



THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1200

**JUL 23 1996**

**MEMORANDUM FOR:** SURGEON GENERAL OF THE ARMY  
SURGEON GENERAL OF THE NAVY  
SURGEON GENERAL OF THE AIR FORCE

**SUBJECT:** Policy For Off-Duty Employment By DoD Health Care Practitioners

This memorandum updates policy and assigns responsibilities regarding off-duty employment by all DoD healthcare practitioners. Off-duty employment is defined as services by a DoD healthcare practitioner during his or her off-duty time for which compensation is received. The attached policy standards apply to all active duty and civilian healthcare practitioners required to possess a professional license or other authorization as prescribed in DoD Directive 6025.13, "Clinical Quality Management Program (CQMP) in the Military Health Services System (MHSS)," July 20, 1995 (reference a). The Military Services may also apply this policy to other unlicensed technical and assistive healthcare personnel (e.g., x-ray technicians, nursing assistants) when appropriate.

Commanders may authorize off-duty employment upon written request of the healthcare practitioner when such activities do not interfere with provision of healthcare services or mission accomplishment. The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Regulation (reference b) and Section 5536 of title 5, United States Code (reference c), address criteria for qualifying as a CHAMPUS provider, and receipt of Government compensation above normal pay and allowances for medical care furnished. Practitioners who are active duty service members or civilian employees of the Government shall not be authorized CHAMPUS providers, and are disallowed from receiving reimbursement for providing this care. This restriction does not apply to dental services provided to CONUS enrollees of the TRICARE Family Member Dental Plan. When necessary, personnel should consult DoD 5500.7R, "Joint Ethics Regulation (JER)," August 1993, authorized by DoD Directive 5500.7, August 30, 1993 (reference d) and their Ethics Counselor to clarify questions of conduct and other ethical issues related to off-duty employment and compensation.

Stephen C. Joseph, M.D., M.P.H.

Attachment  
As stated

**HA POLICY 96-050**

## **POLICY STANDARDS FOR OFF-DUTY EMPLOYMENT BY DoD HEALTHCARE PRACTITIONERS**

### **1. REFERENCES**

- a. DoD Directive 6025.13, "Clinical Quality Management Program (CQMP) in the Military Health Services System (MHSS)," July 20, 1995
- b. DoD 6010.8-R, "Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," July 12, 1991, authorized by DoD Instruction 6010.8, October 24, 1984
- c. Section 5536 of title 5, United States Code
- d. DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1993, authorized by DoD Directive 5500.7, August 30, 1993

### **2. RESPONSIBILITIES**

#### **a. Commander.**

1. Commanders may authorize off-duty employment upon written request of healthcare practitioners when such activities do not interfere with provision of healthcare services or mission accomplishment. Commanders should consider factors such as hours per week, work site proximity, travel time, and impact on civilian communities and practitioners when reviewing such requests.
2. Permission to engage in off-duty employment shall be documented in writing and may be withdrawn at any time by the commanding officer.
3. Personnel enrolled in graduate training programs shall not be authorized to engage in off-duty employment.
4. Commanders shall ensure the annual review of practitioners' compliance with applicable policy and regulatory guidance.

#### **b. DoD Healthcare Practitioner.**

1. DoD healthcare practitioners desiring to engage in off-duty employment must submit a written request which includes:
  - a. A statement of understanding of applicable DoD regulations;

- b. Written acceptance from the off-duty employer of the practitioner's availability, patients for whom services may be provided, compensation limitations, and contract restrictions, and;
  - c. The impact on the civilian community and practitioners (e.g., statement from employer, local medical society, or practitioner's own assessment).
2. Practitioners must certify their compliance annually with applicable policy and regulatory guidance, and whenever there is a change in off-duty employment status.
3. Practitioners are responsible for complying with all requirements to practice in the civilian community, such as state licensure, Drug Enforcement Agency certification, and medical malpractice coverage.
4. DoD healthcare practitioners cannot be authorized TRICARE or CHAMPUS providers (reference b) or be reimbursed for providing TRICARE or CHAMPUS services to DoD beneficiaries (reference c). This restriction does not apply to dental services provided to CONUS enrollees of the TRICARE Family Member Dental Plan.

### **3. QUALITY MANAGEMENT**

- a. Commanders shall withdraw permission to engage in off-duty employment for all DoD healthcare practitioners at the beginning of any inquiry into potentially reportable actions of misconduct (reference a) until the issues are resolved.
- b. Commanders shall ensure that the appropriate officials at all civilian places of employment are immediately notified whenever permission is withdrawn for practitioners to engage in off-duty