

**ESTABLISHING A DEPARTMENT OF MEDICINE AND
SURGERY IN THE VETERANS' ADMINISTRATION**

DECEMBER 18 (legislative day, OCTOBER 29), 1945.—Ordered to be printed

Mr. JOHNSON of Colorado, from the Committee on Finance, submitted the following

R E P O R T

[To accompany H. R. 4717]

The Committee on Finance, to whom was referred the bill (H. R. 4717) to establish a Department of Medicine and Surgery in the Veterans' Administration, and for other purposes, having considered the same, report favorably thereon, without amendment, and recommend that the bill be passed.

Your committee and a subcommittee thereof have most carefully considered the proposed legislation and held hearings on H. R. 4717, and in the light of the testimony presented by the Administrator of Veterans' Affairs and other data furnished the committee feel there is urgent need for this legislation.

This legislation to accomplish the general purpose as set forth in the bill has the approval, in principle, of the President and has been strongly recommended by the Veterans' Administration as being essential and vital, and that such legislative relief is one of the most urgent needs.

Your committee has determined on all of the facts that such legislation should (1) incorporate adequate provisions as to organization and authority without military aspects; (2) provide by statute certain positions with adequate salary stipulations, with specified salary ranges for doctors, nurses, and dentists, and a special salary range for attendants; (3) authorize appointments to certain specified positions without regard to civil service, by the Administrator of Veterans' Affairs; (4) provide a civil-service system of retirement in preference to a military system; (5) retain classified civil service for positions not specifically exempted therefrom by the bill; (6) incorporate authority to dispense with the services of unsatisfactory or disqualified employees in certain categories without the restrictions of the laws and regulations pertaining to civil service; and (7) incorporate such special provisions as are necessary to insure an adequate and complete

medical and hospital service in the Veterans' Administration, as intended by the bill. H. R. 4717 will meet these objectives.

To reveal the urgent need of a more satisfactory organization and for special provisions to attract necessary personnel, your committee is advised that position vacancies as of October 24, 1945, in the medical and hospital personnel in all categories numbered 9,081, and anticipated shortage for January 1, 1946, was 15,738. Out of the total of 9,081 vacancies October 24, 1945, 6,680 pertain to doctors, dentists, nurses, and attendants. Out of the total of 15,738 vacancies anticipated for January 1, 1946, 11,910 pertain to doctors, dentists, nurses, and attendants.

The Veterans' Administration is handicapped in filling many of these vacancies because it is unable to offer satisfactory inducements to prospective employees. The employment salaries are subject to civil-service restrictions and there cannot be included any of the additional benefits, such as certain special allowances, opportunity for advancement, or other requisite advantages offered elsewhere.

EXPLANATION OF THE BILL

Section 1 of the bill would abolish the medical service in the Veterans' Administration as at present constituted and would establish in its stead a Department of Medicine and Surgery under a Chief Medical Director. The functions of the Department of Medicine and Surgery would be those necessary for a complete medical and hospital service to be prescribed by the Administrator of Veterans' Affairs.

Section 2 of the bill provides that the Department of Medicine and Surgery shall include the Office of the Chief Medical Director, Medical Service, Dental Service, Nursing Service, and Auxiliary Service.

Section 3 provides that the Office of the Chief Medical Director shall consist of the Chief Medical Director, one Deputy Medical Director, eight Assistant Medical Directors, and such other personnel and employees as may be authorized by the act. It provides for appointment by the Administrator of the Chief Medical Director at a salary of \$12,000 a year, the Deputy Medical Director at a salary of \$11,500 a year, eight Assistant Medical Directors at a salary of \$11,000 a year each, the Director of Nursing Service at a salary of \$8,000 a year, a chief pharmacist, chief dietitian, chief physical therapist, and chief occupational therapist, each at a salary of \$6,000 a year. These appointments will be for a period of 4 years subject to removal by the Administrator for cause. Reappointments may be made for successive like periods.

Section 4 provides for appointment by the Administrator of additional personnel as he may find necessary for the medical care of veterans in the following groups:

- (a) Doctors, dentists, and nurses; and
- (b) Managers, pharmacists, physical therapists, occupational therapists, dietitians, and scientific personnel and other medical and dental technologists.

Section 5 prescribes the conditions of eligibility for appointments to the Department of Medicine and Surgery. The first requirement is that any person so appointed must be a citizen of the United States. There are then provided the professional and other qualifications for doctors, dentists, nurses; and in the auxiliary service—managers of

hospitals, homes, or centers—pharmacists, physical therapists, occupational therapists, dietitians, and other auxiliary employees. It is provided that 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.

Section 6 provides that the appointments of doctors, dentists, and nurses shall be made only after their qualifications have been satisfactorily established in accordance with regulations prescribed by the Administrator and without regard to civil-service requirements. There is provided a probationary period of 3 years with necessary administrative provisions for review of employment records and for separation from the medical, dental, or nursing services if the person is found not fully qualified and satisfactory. Provision is made for promotion of doctors, dentists, and nurses on the basis of examinations and automatic promotions may be made within grade. Doctors, dentists, and nurses in the present medical service will be continued in their present positions until their qualifications are determined as heretofore indicated. Provision is also made for including in the computation of service for civil-service reinstatement purposes, service performed in the Department of Medicine and Surgery by persons appointed to positions therein, who at time of appointment shall have a civil-service status, and whose employment in such Department is terminated. However, this provision will not permit restoration of any position abolished by section 1 of the act.

Section 7 establishes the grades and per annum full-pay ranges for positions of doctors, dentists, and nurses provided in section 4, subsection (a). The Administrator is authorized to prescribe by regulations the hours and conditions of employment and leave of absence of doctors, dentists, and nurses.

Section 8 authorizes the Chief Medical Director to rate any doctor appointed under section 4, subsection (a), as a medical or surgical specialist, but no person may at any one time hold more than one such rating. It provides for the conditions under which such ratings shall be granted, the duration of such rating, and that a person rated as a medical or surgical specialist shall receive in addition to his basic pay an allowance equal to 25 percent of such pay, but the pay plus the allowance may not exceed \$11,000 per annum.

Section 9 provides that 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, as amended.

Section 10 applies to any person employed in a position provided in subsection (a) of section 4 of this act and provides that the Chief Medical Director, under regulations to be prescribed by the Administrator, shall appoint disciplinary boards, provide for their organization, the procedure to be followed, for the conducting of investigations and answering of charges. It provides for disciplinary action by the Administrator on recommendation of the board in those cases where charges are sustained. The decision of the Administrator shall be final.

Section 11 provides for appointments under civil-service laws, rules, and regulations of such additional employees, other than those provided in section 3, subsection (a) of section 4, and section 14 of the

act, as may be necessary to carry out the provisions of the act. It is provided that employees in the medical service as at present constituted, other than those provided in section 3, subsection (a) of section 4, and section 14, 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. It is provided that the per annum salary range for attendants shall be \$1,572 minimum to \$1,902 maximum.

Section 12 provides that 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. The board shall 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. Provision is made for regular calendar quarterly meetings, and for the number, terms of service, compensation, and allowances to members.

Section 13 provides expenses, except membership fees, of employees described in section 3 and subsection (a) of section 4, detailed by the Chief Medical Director to attend meetings of associations for the promotion of medical and related sciences, subject to available appropriations. The Administrator is authorized to place employees of the Department of Medicine and Surgery described in section 3 and subsection (a) of section 4 on duty for a period not to exceed 90 days in a year in schools of the Army, Navy, and Public Health Service, and in civil institutions with the consent of authorities concerned, for the purpose of increasing professional knowledge or technical training. It is provided that not in excess of 5 percent of the personnel of the Department may be placed on such duty at one time. Provision is made, subject to available appropriations, for tuition, transportation, and educational fees of persons so placed on duty. Any person authorized to attend such course shall be required to reimburse the Veterans' Administration the expenses thereof if he voluntarily leaves the service within 2 years after the completion of such course.

Section 14 provides for employment by the Administrator, upon recommendation of the Chief Medical Director and without regard to the Classification Act of 1923, as amended, of certain types of personnel on temporary full-time, part-time, or fee basis, and other types on a temporary full-time or part-time basis, but no temporary full-time appointment shall be made for a period of more than 90 days. This section also provides for the establishment of residencies and appointment to such positions without regard to civil service or classification laws, rules, or regulations; the conditions of such employment; and the customary amounts and terms of pay during the period of such training. Residency training in most specialties would embrace training outside the hospital in connection with the school, part of the time not being spent on work directly productive for the Veterans' Administration. It is not practicable to appoint such personnel to an established position, such as the doctor, junior grade. This authority is granted in order to retain uniformity with actual practice throughout the United States in connection with residency employment because the average pay scales in residency employment are less than the scale

for the minimum entrance salary of positions such as doctor, junior grade.

Section 15 provides that 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.

Section 16 provides that this act shall be effective from the date of its approval.

