

MANUAL: Personnel
Chapter Series CC--Commissioned Corps Personnel Manual
Part 4--Regulations

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC45--Performance Evaluation and Career Development
Subchapter CC45.2--Career Development
Personnel INSTRUCTION 3--Assignment of Public Health Service (PHS)
Commissioned Officers to the Uniformed Services
University of the Health Sciences (USUHS)

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Section A. Purpose and Scope

1. This INSTRUCTION sets forth regulations governing (1) assignments of Public Health Service (PHS) commissioned officers as students to the Uniformed Services University of the Health Sciences (USUHS); (2) graduate medical education assignments for PHS Commissioned Corps medical officers upon graduating from USUHS; (3) the active duty obligations (ADO) incurred by officers pursuant to such assignments; and (4) if applicable, the commissioned service obligation (CSO) for those officers entering USUHS after December 31, 1991. The regulations in this INSTRUCTION, except for the provisions dealing with application procedures, shall apply to civilian applicants and members of other uniformed services whose positions are allocated to PHS by USUHS and who, as a consequence, are appointed as officers in the PHS Commissioned Corps.
2. Nothing contained in these regulations shall be construed to compromise any legal actions or remedies which may be available to PHS against any commissioned officer who fails to fulfill an ADO with respect to PHS support for training received by the officer at USUHS prior to the effective date of the regulations in this INSTRUCTION.

Section B. Authority

1. PHS commissioned officers are authorized to participate in training programs administered by USUHS pursuant to the Uniformed Services Health Professions Revitalization Act of 1972, as amended, (10 U.S.C. 2112 et seq.) and Department of Defense (DoD) regulations prescribed in 32 CFR 242, "Admission Policies and Procedures for the School of Medicine, USUHS." All assignments of PHS commissioned officers for training at USUHS will be made pursuant to the provisions of Section 218 of the PHS Act (42 U.S.C. 218a). The provisions of Section 218 of the PHS Act shall govern all aspects of the assignment of PHS commissioned officers to USUHS unless the Uniformed Services Health Professions Revitalization Act of 1972, as amended, expressly provides otherwise for PHS officers.
2. The ADO for all graduates of the School of Medicine, USUHS, and the CSO, when applicable for officers entering after December 31, 1991, are prescribed in 10 U.S.C. 2114(b). The ADO for PHS officers who are assigned as medical students to USUHS but fail to graduate, or who, upon graduating from USUHS, participate in graduate medical education in PHS-supported extramural training programs, is prescribed in Section 218(b) of the PHS Act (42 U.S.C. 218a(b)). Payment obligations incurred by PHS officers who fail to fulfill an ADO or CSO pursuant to assignment to USUHS or participation in PHS-sponsored extramural training are authorized by Section 218(b) of the PHS Act (42 U.S.C. 218a(b)).

Section C. Definitions

For purposes of this INSTRUCTION, the following definitions shall apply:

1. Active Duty Obligation (ADO) is that period of time which an officer is obligated to serve on active duty in return for service support of long-term training or other extramural education activities.
2. Commissioned Service Obligation (CSO) is the period beginning on the date of the appointment of the officer in a regular component after graduation and ending on the tenth anniversary of that appointment for individuals entering USUHS after December 31, 1991. The first 7 years of this obligation will be served on active duty. If the officer leaves active duty prior to the tenth anniversary, the officer will serve in the ready reserve according to the table specified elsewhere in this issuance.

The CSO includes both active and reserve service if the officer elects to leave active duty prior to the tenth anniversary of appointment to the regular component of the service. A CSO contains a minimum of 7 years of active duty plus a period of reserve time as set forth in Section H.4. below.

3. Initial Residency Training is that period of time spent by an officer in medical residency training prior to the officer's first becoming eligible to take a specialty board examination administered by an American medical examining board.

Section D. Selection of PHS Commissioned Officers
for Assignment as Students to USUHS

1. PHS commissioned officers on active duty who wish to make application to enroll in USUHS must have approval, in writing, from the Assistant Secretary for Health (ASH), or his/her designee, prior to submitting a formal application to USUHS.
2. ASH, or his/her designee, will consider requests for approval to apply to USUHS from PHS commissioned officers who meet all of the following qualifications:
 - a. All requirements established by USUHS;
 - b. Good moral character;
 - c. Medical requirements for appointment in the regular corps of the PHS Commissioned Corps;
 - d. Security requirements for appointment in the regular corps of the PHS Commissioned Corps; and
 - e. No ADO as a result of current or prior participation in programs of study or training supported by PHS. (This requirement may be waived by ASH when such waiver is determined to be in the best interest of PHS.)

3. PHS officers on active duty who are approved to apply to USUHS will have their applications for admission reviewed and approved/disapproved in accordance with the criteria and procedures contained in the laws and regulations governing USUHS.
4. Prior to assignment of a PHS commissioned officer as a student to USUHS, the officer shall sign an agreement which sets forth the officer's ADO or CSO to PHS if he/she is dropped from the school for deficiencies in conduct or studies or for other reasons, voluntarily withdraws from enrollment, or completes the prescribed course of study and receives the appropriate degree. The agreement shall also set forth the payment obligations to be incurred for failure to fulfill an ADO and CSO to PHS. The agreement signed by PHS officers assigned as medical students to USUHS shall also specify conditions under which such officers will be permitted to participate in graduate medical education upon graduating from USUHS.

Section E. PHS Commissioned Officers Assigned
as Students, Other Than as Medical
Students, to USUHS

1. PHS commissioned officers who are assigned as students to USUHS, other than as medical students, shall be subject to the rules and regulations applicable to all other such USUHS students unless different rules and regulations relating specifically to PHS officers are promulgated by PHS.
2. A PHS commissioned officer assigned as a student to USUHS, other than as a medical student, shall incur an ADO to PHS of 6 months or twice the period of training, whichever is greater. The ADO will commence immediately upon cessation of the officer's participation in the training program at USUHS.
3. Failure to complete an ADO as specified in 2., above, shall result in the officer's being obligated to pay PHS an amount equal to two (2) times the total amount of the tuition, fees, and other training expenses and two (2) times any compensation (to include but not be limited to pay, allowances, special pays, travel, transportation, and shipment of household goods) received by or paid on behalf of the officer in connection with the officer's assignment as a student to USUHS. In the absence of a tuition charge by USUHS and for the purposes of computation of a monetary obligation under this subsection, tuition shall be the average of the tuition charges for comparable training programs imposed by educational institutions within 25 miles of the District of Columbia. Computation of such tuition shall be made on the basis of the tuition charges in effect during the period the officer was assigned as a student to USUHS.

Section F. PHS Commissioned Officers Assigned
as Medical Students to USUHS

1. PHS commissioned officers who are assigned as medical students to USUHS shall be subject to the rules and regulations applicable to all other such

USUHS students unless different rules and regulations relating specifically to PHS officers are promulgated by PHS.

2. PHS commissioned officers on active duty who are selected for enrollment as medical students in the School of Medicine, USUHS, must resign their present commissions and be reappointed as Junior Assistant Health Services officers (pay grade 0-1) in the reserve corps during their tenure at USUHS.
3. Time served as a commissioned officer while a medical student at USUHS is not creditable service for purposes of computing basic pay. Creditable service accrued prior to assignment as a medical student to USUHS will be counted for basic pay longevity purposes while a student at USUHS, not to exceed the limit of pay grade 0-1.
4. PHS commissioned officers who are assigned as medical students to USUHS shall not be entitled to any special or incentive pay for which they would otherwise be eligible under title 37 of the U.S. Code unless such special or incentive pay is specifically authorized for students at USUHS.
5. Time served as a commissioned officer while assigned as a medical student to USUHS shall not be counted in determining eligibility for retirement under Section 211 of the PHS Act (42 U.S.C. 212) other than by reason of a physical disability incurred while on active duty as a student at USUHS.
6. Upon graduating from the School of Medicine, USUHS, PHS officers shall be appointed in the regular corps of the PHS Commissioned Corps if otherwise qualified.

Section G. Active Duty Obligation For PHS Commissioned Officers
Assigned as Medical Students to USUHS Before December 31, 1991

1. The ADO for officers who entered before December 31, 1991, and who obtain medical degrees from USUHS, shall commence immediately upon completion of or withdrawal from graduate medical education authorized pursuant to Section I., below.
2. A PHS commissioned officer assigned as a medical student to USUHS before December 31, 1991, shall incur an ADO to PHS of 6 months or twice the period of training, whichever is greater. However, the ADO shall not exceed 7 years for 4 years of training as a medical student at USUHS. Officers who repeat a year or a portion of a year for academic or other reasons and are delayed in graduation shall incur an additional ADO of one-half year for each additional one-half year or portion thereof for such repeated work.
3. Failure to complete an ADO as specified in Section G.2., above, shall result in the officer's being obligated to pay PHS an amount equal to two (2) times the total amount of the tuition, fees, and other training expenses and two (2) times any compensation (to include but not be limited to pay, allowances, special pays, travel, transportation, and shipment of household goods) received by or paid on behalf of the officer in connection with the

officer's assignment as a student to USUHS. In the absence of a tuition charge by USUHS and for purposes of computation of a monetary obligation under this subsection, tuition shall be the average tuition charged for medical training by schools of medicine within 25 miles of the District of Columbia. Computation of such tuition shall be made on the basis of the tuition charges in effect during the period the officer was assigned to the School of Medicine, USUHS.

Section H. Active Duty Obligation and Commissioned Service
Obligation for PHS Commissioned Officers Assigned as
Medical Students to USUHS After December 31, 1991

1. The CSO (beginning with the ADO) for officers who entered the School of Medicine, USUHS, after December 31, 1991, and who obtain medical degrees from USUHS, shall commence immediately upon completion of or withdrawal from graduate medical education authorized pursuant to Section I., below. A PHS commissioned officer assigned as a medical student to USUHS after December 31, 1991, shall incur a CSO (which includes a 7-year active duty portion) to the PHS.
2. The CSO is 6 months or twice the period of training, whichever is greater. However, the CSO shall not exceed the limits set forth in Section H.4, below. Officers who repeat a year or a portion of a year for academic or other reasons and are delayed in graduation shall incur an additional ADO of one-half year for each additional one-half year or portion thereof for such repeated work.
3. The full period of obligated service incurred for the 4 years of medical school will not exceed the amount set forth in Section H.4, below, except in the case of repeated work as noted in H.2., above.
4. Upon completion of, or release from, the active duty obligation, officers who are first admitted to USUHS after December 31, 1991, and who serve on active duty for less than 10 years, shall serve in the Ready Reserve for the period specified in the following table.

<u>Period of Service on Active Duty</u>	<u>Ready Reserve Obligation</u>
Less than 8 years	6 years
8 years or more, but less than 9	4 years
9 years or more, but less than 10	2 years
10 years or more	None

5. Failure to complete an ADO and CSO as specified in Section H.2. and 4., shall result in the officer's being obligated to pay PHS an amount equal to two (2) times the total amount of the tuition, fees, and other training expenses and two (2) times any compensation (to include but not be limited to pay, allowances, special pays, travel, transportation, and shipment of household goods) received by or paid on behalf of the officer in connection with the officer's assignment as a student to USUHS. In the absence of a

tuition charge by USUHS and for purposes of computation of a monetary obligation under this subsection, tuition shall be the average tuition charged for medical training by schools of medicine within 25 miles of the District of Columbia. Computation of such tuition shall be made on the basis of the tuition charges in effect during the period the officer was assigned to the School of Medicine, USUHS.

Section I. Graduate Medical Education Upon
Receipt of Medical Degree from USUHS

1. a. A PHS commissioned officer who receives a medical degree from USUHS may make application for a PHS intramural graduate medical education position.
- b. An officer who participates in PHS intramural graduate medical education shall incur no additional ADO unless a portion of the intramural training program includes a period of extramural training (i.e., training in a non-PHS facility). When an initial intramural training program includes extramural training, the officer shall incur an ADO, in addition to the ADO incurred pursuant to assignment to USUHS, as specified in INSTRUCTION 3, Subchapter CC25.2, "Intramural Residency Training Programs," of this manual. However, an ADO so incurred shall be served concurrently with an ADO incurred pursuant to assignment to USUHS. Participation by an officer in a PHS intramural graduate medical education program shall not be credited toward fulfillment of a service obligation incurred pursuant to assignment as a medical student to USUHS either before or after December 31, 1991.
2. An officer may apply to participate in a graduate medical education program administered by DoD, but only if such participation is considered by ASH, or his/her designee, to be to the benefit of PHS and the officer. An officer who participates in a DoD-administered graduate medical education program shall incur no additional ADO, but participation in such program shall not be credited toward fulfillment of a service obligation incurred pursuant to assignment as a medical student to USUHS.
3. An officer who is not offered an initial PHS intramural graduate medical education position or approved to participate in a graduate medical education program administered by DoD may be approved for PHS-supported extramural training, but only if such training is considered by ASH, or his/her designee, to be to the benefit of PHS and the officer. An officer approved for such PHS-supported extramural training shall incur an ADO, in addition to any service obligation incurred pursuant to assignment to USUHS, of 6 months or twice the period of training, whichever is greater, as specified in INSTRUCTION 2, Subchapter CC25.2, "Active Duty Obligation Subsequent to Extramural Training," of this manual. An ADO incurred pursuant to participation in PHS-supported extramural training may be served

concurrently with an ADO incurred pursuant to assignment to USUHS. Participation in a PHS-supported extramural graduate medical education program shall not be credited toward fulfillment of a service obligation incurred pursuant to assignment to USUHS.

4. Failure to complete a service obligation incurred pursuant to extramural training as specified in 1. and 3., above, shall result in the officer's being obligated to pay PHS an amount equal to two (2) times the total amount of the tuition, fees, and other training expenses and two (2) times any compensation (to include but not be limited to pay, allowances, special pays, travel, transportation, and shipment of household goods) received by or paid on behalf of the officer in connection with the training.

Section J. Assignment Subsequent to Initial Residency Training

Upon completion of the initial residency training, a USUHS graduate will be placed in an assignment for a minimum of 2 years before being permitted to pursue any additional graduate medical education or residency unless a determination is made by the Assistant Secretary for Health, or his/her designee, that this requirement should be waived in the best interests of PHS.

Section K. Waiver of Payment Obligations

Payment for an indebtedness determined pursuant to Sections E.3., G.3., H.5., and I.4., above, may be waived, in whole or in part, upon determination that such payment would be inequitable or would not be in the public interest.

September 10, 1991
Date

Louis S. Sullivan
Secretary
Health and Human Services