;

(3) The person has received financial assistance from HHS to pursue a course of study for which there exists an unfulfilled training-related service obligation; or

(4) It is determined by the SG that the person is not qualified to become and remain licensed as a pharmacist on active duty with the PHS Commissioned Corps.

Section E. Accession Bonus Contract Considerations

1. Contract Period. An AB contract will be executed for a period not less than 4 years.

2. Change in Eligibility. If a pharmacist participates in one of the training or employment opportunities listed in this subsection during a period in which the person is obligated to serve on active duty pursuant to an AB contract, the person's AB contract will be terminated effective the day before such event occurs. In addition, the pharmacist will be required to repay a part of the AB payment on a pro rata basis, as defined in Section C.8, supra.

   a. Extramural training such as internship, residency or other long term training as defined in CC25.2-I1, "Extramural Training."

   b. Intramural residency or internship training that includes one or more periods of extramural training for which the pharmacist would incur an additional active duty obligation. See CC25.2-I3-E3,"Intramural Residency Training Programs,".

   c. Leave Without Pay (LWOP) status. See 42 U.S.C. § 215(b) (c) and CC29.1-I1-H, "Leave of Absence; General."

3. Professional Qualifications. An officer who receives an AB and who fails to become or remain licensed as a pharmacist during the period for which the payment is made will refund the full amount of the AB payment. Pursuant to 37 U.S.C. § 302j(e)(3), the amount of AB to be repaid is for all purposes a debt owed to the United States and subject to the bankruptcy limitations specified in 37 U.S.C. § 302j(e)(4).

4. Termination and Repayment

   a. Voluntary Termination with Repayment. A pharmacist who voluntarily terminates his or her service on active duty, including voluntary

retirement after completion of at least 20 years of active service, shall refund his or her AB on a pro rata basis. Pursuant to 37 U.S.C. § 302j(e)(3), the amount of AB to be repaid is for all purposes a debt owed to the United States and subject to the bankruptcy limitations specified in 37 U.S.C. § 302j(e)(4).

b. Involuntary Termination with No Repayment. Subject to the repayment requirements set out in subsection c. or d. of this section, a pharmacist whose continued service on active duty during the AB contract period is determined by the SG to be no longer necessary or in the best interest of the PHS will not be required to repay any part of the AB payment.

c. Involuntary Termination with Repayment. If a pharmacist's commission is terminated without the person's consent during the AB contract period, the pharmacist shall refund the AB payment on a pro rata basis if it is determined that the termination is in the best interest of the PHS and the person's involuntary separation from active PHS service is:

(1) The result of any of the reasons listed in CC43.7-I1-D1-D9;

(2) In the case of a reserve pharmacist, due to a failure to be recommended for permanent promotion pursuant to C43.7-I1-C5-C7;

(3) In the case of a regular pharmacist, due to a failure to be recommended for permanent promotion pursuant to CC43.7-I1-E1-E5; and

(4) The result of a pharmacist's involuntary retirement pursuant to CC43.8-I1-E1 or CC43.8-I1-F2.

d. Disability Retirement. If a pharmacist serving on active duty with the PHS is retired (temporarily or permanently) for disability during a period in which the person's AB service obligation is still outstanding, the pharmacist shall not be required to repay a pro rata portion of the payment; provided however, that:

(1) The disability in question was not incurred while the pharmacist was absent without leave; or

(2) The disability was not the result of misconduct or willful neglect. See CC43.8-I1 and CC23.8-I6.

5. Absent Without Leave (AWOL). Under 37 U.S.C. § 503(b), any period during which an officer is determined to be in an AWOL status will not be credited toward fulfillment of an active duty obligation incurred pursuant to an AB contract, and will serve to extend the period of active duty required by the contract. See Section C1 supra, and CC43.7-I1-D1-9.

Section F. Cross References

1. 37 U.S.C. § 302c (Special pay: psychologists and nonphysician health care providers), 37 U.S.C. § 302i (Special pay: pharmacy officers), 37 U.S.C. § 302j (Special pay: accession bonus for pharmacy officers) and 37 U.S.C. § 303a (Special pay: health professional; general provisions).
2. 37 U.S.C. § 503(b).
3. 42 U.S.C. § 215(b)(c).
4. CC23.3-I4, "Appointment Standards and Appointment Boards."
5. CC23.8-I6, "Disability Retirement."
6. CC25.2-I1 "Extramural Training."
7. CC25.2-I3, "Intramural Residency Training Programs."
8. CC29.1-I1, "Leave of Absence; General."
9. CC43.7-I1, "Separation of Officers in the Regular and Reserve Corps Without Consent of the Officers Involved."
10. CC43.8-I1, "Retirement of PHS Commissioned Officers."

Section G. Historical Data

This is the first commissioned corps regulation on Pharmacist Special Pays.

Section H. Privacy Act Provisions

Personnel records are subject to the provisions of 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."

Tommy G. Thompson
Secretary

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Date