

VA HUMAN RESOURCES MANAGEMENT POLICY



PART TWO

**EMPLOYMENT OF PHYSICIANS, DENTISTS,
PODIATRISTS, OPTOMETRISTS,
NURSES, PHYSICIAN ASSISTANTS, EXPANDED-FUNCTION DENTAL
AUXILIARIES, CERTIFIED OR REGISTERED RESPIRATORY
THERAPISTS, LICENSED PHYSICAL THERAPISTS, LICENSED
PRACTICAL OR VOCATIONAL NURSES, PHARMACISTS,
OCCUPATIONAL THERAPISTS
AND OTHER EXCEPTED PERSONNEL
UNDER TITLE 38, UNITED STATES CODE,
CHAPTERS 73 AND 74**

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INTRODUCTION

1. PURPOSE

a. Public Law 293, 79th Congress, now incorporated in 38 U.S.C. chs. 73 and 74, authorized the establishment of a Department of Medicine and Surgery, now referred to as the Veterans Health Administration (VHA), within the VA (see par. 6 below for information on contents of chs 73 and 74.). A primary purpose of this act was to insure an adequate and complete medical service for the care and treatment of veterans. The act also provided for employment and utilization of physicians, dentists, and nurses within the department without regard to civil service laws, rules, and regulations--such employment and utilization to be in accordance with regulations prescribed by the Secretary of the Department of Veterans Affairs. Public Law 94-123, 94th Congress, provided for the inclusion of physician assistants and expanded-function dental auxiliaries. Public Law 94-581, 94th Congress, provided for the inclusion of podiatrists and optometrists. Public Law 96-330, 96th Congress, provided for the inclusion of non-physician facility Directors. Public Laws 98-160 and 98-528, 98th Congress, and Public Law 99-576, 99th Congress provided for the inclusion of authorities for the appointment, qualifications, advancement, and pay of certified or clinical counseling psychologists who hold diplomas or diplomates from an accrediting authority approved by the Secretary, certified or registered respiratory therapists, licensed physical therapists, and licensed practical or vocational nurses. Public Laws 100-322 and 100-687, 100th Congress, provided for the inclusion of authorities for the appointment, qualifications, advancement, and pay of pharmacists and occupational therapists..

b. The purpose of part II of VA Manual MP-5 is to prescribe the regulations of the Secretary authorized to be issued by 38 U.S.C. chs. 73 and 74. The provisions of this part are regulatory, no deviations, not expressly authorized herein, to be indulged. This part serves to provide in a basic agency medium those policies and regulations of the Secretary which serve to comprise a program of human resources management administration for those subject to 38 U.S.C. chs. 73 and /or74.

2. SCOPE

a. Part II sets forth the requirements of the Secretary of the Department of Veterans Affairs applicable to non-physician facility Directors, physicians, dentists, podiatrists, optometrists, nurses, physician assistants, expanded-function dental auxiliaries, certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists employed under 38 U.S.C. chs. 73 and/or74. It prescribes rules for such personnel employed or utilized under the title, whenever and to the extent that their conditions of employment are not subject to other acts. Part II establishes basic policies, programs, and standards for these employees in all functional areas of human resources management administration, together with indications of authorities for administrative decisions, including the establishment and functions of various administrative or advisory boards.

b. The Under Secretary for Health is delegated authority to make such implementations of the provisions of MP-5, part II, as are deemed necessary to make the policies and regulatory

provisions contained in this part fully effective. Such implementation will be issued in the VHA Supplements to MP-5, part II.

3. ORGANIZATION AND FORMAT

a. Part II is divided into numbered chapters. Chapters may be divided into sections as required. Each chapter or section thereof contains a table of contents with breakdowns of sections, paragraphs, and subparagraphs as necessary to facilitate reference to material in the chapter.

b. Each chapter or section ordinarily will contain at least three standard paragraphs: Scope of applicability of the chapter or section will be placed in the first paragraph; basic legal and regulatory references will be listed in the second paragraph; and the policy statement will be set forth in the third paragraph.

4. MAINTENANCE

Amendments or additions to material in part II will be issued in the manner prescribed by MP-1, part II, chapter 14

5. DISTRIBUTION

a. Copies of MP-5, part II, will be distributed to officials responsible for carrying out the human resources management program for those subject to 38 U.S.C. chs. 73 and 74. Each using office should limit copies of part II to those which must be readily maintained on a current basis for active day-to-day use.

b. A complete and current copy of MP-5, part II, will be maintained in the human resources management office of each VA establishment having VHA activities to serve as the official station copy.

6. TITLE 38, UNITED STATES CODE, CHAPTERS 73 AND 74

The full Title 38 not reprinted here.

MP-5

PART II

VHA Supplement

DEPARTMENT OF VETERANS AFFAIRS MANUAL

**Veterans Health Administration
Supplement to
VA HUMAN RESOURCES
MANAGEMENT POLICY**



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CHAPTERS 73 AND 74**

WASHINGTON, D.C. 20420

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INTRODUCTION

1. PURPOSE AND SCOPE

a. The purpose of this supplement is to provide human resources management administrative instructions and procedures to assist in establishing and maintaining a positive, progressive and well-integrated program within the framework laid down in basic agency human resources management policy of VA Manual MP-5, part II.

b. This supplement will specifically provide for human resources administrative instructions for physicians, dentists, podiatrists, optometrists, registered nurses, physician assistants, expanded-function dental auxiliaries, certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, occupational therapists, residents, interns, and other excepted personnel employed under the provisions of title 38, United States Code. Nothing contained in this supplement shall be construed as being in lieu of, or superseding, the basic agency policy contained in MP-5, part II.

2. ORGANIZATION

a. This supplement is divided into chapters which are numbered according to the related chapters in part II (i.e., MP-5, pt. II, ch. 5, governs the policy on advancements; the chapter of this supplement providing administrative instructions and procedures for advancements is VHA Supplement to ch. 5, MP-5, pt. II). Individual chapters are divided into sections as required. Each chapter contains a table of contents, which to the extent possible, agrees with the one contained in its related chapter of part II. The contents page breaks down the chapter into sections and paragraphs, as necessary, to facilitate reference to the material contained therein.

b. Each chapter or section will ordinarily contain three standard paragraphs: Scope or applicability of the chapter is placed in the first paragraph; basic legal and regulatory references are listed in the second paragraph; authority and responsibility are placed in the third paragraph. Definitions when required precede the third paragraph.

c. The administrative instructions and procedures outlined in the chapters, including forms, files, records and reports, are mandatory except when otherwise indicated.

3. DISTRIBUTION AND MAINTENANCE

a. Distribution of this supplement will correspond to the distribution authorized for MP-5, part II.

b. Chapters of this supplement are printed on salmon colored paper which will distinguish the supplement chapters from the policy chapters of part II.