Section A. Purpose and Scope

This INSTRUCTION prescribes the regulations governing the award of special pays to active-duty officers in the Commissioned Corps of the U.S. Public Health Service (Corps or Service) who are appointed as nurse officers pursuant to Subchapter CC23.3, INSTRUCTION 4, “Appointment Standards and Appointment Boards,” (Nurse Appointment Standards) and assigned to the nurse category. The purpose of nurse category special pays is to aid in the recruitment and retention of qualified nurse officers.

Section B. Authorities


2. 37 U.S.C. 1001(b).

3. Section 215(a) of the PHS Act (42 U.S.C. 216(a)).
4. On 24 July 2003, the Secretary of Health and Human Services (HHS or Department) delegated the authority to administer the Corps to the Assistant Secretary of Health (ASH). The Office of Commissioned Corps Force Management (OCCFM), under the direction of a Director who reports to the ASH, oversees the systems for the compensation of Corps officers (68 FR 243, December 18, 2003).

Section C. Nurse Accession Bonus (NAB)

1. **Entitlement.** A registered nurse who qualifies for appointment into the Corps as a nurse officer pursuant to Subchapter CC23.3, INSTRUCTION 4, may be paid a NAB during the period authorized by 37 U.S.C. 302d, provided the amount does not exceed $30,000 and the individual executes a written agreement to:
   a. Accept a commission as a nurse officer in the Corps prior to the ending date for the NAB established by 37 U.S.C. 302d;
   b. Agrees to serves on active duty for a period of not less than 3 years or as otherwise specified by 37 U.S.C. 302d; and
   c. The ASH accepts the agreement.

2. **Agreement.** The written agreement referred to in Section C.1. shall provide that consistent with the needs of the Corps, the individual executing the agreement will be assigned to duty for the obligated service covered by the agreement as a nurse officer.

3. **Special Provisions.**
   a. An individual who received financial assistance from the Department, or an organization to which officers are detailed, and has an existing training-related service obligation is not eligible for a NAB.
   b. An individual who holds an appointment as a nurse officer in one of the Uniformed Services, or as a nurse officer in the Corps, is not eligible for a NAB.
   c. An individual with prior active-duty service as a nurse officer in one of the Uniformed Services, or as a nurse officer in the Corps, must have been discharged from active duty at least 12 months prior to the execution of the written agreement.
   d. An individual is not eligible for a NAB if the ASH determines that the person is not qualified to become and/or remain licensed as a registered nurse.
   e. The amount of the NAB authorized by this regulation shall be established by the ASH provided the amount does not exceed the statutory limit authorized by 37 U.S.C. 302d.

4. **Repayment.**
   a. An officer who receives an accession bonus and subsequently fails to become licensed as a registered nurse within 18 months after receipt of the bonus, or fails to remain licensed as a professional registered nurse during the period for which the bonus was paid, shall refund the entire amount of the bonus.
b. A nurse officer who dies or is separated from active duty while serving the required period of active duty incurred for receipt of a NAB is entitled to the proportionate part of the NAB served under the agreement. Payment exceeding that proportionate entitlement shall be repaid except in the following circumstances:

(1) When death or disability resulting in an officer's separation from active-duty service or retirement is not the result of misconduct or willful neglect, and not incurred during a period of unauthorized absence.

(2) Separation from the Corps by operation of law(s) or regulation(s) of the Department and/or the Corps, when approved by the ASH.

(3) In other cases where the ASH determines that repayment is not in the best interest of the Corps.

c. A nurse officer whose NAB contract is terminated and who is not separated from active duty, is entitled to the proportionate part of the NAB served under the agreement. Payment exceeding the proportionate entitlement shall be repaid except in those cases where the ASH determines that repayment is not in the best of the Corps.

d. A discharge in bankruptcy under Title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under the terms of a written agreement entered into for the NAB, if the final decree of the discharge in bankruptcy was issued within a period of 5 years after the termination of the agreement. This paragraph applies to any case commenced under Title 11 after 29 November 1989.

e. An obligation to reimburse the United States imposed for the reasons stated above is, for all purposes, a debt owed to the United States.

Section D. Incentive Special Pay (ISP)

1. **Entitlement.** A nurse officer in the Corps who during a period authorized by 37 U.S.C. 302e, is on active duty under a call or order to active duty for a period of not less than 1 year and who is qualified and performing as a Certified Registered Nurse Anesthetist (CRNA), may be paid ISP in an amount that may not exceed $50,000 for any 1-year period, provided the officer:

   a. Executes a written agreement to serve on active duty for a period of not less than 1 year; and

   b. The ASH accepts the agreement.

2. **Payment Amount.** The amount of ISP authorized for a CRNA shall be determined by the ASH consistent with Section D.1, above, (See 37 U.S.C. 302e(a)). The ASH may establish a lower ISP rate for officers who have a service obligation for training as a CRNA.
   a. The effective date for an ISP agreement shall be prescribed by the ASH and included in the ISP agreement.
   b. Upon execution of a written agreement, ISP shall be paid in a lump sum annual installment at the beginning of the 1 year period for which the officer is to receive the ISP.
   c. The ASH may at any time, terminate an officer's entitlement to ISP. If terminated, unearned ISP shall be repaid on a pro rata basis subject to Section D.4., below.

4. Repayment. The provisions of Section C.4., b. through e., above shall apply to a CRNA who executes an ISP agreement.

Section E. Nonphysician Board Certified Pay (NPBCP)

1. Entitlement and Payment Amount. A nurse officer is eligible to receive NPBCP in the amount(s) specified in 37 U.S.C. 302c based on the officer's years of creditable service, provided the officer has a post-baccalaureate degree in the officer's clinical specialty, and is certified by a professional board in a nursing specialty that has been designated by the ASH as eligible to receive NPBCP (See 37 U.S.C. 302c(b)).

2. Effective Date of Payment. The ASH shall establish the effective date of payment for officers to receive the NPBCP.

   a. Unless otherwise determined by the ASH, NPBCP shall be paid in equal monthly installments.
   b. The ASH shall designate which specialty board certification(s) are acceptable for nurse officers to receive NPBCP.
   c. The term 'creditable service' is defined as all periods of active service in the Uniformed Services after the officer was qualified in the nursing specialty for which NPBCP is being received.

Section F. Administration

The authority to administer the Corps has been delegated to the ASH. The ASH, through OCCFM, oversees the systems for the compensation of Corps officers. To facilitate these responsibilities, the ASH shall promulgate additional policies and delegations as needed to ensure that these functions are carried out and that the nurse category special pays authorized by this regulation are provided to eligible nurse officers.

Section G. Cross References


5. DoD FMR Vol 7A, Ch 5, paragraphs 0509, "Board Certified Pay for Nonphysician Health Care Providers."

Section H. Historical Notes

This is the first INSTRUCTION consolidating all nurse officer special pays into one regulation. This regulation, to the extent practicable, conforms to regulations approved by DoD for nurse officer special pays. It replaces the current regulation Subchapter CC42.2, INSTRUCTION 3, "Nurse Special Pay - Nurse Accession Bonus and Nurse Anesthetist Special Pay."

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.

JAN 14 2005
Date