

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC26 -- Conditions of Service
Subchapter CC26.1 -- Officer Responsibilities and Conduct
Personnel INSTRUCTION 4 -- Professional License/Certification/Registration/
Requirements for Commissioned Officers in the
Public Health Service

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Section A. Purpose and Scope

The prevailing community standard requires that healthcare providers be licensed, certified, and/or registered in their specific areas of practice. The Public Health Service (PHS) requires such license/certification/registration as an indicator of competence.

1. This INSTRUCTION sets forth the requirement that all PHS healthcare providers, as defined in Section C.1 of this INSTRUCTION, possess and maintain a current valid license.
2. Disciplinary actions may result from noncompliance with this policy.

Section B. Authority

The authority to administer the PHS Commissioned Corps is prescribed in 42 United States Code (U.S.C.) 216. The authority to establish policy and procedure for licensure requirements for the PHS Commissioned Corps has been delegated to the Surgeon General (SG) as part of the general authority to administer the PHS Commissioned Corps which is published at 53 Federal Register 5046-5047, February 19, 1988. Pursuant to this authority, the SG delegated the responsibility for

daily administration of the corps, which includes administering the licensure program, to the Director, DCP.

Regulations related to the discipline of commissioned officers for noncompliance with the PHS licensure/certification/registration requirements are prescribed in INSTRUCTION 1, "Disciplinary Action," Subchapter CC46.4, INSTRUCTION 1, "Separation of Officers in the Regular and Reserve Corps Without Consent of the Officers Involved," Subchapter CC43.7, and INSTRUCTION 1, "Retirement of PHS Commissioned Officers," Subchapter CC43.8 of the Commissioned Corps Personnel Manual (CCPM).

Section C. Definitions

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

1. Healthcare Provider. All officers who are required to be licensed/certified/registered, as identified in INSTRUCTION 4, "Appointment Standards and Appointment Boards," Subchapter CC23.3 of the CCPM.
2. State. The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or Guam.
3. License. License/certification/registration by a State authority or by a recognized national professional association as required by INSTRUCTION 4, "Appointment Standards and Appointment Boards," Subchapter CC23.3 of the CCPM.
4. Uniformed Services License. A license issued by a State which restricts the provider to practice in a Federal facility or within some other confined limits does not comply with the requirements for an "unrestricted license." For purposes of this INSTRUCTION, such Uniformed Services license will **not** fulfill the requirements of this INSTRUCTION.
5. Waiver. Special written authorization to remain on active-duty with a Uniformed Services restricted license.
6. Licensure Limited Tour. A call to active-duty for a limited period of time in accordance with INSTRUCTION 8, "Limited Tours of Active-duty," Subchapter CC23.3 of the CCPM.

Section D. Licensure Policy

1. Each PHS healthcare provider as defined in Section C.1 of this INSTRUCTION, must possess and maintain current, unrestricted, valid credentials, appropriate for his/her profession. Individual programs to which PHS officers are assigned may establish additional specific requirements as necessary and relevant to the achievement of program goals.
2. A healthcare provider, as defined in Section C.1 of this INSTRUCTION, must furnish DCP with proof of current, unrestricted licensure, certification, or registration as appropriate to his/her profession. The expiration date of the license/certification/registration must be clearly identified.
3. Healthcare disciplines granted lifetime certification by their certifying

organization will be considered in compliance with the commissioned corps licensure policy. In the event a State imposes stricter license/certification/registration requirements than the certifying organization, the State requirements take precedence over the certifying organization.

Section E. DCP Initiated Actions

1. An officer violates this policy when the officer:
 - a. Fails to provide DCP with a photocopy of his/her license/certification/registration prior to the end of a limited tour, or prior to the expiration of the license that is on file, and/or
 - b. Has a license revoked or restricted by any jurisdiction, even if the officer maintains unrestricted credentials in another jurisdiction.
2. Upon written request from the officer and approval of his/her Agency/Operating Division (OPDIV)/Program Head or Representative, the Director, DCP, may waive the licensure requirement only in unusual circumstances. A requirement to pay the standard license fee associated with an unrestricted license is not an unusual circumstance and is not a basis for use of the waiver authority.

A waiver of the unrestricted scope requirement may be granted only after an officer has successfully undergone an examination in his/her profession and satisfies all requirements of the State pertaining to clinical competency, such as continuing education. An officer granted a waiver must fulfill the ongoing clinical competency requirements of the State in which licensed.

A waiver may be granted only in cases in which: (1) the administrative or financial requirements applicable to the unrestricted license are substantial, and (2) PHS seeks to achieve a State purpose clearly inapplicable to Uniformed Service based on Federal policy. Examples include the following:

- a. A State imposes a requirement that the healthcare provider reside in the State;
 - b. A State imposes a requirement that the healthcare provider pay a substantial amount into a malpractice, injury compensation fund; or
 - c. A State imposes a requirement that the healthcare provider maintain private malpractice liability insurance.
3. Except in the case of an officer on a license limited tour, noncompliance with this policy may result in disciplinary actions including but not limited to involuntary separation, temporary grade reversion, denial of special pays, and removal from consideration for promotion.

Section F. Cross References

1. INSTRUCTION 4, "Appointment Standards and Appointment Boards," Subchapter CC23.3 of the CCPM.
2. INSTRUCTION 8, "Limited Tours of Active-duty," Subchapter CC23.3 of the CCPM.

3. INSTRUCTION 2, "Temporary Grade Promotions," Subchapter CC23.4 of the CCPM.
4. INSTRUCTION 4, "Involuntary Retirement After 20 Years of Service," Subchapter CC23.8 of the CCPM.
5. INSTRUCTION 1, "Separation of Officers in the Regular and Reserve Corps Without Consent of the Officers Involved," Subchapter CC43.7 of the CCPM.
6. INSTRUCTION 1, "Retirement of PHS Commissioned Officers," Subchapter CC43.8 of the CCPM.
7. INSTRUCTION 1, "Disciplinary Action," Subchapter CC46.4 of the CCPM.

Section G. Historical Notes

This INSTRUCTION amends Transmittal No. 585, dated April 12, 1995, which set forth the revised policy on licensure/certification/registration requirements applicable to PHS commissioned officers. It established the procedures to be used when an officer was not in compliance with the policy.

PHS Commissioned Corps Transmittal No. 585, dated April 12, 1995, amended Transmittal No. 492, dated December 15, 1987, which set forth the requirement that PHS healthcare providers, as defined in that INSTRUCTION, must possess and maintain current, valid credentials as defined in that INSTRUCTION. Also set forth were the policy and procedures for requesting a waiver from this requirement, and sanctions which may result from noncompliance with policy.

PHS Commissioned Corps Transmittal No. 492, dated December 15, 1987, superseded PHS Manual Circular 320, dated May 12, 1986, and all other policy statements which dealt with professional licensure/certification/registration for healthcare providers in the PHS Commissioned Corps.

Section H. Privacy Act Provisions

Personnel records are covered by the Privacy Act of 1974. Applicable systems of records are 09-40-0001, "Public Health Service (PHS) Commissioned Corps General Personnel Records, HHS/PSC/HRS;" 09-40-0003, "PHS Commissioned Corps Board Proceedings, HHS/PSC/HRS;" and 09-40-0004, "PHS Commissioned Corps Grievance, Investigatory and Disciplinary Files, HHS/PSC/HRS."