

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service

Chapter CC49--Staffing  
Subchapter CC--Miscellaneous  
Personnel INSTRUCTION 2--PHS Commissioned Corps Credit for Service in a  
Private Practice Assignment

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Section A. Purpose and Scope

This regulation prescribes the conditions under which officers of the Commissioned Corps of the Public Health Service (PHS) shall receive commissioned corps active duty credit for service in the National Health Service Corps other than as an employee of the United States. The regulation pertains only to National Health Service Corps members who have served as members of the National Health Service Corps other than as employees of the United States (private practice assignment) as defined in 42 U.S.C. 254d(a)(1)(C). The regulation does not pertain to National Health Service Corps scholarship recipients who have served obligated service under 42 U.S.C. 254n (private practice option).

Section B. Authority

This regulation is prescribed under authority of 42 U.S.C. 254d(g) as amended by section 2701(e) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) enacted August 13, 1981.

Section C. Commissioned Corps Credit for Service  
in a Private Practice Assignment

Any individual who:

1. Served as a member of the National Health Service Corps other than as an employee of the United States as described in 42 U.S.C. 254d(a)(1)(C); and
2. Is called to active duty in the PHS Commissioned Corps for a period in excess of six months within one year after such service;


shall receive active duty credit in the PHS Commissioned Corps for such service, but not in excess of four years, performed after August 13, 1981, as though that service had been performed as an active duty officer in the PHS Commissioned Corps. Such credit shall pertain to years of service for retirement eligibility and retired pay pursuant to 42 U.S.C. Chapter 6A, years of service for determination of basic pay pursuant to 37 U.S.C. 205, years of service for purpose of creditable service for medical officer special pay pursuant to 37 U.S.C. 302(g), years of service for purpose of creditable service for dental officer special pay pursuant to 37 U.S.C. 302b(g), years of service for determination of eligibility for veterans benefits pursuant to 42 U.S.C. 213(d), and years of service for determination of fulfillment of a selective service obligation pursuant to 50 U.S.C. App. 456(b)(3)(C)(i).

Section D. Repeal of Prior Regulations

Regulations prescribed in Commissioned Corps Personnel Manual, Subchapter CC43.8, INSTRUCTION 2, "Retirement Credit for Service in National Health Service Corps other than as a Federal Employee," are repealed.

Section E. Effective Date

This regulation is effective upon date of signature except that if credit for service in a private practice assignment pursuant to Section C, above, results in an increase in compensation for an active duty commissioned officer such increase shall be effective on the first day of the month following the month in which this regulation is approved by the Secretary of Health and Human Services.

  
Secretary

JUL 8 1988  
Date