

INFORMATION PAPER

MCHM-CJA
18 September 2015

SUBJECT: WBAMC Off-Duty Employment Procedures and Responsibilities

1. References:

- a. DoD Manual 6025.13, Medical Quality Assurance and Clinical Quality Management in the Military Health System, 29 Oct 13
- b. MEDCOM Reg. 600-3, Off-Duty Employment, 2 Oct 12
- c. WBAMC Reg. 600-3, Off Duty Employment, 23 Mar 12

2. Application. The off-duty employment (ODE) rules apply to all active duty personnel and Department of Defense civilian employee healthcare practitioners assigned to MEDCOM and subordinate activities.

3. Requirements.

a. All military personnel and DoD civilian health care providers are prohibited from engaging in ODE (including teaching, lecturing, writing, consulting and temporary duty) without the WBAMC Commander's **PRIOR** approval. A separate ODE request is required for each outside employer.

b. ODE limitations:

1. 16 hours per week;
2. Must have 6 hours of rest between ODE and onset of official duties;
3. Cannot involve any expense to the Government;
4. Must be conducted during non-duty hours and outside WBAMC medical treatment facilities;
5. Must be within 2 hours ground transportation from El Paso unless on approved leave;
6. Cannot involve any conflict of interest or appearance of a conflict of interest between official duties and ODE;
7. May not involve use of official title or expense to the Government;
8. No expert opinions in support of private litigation;
9. No private (solo) practice or continuing patient care;
10. Employer cannot bill Tricare for provision of care to a DoD beneficiary;
11. Provider is subject to recall in event of mass casualty or other emergency;
12. ODE can be revoked by the WBAMC Commander at any time;
13. Permissive TDY, a pass, or compensatory time off cannot be granted for the purpose of engaging in ODE;
14. GME personnel cannot engage in ODE; and
15. Authorization for ODE must be in writing.

c. Application Process. Providers desiring to engage in ODE must submit a written request. Forms are available from Troop Command (military) or WBAMC Civilian HR Office. The application must include:

1. A statement of understanding of regulatory limitations;
2. Written acceptance from the outside employer of the provider's availability and any limitations on patients the provider may treat and payments for care rendered.
3. A statement of the impact of ODE on civilian community and providers (e.g. statement from employer, local medical society, or provider's own assessment.
4. Evidence of receipt of an ODE legal briefing from the CJA Office (call 742-2131 to schedule a briefing).

d. Reporting Requirements. All personnel engaging in ODE must submit a report of the number of hours worked to their command or civilian HR not later than the 10th day of each month. Negative reports are required. All personnel with approved ODE must also submit an annual report updating their ODE status.

5. Penalties for Non-Compliance. Personnel subject to the Uniform Code of Military Justice (UCMJ) who fail to comply with the provisions of MEDCOM Reg. 600-3 are subject to punishment under the UCMJ and/or adverse administrative actions. Civilian health care providers are likewise subject to adverse personnel action.

6. Points of Contact.

a. For military ODE applications, contact Mr. Velasquez at 742-4391, or darryl.m.velasquez.civ@mail.mil.

b. For civilian ODE applications, contact Mr. Salas at 742-0839 or louis.salas.civ@mail.mil.

7. Questions relating to ODE policy should be addressed to the Office of the Center Judge Advocate at 742-2131/2280.

Mr. Sposato/742-2131
Approved by: Mr. Sposato