

CHAPTER 63

HEALTH CARE OFFICERS ON
ACTIVE DUTY IN SUPPORT OF THE PERSIAN GULF CONFLICT6301 AUTHORITY

Public Law 101-510, Section 1111, 5 November 1990 (reference (q)), authorizes special pay for Reserve medical and dental officers called to active duty in support of Operation Desert Shield (during fiscal years 90 and 91) in the same manner as Regular medical and dental officers. Public Law 102-25, Section 304, 6 April 1991 (reference (dw)), as amended by Public Law 102-190, Section 656, 5 December 1991 (reference (dx)), authorizes special pay for health care officers described in Section 302 (medical officers), 302a (optometrists), 302b (dentists), 302e (nurse anesthetists), or 303 (veterinarians) of title 37, U.S.C. (reference 4) (whichever applies), notwithstanding any requirement in those sections that the call or order to active duty be for a period of not less than 1 year or that the officer execute a written agreement to remain on active duty for a period of not less than 1 year.

6302 DEFINITIONS

630201. Health Care Officer. An officer of the Armed Forces, including Reserve components and National Guard, described in the following sections of title 37 U.S.C. (reference (aa)):

A. Medical Officers (section 302 (reference (aa))). An officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer.

B. Optometrists (section 302a (reference (aa))). An officer of the Army, Navy, or Air Force designated as an optometry officer.

C. Dental Officers (section 302b (reference (aa))). An officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.

D. Nurse Anesthetists (section 302e (reference (aa))). A qualified certified registered nurse anesthetist who is either an officer of the Army or Navy Nurse Corps or an officer of the Air Force designated as a nurse.

E. Veterinarians (section 303 (reference (aa))). An officer of the Veterinary Corps of the

Army or an officer of the Air Force designated as a veterinary officer.

630202. Operation Desert Storm. Operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq including the operation known as Operation Desert Shield.

630203. Persian Gulf Conflict. Means the period beginning on 2 August 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

6303 ENTITLEMENT

630301. Health Care Officers who are otherwise eligible to receive special pay under sections 302, 302a, 302b, 302e or 303 of title 37, U.S.C. (reference (aa)) shall be eligible for such payments for all periods of active duty beginning on or after 1 August 1990 (other than for training) while:

A. A Reserve officer on active duty under a call or order to active duty for a period of less than 1 year in connection with the Persian Gulf Conflict, or

B. A retired officer recalled to active duty under section 688 of title 10, U.S.C. (reference (c)), in connection with the Persian Gulf Conflict, or

C. An officer involuntarily retained on active duty under section 12305 of title 10, U.S.C. (reference (c)), or an officer who has voluntarily agreed to remain on active duty for a period of less than 1 year in support of the Persian Gulf Conflict.

630302. Health care officers voluntarily agreeing to remain on active duty are eligible for payments only for those periods served following the expiration of any previously existing active duty service obligations for education, training or special pay agreements as determined by the Secretary concerned or designee.

630303. Reserve medical and dental officers in either an active or inactive Reserve status who were called or ordered to active duty for a period of less than 1 year in connection with Operation Desert Shield are eligible for special pay effective 1 August 1990. For retired medical or dental

officers called or ordered from an inactive status, their period of eligibility begins 1 August 1990.

630304. The provisions of this chapter will end on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf Conflict.

6304 LIMITATIONS AND RECOUPMENT

630401. Any payments made for periods the health care officer subsequently fails to actually serve on active duty will be recouped on a pro-rata basis.

630402. Medical officers are not entitled to the \$450 per month special pay (see part one, chapter 5, section 0506) for the same period they receive the special pay provided by this chapter. Any payments made under section 302(h) of title 37 U.S.C. (reference (aa)) are to be recouped for any period that special pay is received under this chapter.

630403. Health care officers on active duty for training are not eligible for the four types of special pay, as applicable (additional, board certified, incentive, and variable), even if they support the Persian Gulf Conflict.

6305 BOARD CERTIFICATION WAIVER (MEDICAL AND DENTAL OFFICERS)

630501. Medical and dental officers in categories eligible for board certification pay, who are unable to schedule or complete board certification examinations because of active duty service in connection with the Persian Gulf Conflict, may be eligible for board certification pay if the otherwise eligible officer:

A. Had completed all other requirements for board certification including all requisite graduate medical education prior to the effective date of the call or order to active duty, and

B. The officer successfully completes all required certification examinations within 180 days after release from the duty to which the officer was assigned in connection with the Persian Gulf Conflict.

630502. Secretaries of the military departments or their designees may waive the 180-day limitation for up to 1 year for those officers whose board examinations are not offered within the 180-day

period or in other well-justified cases. Certification must be obtained before the medical or dental officer receives payment.

630503. Payments for periods of active duty pursuant to board certification waivers shall be made in lump sum when that officer successfully completes the first available board certification examination after the release from the duty assignment on which the waiver was based. Officers not successfully completing this first available examination shall only receive board certification pay after they become board certified.

6306 SPECIAL PROVISIONS

630601. All payments provided for in this chapter may be made on a monthly basis, notwithstanding the provisions of sections 302(e), 302b(d) or 302e(e) of title 37 U.S.C. (reference (aa)) that would require some payments to be made annually in advance.

630602. For medical and dental officers previously eligible for payments under Public Law 101-510, section 1111 (reference (q)), payments shall continue to be made effective the first day the eligible officer began active duty in connection with Operation Desert Storm. Retroactive payments are authorized for any period which the eligible officer actually served on active duty under the call or order to active duty described above.

6307 RATES PAYABLE

Any health care officer who meets the eligibility requirements, shall be paid special pay equivalent to their active duty counterpart for the period of time the officer is on active duty. Health care officers will be paid the following rates:

630701. Medical officers are paid the monthly rates in part one, chapter 5, for variable special pay, board certified pay, incentive special pay and additional special pay, as applicable.

630702. Dental officers are paid the monthly rates in part one, chapter 6, for variable special pay, board certified special pay and additional special pay, as applicable.

630703. Veterinarians and optometrists are entitled to special pay at the monthly rate of \$100.

630704. Certified registered nurse anesthetists are entitled to incentive special pay at the monthly rate of \$500.