AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

[CHAPTER 658]

AN ACT

To establish a Department of Medicine and Surgery in the Veterans' Administration.

January 3, 1946
[H. R. 4717]
[Public Law 293]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the medical service in the Veterans' Administration, as at present constituted, is hereby abolished and in its stead there is authorized and established in the Veterans' Administration a Department of Medicine and Surgery under a Chief Medical Director. The functions of the Department of Medicine and Surgery shall be those necessary for a complete medical and hospital service to be prescribed by the Administrator of Veterans' Affairs (hereinafter referred to as the Administrator) pursuant to this Act, other statutory authority and regulations established pursuant to law, for the medical care and treatment of veterans.

Veterans' Administration.

Department of Medicine and Surgery.
Functions.

SEC. 2. The Department of Medicine and Surgery shall include the following: Office of the Chief Medical Director, Medical Service, Dental Service, Nursing Service, and Auxiliary Service.

Composition.

SEC. 3. (a) The Office of the Chief Medical Director shall consist of the Chief Medical Director, one Deputy Medical Director, not to exceed eight Assistant Medical Directors, and such other personnel and employees as may be authorized by this Act.

Office of Chief Medical Director.

(b) The Chief Medical Director shall be the Chief of the Department of Medicine and Surgery and shall be directly responsible to the Administrator for the operations of the Department. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Chief Medical Director shall be paid a salary of $12,000 a year.

(c) The Deputy Medical Director shall be the principal assistant of the Chief Medical Director. He shall be a qualified doctor of medicine, appointed by the Administrator. During the period of his service as such, the Deputy Medical Director shall be paid a salary of $11,500 a year.

Deputy Medical Director.

(d) There may be not to exceed eight Assistant Medical Directors, appointed by the Administrator, who shall be paid a salary of $11,000 a year each: *Provided*, That one shall be a qualified doctor of dental surgery who shall be directly responsible to the Chief Medical Director for the operations of the Dental Service.

Assistant Medical Directors.

(e) The Director and Deputy Director of Nursing Service shall be qualified registered nurses, appointed by the Administrator and shall be responsible to the Chief Medical Director for the operation of the Nursing Service. During the period of her service as such, the Director of Nursing Service shall be paid a salary of $8,000 a year and the Deputy Director shall be paid a salary of $7,000 a year.

Director, etc., of Nursing Service.

(f) The Administrator may appoint a chief pharmacist, a chief dietitian, a chief physical therapist, and a chief occupational therapist. During the period of his service as such, each chief shall be paid a salary of $6,000 a year.

Chief pharmacist and other designated chiefs.

(g) Any appointment herein above provided shall be for a period of four years subject to removal by the Administrator for cause.

Period of appointment.

(h) Reappointments may be made for successive like periods.

Reappointment.

SEC. 4. There shall be appointed by the Administrator additional personnel as he may find necessary for the medical care of veterans, as follows:

Additional personnel.

(a) Doctors, dentists, and nurses;

(b) Managers, pharmacists, physical therapists, occupational therapists, dietitians; scientific personnel, such as pathologists, bacteriologists, chemists, biostatisticians, and other medical and dental technologists.

Conditions of eligibility.

SEC. 5. Any person to be eligible for appointment in the Department of Medicine and Surgery must—

Citizenship.

(a) Be a citizen of the United States.

Professional qualifications.

(b) In the Medical Service—

Medical Service.

hold the degree of doctor of medicine or of doctor of osteopathy from a college or university approved by the Administrator, have completed an internship satisfactory to the Administrator, and be licensed to practice medicine, surgery, or osteopathy in one of the States or Territories of the United States or in the District of Columbia.

Dental Service.

(c) In the Dental Service—

hold the degree of doctor of dental surgery from a college or university approved by the Administrator, and be licensed to practice dentistry in one of the States or Territories of the United States or in the District of Columbia.

Nursing Service.

(d) In the Nursing Service—

have successfully completed a full course of nursing in a recognized school of nursing, approved by the Administrator, and be registered as a graduate nurse in one of the States or Territories of the United States or in the District of Columbia.

Auxiliary Service.

(e) In the Auxiliary Service—

(1) manager of hospital, home, or center—

have such business and administrative experience and qualifications as the Administrator shall prescribe;

(2) pharmacist—

hold the degree of bachelor of science in pharmacy, or its equivalent, from a school of pharmacy approved by the Administrator, and be registered as a pharmacist in one of the States or Territories of the United States or in the District of Columbia;

(3) physical therapists, occupational therapists, dietitians, and other auxiliary employees shall have such scientific or technical qualifications as the Administrator shall prescribe.

Appointments while on terminal leave.

(f) Persons may be appointed under this Act while on terminal leave from the armed forces and may be paid for their services rendered under such appointment notwithstanding any law or regulation to the contrary.

Appointments of doctors, dentists, and nurses.

SEC. 6. (a) Appointments of doctors, dentists, and nurses shall be made only after qualifications have been satisfactorily established in accordance with regulations prescribed by the Administrator, without regard to civil-service requirements.

Probationary period.

(b) Such appointments as described in subsection (a) of this section shall be for a probationary period of three years and the record of each person serving under such appointment in the Medical, Dental, and Nursing Services shall be reviewed from time to time by a board, appointed in accordance with regulations of the Administrator, and if said board shall find him not fully qualified and satisfactory he shall be separated from the service.

Separations.

Promotions.

(c) Promotions of doctors, dentists, and nurses shall be made only after examination given in accordance with regulations prescribed by the Administrator. Automatic promotions within grade may be made in increments of the minimum pay of the grade in accordance with regulations to be prescribed by the Administrator.

Status of doctors, etc., in present Medical Service.

(d) Doctors, dentists, and nurses in the present Medical Service shall be continued in their present positions until the Administrator shall have determined their qualifications as provided in subsection (a) of this section.

Reinstatement in Federal civil service. Eligibility.

(e) In determining eligibility for reinstatement in Federal civil service of persons appointed to positions in the Department of Medi-

cine and Surgery, who at the time of appointment shall have a civil-service status, and whose employment in the Department of Medicine and Surgery is terminated, the period of service performed in the Department of Medicine and Surgery shall be included in computing the period of service under Civil Service Rule IX, except that this subsection shall not be construed as authorizing restoration of any position abolished by section 1 of this Act.

Grades and per annum full-pay.

SEC. 7. (a) The grades and per annum full-pay ranges for positions provided in subsection (a) of section 4 of this Act shall be as follows:

MEDICAL SERVICE

Chief grade, $8,750 minimum to $9,800 maximum.
Senior grade, $7,175 minimum to $8,225 maximum.
Intermediate grade, $6,230 minimum to $7,070 maximum.
Full grade, $5,180 minimum to $6,020 maximum.
Associate grade, $4,300 minimum to $5,180 maximum.
Junior grade, $3,640 minimum to $4,300 maximum.

DENTAL SERVICE

Senior grade, $7,175 minimum to $8,225 maximum.
Intermediate grade, $6,230 minimum to $7,070 maximum.
Full grade, $5,180 minimum to $6,020 maximum.
Associate grade, $4,300 minimum to $5,180 maximum.
Junior grade, $3,640 minimum to $4,300 maximum.

NURSING SERVICE

Assistant Director, $5,180 minimum to $6,020 maximum.
Senior grade, $4,300 minimum to $5,180 maximum.
Full grade, $3,640 minimum to $4,300 maximum.
Associate grade, $2,980 minimum to $3,640 maximum.
Junior grade, $2,320 minimum to $2,980 maximum.

Conditions of employment.

(b) Notwithstanding any law, Executive order, or regulation, the Administrator shall prescribe by regulation the hours and conditions of employment and leaves of absence of doctors, dentists, and nurses.

Medical or surgical specialist.

SEC. 8. (a) Within the restrictions herein imposed, the Chief Medical Director may rate any doctor appointed under subsection (a) of section 4 of this Act as a medical or surgical specialist: *Provided*, That no person shall at any one time hold more than one such rating.

Requirement as to certification, etc.

(b) No person may be rated as a medical or surgical specialist unless he is certified as a specialist by an American specialty board, recognized by the Administrator where such boards exist; or if no such boards exist, he has been examined and found qualified by a board appointed by the Chief Medical Director from specialists of the Department of Medicine and Surgery holding ratings in the specialty to which the candidate aspires: *Provided*, That, whenever there are insufficient specialists, rated in the proper specialty, who are readily available to constitute such a board, the Chief Medical Director may substitute consultants with comparable qualifications employed under section 14 of this Act.

Consultants.

Post, p. 679.

Retention of rating.

(c) Any person, rated as a medical or surgical specialist under the provisions of this section shall retain such rating until it shall be withdrawn by the Chief Medical Director: *Provided*, That the Chief Medical Director shall not withdraw any such rating until it shall have been determined by a board of specialists that the person holding such rating is no longer qualified in his specialty.

Allowance additional to basic pay.

(d) Any person, rated as a medical or surgical specialist under the provisions of this section, shall receive, in addition to his basic pay,

an allowance equal to 25 percent of such pay: *Provided*, That in no event shall the pay plus the allowance authorized by this subscription exceed $11,000 per annum.

Retirement.

SEC. 9. Persons appointed to the Department of Medicine and Surgery shall be subject to the provisions of and entitled to the benefits under the Civil Service Retirement Act of May 22, 1920, as amended (5 U. S. C. 691 and the following).

41 Stat. 614.
5 U. S. C., Supp. IV, § 691 *et seq.*
Ante, pp. 577, 621.

Disciplinary boards.

SEC. 10. (a) The Chief Medical Director, under such regulations as the Administrator shall prescribe, shall from time to time appoint boards to be known as disciplinary boards, each such board to consist of not less than three nor more than five employees, senior in grade, of the Department of Medicine and Surgery, to determine, upon notice and fair hearing, charges of inaptitude, inefficiency, or misconduct of any person employed in a position provided in subsection (a) of section 4 of this Act.

Ante, p. 675.

Oaths.

(b) The Administrator shall appoint the chairman and secretary of the board, each of whom shall have authority to administer oaths.

Investigators.

(c) The Chief Medical Director may designate or appoint one or more investigators, to assist each disciplinary board in the collection and presentation of evidence. Any person answering to charges before a disciplinary board may be represented by counsel of his own choosing.

Counsel.

Recommendation of board.

(d) A disciplinary board, when in its judgment charges are sustained, shall recommend to the Administrator suitable disciplinary action, within limitations prescribed by the Administrator, which shall include reprimand, suspension without pay, reduction in grade, and discharge from the Department of Medicine and Surgery of such person. The Administrator shall either approve the recommendation of the board, approve such recommendation with modification or exception, approve such recommendation and suspend further action at the time, or disapprove such recommendation. He shall cause to be executed such action as he approves. The decision of the Administrator shall be final.

Additional employees.

Ante, p. 675.

Post, p. 679.

SEC. 11. There shall be appointed by the Administrator under civil-service laws, rules, and regulations, such additional employees, other than those provided in section 3, subsection (a) of section 4, and those specified in section 14 of this Act as may be necessary to carry out the provisions of this Act: *Provided*, That employees of the Medical Service as at present constituted, other than those provided in section 3, subsection (a) of section 4, and section 14 of this Act, shall receive original appointments to the Department of Medicine and Surgery in their present civil-service status upon certification of satisfactory service by the manager of the hospital, home, or center where such person is presently employed: *And provided further*, That the per annum salary range for hospital attendants shall be $1,572 minimum to $1,902 maximum.

Present employees of Medical Service.

Hospital attendants.

Special medical advisory group.

SEC. 12. The Administrator shall establish a special medical advisory group composed of members of the medical and allied scientific professions, nominated by the Chief Medical Director, whose duties shall be to advise the Administrator, through the Chief Medical Director, and the Chief Medical Director direct, relative to the care and treatment of disabled veterans, and other matters pertinent to the Department of Medicine and Surgery. The special medical advisory group shall conduct regular calendar quarterly meetings. The number, terms of service, compensation, and allowances to members of such advisory group shall be in accord with existing law and regulations.

Expenses authorized.

Ante, p. 675.

SEC. 13. (a) The expenses, except membership fees, of employees described in section 3 and subsection (a) of section 4 of this Act

detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related sciences are hereby authoried subject to available appropriations.

Course of training.
Ante, p. 675.

(b) (1) The Administrator is authorized to place employees of the Department of Medicine and Surgery described in section 3 and subsection (a) of section 4 of this Act on duty, for a period not to exceed ninety days in a year, in schools, of the Army, Navy, and Public Health Service, and in civil institutions of learning, with the consent of the authorities concerned, for the purpose of increasing the professional knowledge or technical training of the personnel of the Department: *Provided*, That not to exceed 5 per centum of the personnel of the Department be placed upon such duty at any one time.

Limitation.

Tuition, etc.

(2) The Administrator is authorized, subject to available appropriations, to pay for tuition, transportation, and educational fees of personnel placed on duty under the provisions of subsection (b) (1) of this section.

Requirement.

(c) Any person authorized to attend a course of training shall be required to reimburse the Veterans' Administration the expenses thereof if he voluntarily leaves the service within two years after completion of such course.

Employment of personnel on temporary full-time basis, etc.
42 Stat. 1488.
5 U. S. C. § 661; Supp. IV, § 661 *et seq.*
Ante, p. 298 *et seq.*
Ante, pp. 675, 678.

SEC. 14. (a) The Administrator, upon the recommendation of the Chief Medical Director, may employ, without regard to the Classification Act of 1923, as amended, physicians, dentists, and nurses, on a temporary full-time, part-time, or fee basis; and dietitians, social workers, librarians, and such other professional, clerical, technical, and unskilled personnel, in addition to personnel described in section 3, subsection (a) of section 4, and section 11 of this Act, on a temporary full-time or part-time basis at such rates of pay as he may prescribe: *Provided*, That no temporary full-time appointment shall be for a period of more than ninety days.

Other employment provisions.

(b) The Administrator shall have authority to establish residencies; to appoint qualified persons to such positions without regard to civil service or classification laws, rules, or regulations; and to prescribe the conditions of such employment, including necessary training, and the customary amount and terms of pay during the period of such employment and training.

Regulations.

SEC. 15. The Chief Medical Director with the approval of the Administrator, unless specifically otherwise provided, shall promulgate all regulations necessary to the administration of the Department of Medicine and Surgery and consistent with existing law, including regulations relating to travel, transportation of household goods and effects, and deductions from pay for quarters and subsistence; and to the custody, use, and preservation of the records, papers, and property of the Department of Medicine and Surgery.

Effective date.

SEC. 16. This Act shall be effective from the date of its approval.

Approved January 3, 1946.