

**THE INDIAN HEALTH SERVICE**  
**DENTAL PROGRAM**

**An informational packet for dentists considering employment in the  
Indian Health Service**

## ***The Indian Health Service Dental Program***

*We appreciate your interest in seeking employment in an Indian Health Service (IHS) or Tribal dental clinic.*

*This welcome packet has been developed to introduce you to an IHS or Tribal dental program. It provides you with general information about the IHS, employment details, matters pertinent to Commissioned Officers of the Public Health Service, and other topics. Many answers to commonly asked questions can be found in these pages. The information is designed to help you decide whether a position or even a career with the IHS is appropriate for you. Should you decide to accept a position with an Indian Health Program, the information should also help you to decide which personnel system best meets your needs. Much of the information in this Orientation Manual comes from various US Public Health Service (PHS) and IHS Internet websites. It is possible that some specific information in the manual may become out-dated over time, between revisions of the manual. Current information can be obtained from the various websites on which it is listed. The first Appendix to this manual (included with this chapter) contains a list of the most important websites, and most of the websites are cited throughout this document.*

### **===== FACTS ABOUT THE INDIAN HEALTH SERVICE =====**

This information can be found in more detail on the IHS website at [www.ihs.gov](http://www.ihs.gov).

Members of Federally recognized Indian Tribes and their descendants are eligible for services provided by the IHS. The IHS is an agency of the PHS, Department of Health and Human Services. The IHS operates a comprehensive health service delivery system for approximately 1.5 million of the nation's two million American Indians and Alaska Natives. Its annual appropriation is approximately \$2.2 billion. The IHS strives for maximum Tribal involvement in meeting the needs of its service population. There are more than 550 Federally recognized Tribes in the United States. Their members live mainly on reservations and in rural communities in 34 states, mostly in the western U.S. and Alaska.

#### **Federal-Tribal Relationship**

Federally recognized Indian Tribes and Alaska Native corporations enjoy a government-to-government relationship with the United States of America. This unique relationship is based on Article I, Section 8 of the United States Constitution and has been given substance through numerous Supreme Court decisions, treaties, legislation, and Executive Orders.

The provision of health services grew out of this government-to-government relationship. The IHS is the principal Federal health care provider and health advocate for Indian people.

IHS services are provided directly by Federal government employees and also through tribally contracted and operated health programs. Health services also include health care purchased from more than two thousand private providers. As of March 1996, the Federal system consisted of 37 hospitals, 64 health centers, 50 health stations, and five school health centers. In addition, 34 urban Indian health projects provide a variety of health and referral services.

The IHS clinical staff consists of approximately 840 physicians, 380 dentists, 100 physician assistants, and 2,580 nurses. IHS also employs allied health professionals, such as nutritionists, health administrators, engineers, and medical records administrators. There is approximately a 10% vacancy rate overall for health professional positions in the IHS.

Through P.L. 93-638 self-determination contracts, the Tribal health programs also provide comprehensive preventive and curative services. As of March 1996, American Indian Tribes and Alaska Native Corporations administered 12 hospitals, 116 health centers, 3 school health centers, 56 health stations, and 167 Alaska village clinics.

All 37 hospitals operated by the IHS and all 12 of the tribally-operated hospitals are accredited by the Joint Commission on Accreditation of Health Care Organizations. Of the IHS health centers, 95 percent are accredited. In addition, 87 percent of IHS health center laboratories are accredited, and 100 percent of IHS hospital laboratories are accredited.

## ==== TYPES OF DENTAL PROGRAMS ====

*There are a variety of dental programs in the IHS. Some programs are administered directly by Tribes and others are run by the government. You will hear people referring to programs as IHS, 638, urban or self-governance. This section gives you brief descriptions of these types of programs.*

**IHS DIRECT** programs are those operated by the Indian Health Service. Dentists in these programs are Commissioned Officers of the Public Health Service or Civil Service employees. Dental assistants are usually Civil Service employees. Dental hygienists can be either Commissioned Officers or Civil Service employees. IHS clinics are usually housed in facilities built and owned by the government; however, it is also possible for an IHS program to reside in buildings owned by the Tribe and leased back to the IHS. IHS programs need to follow all of the regulations of the US Government, including those pertaining to procurement, personnel, finance and contracting. For years, all of the dental programs were of this type, but in recent years a growing percentage of dental programs have become tribally operated.

**TRIBAL/638 PROGRAMS** are so called because of P.L. 93-638, "The Indian Self-Determination and Education Assistance Act," enacted in January of 1975, and its amendments. Under the provisions of this law, Native groups are allowed to assume management and operation of their health programs through contracts and compacts with the IHS. The resources available to 638 programs are commensurate with those that

would have been available had the clinic remained under IHS operation. Tribes can accept responsibility for management of the entire health care facility or only certain portions of health care. P.L. 93-638 also allows Commissioned Officers to be assigned to a Tribal organization by means of a Memorandum of Agreement (MOA). This Act also amended the Intergovernmental Personnel Act (IPA) to allow Tribal organizations to employ civil service employees. Other than MOA or IPA employees, dental personnel working in 638 programs are hired directly by the Tribe ("direct Tribal hires"). Programs of this type do not need to follow the same Federal regulations regarding personnel, procurement or finance as do direct IHS programs.

**TRIBAL SELF-GOVERNANCE** In 1992 P.L. 102-573 amended Title III of P.L. 93-638 to authorize the Indian Health Service to enter into Self Governance compacts and annual funding agreements with American Indians and Alaska Natives. This legislation empowered the Tribes to plan, conduct, consolidate and administer those programs, services and functions that are administered by the IHS. Self-Governance programs have tremendous flexibility to operate as they deem best. Commissioned Officers and Civil Servants can work in a Self-Governance program under conditions set by contracts (MOA or IPA) between the Tribe and the government.

**URBAN PROGRAMS** IHS funding for "437" urban programs is authorized by "The Indian Health Care Improvement Act," P.L. 94-437. These programs also receive funding from state, local and private funds. Dental services are normally provided either directly or by a referral service. The IHS plays a consultative role to these programs, whose specifications and requirements are defined by contractual scope of work.

## ==== PERSONNEL SYSTEMS ====

**CIVIL SERVICE SYSTEM** The majority of persons working for the Federal government are civil servants. Each position being filled must have a position description, which is formulated by the person who is the supervisor for this position. A classification specialist evaluates the duties required of the job and determines a rating for the position. This rating sets the grade level for the position description, which determines the amount of compensation for the job. Dental assistants are usually classified anywhere from a GS-2 or 3 (entry level) to a GS-7 (supervisory duties). Dentists are classified from a GS-11 to a GS-15. Dental hygienists are classified from the GS-5 level to that of GS-12. The Civil Service System employs all kinds of employees including most health professionals. Many of the physicians and nurses working in the Indian Health Service are Civil Service employees.

The Civil Service system also includes Title 38. Title 38 is a category of civil service employment for full-time physicians and dentists; the pay schedule is higher for each grade and various bonuses are available to help bring total compensation more in line with what similar professionals are earning in the private sector. Persons hired under Title 38 are not eligible to receive compensatory time or overtime pay. To receive Title 38 pay and benefits, a provider must sign a contract, known as an Employee Service Agreement, for a period of a minimum of one year and a maximum of four years. For

more information about Title 38, contact the Area Dental Officer or the Chief, Service Unit Dental Program for the program(s) in which you are interested.

**COMMISSIONED CORPS** The Commissioned Corps of the United States Public Health Service is one of the seven uniformed services of the Federal government. It is made up entirely of health professionals from eleven categories - Physician, Dentist, Nurse, Engineer, Pharmacist, Veterinarian, Dietician, Scientist, Sanitarian, Therapist, and Health Service Officer. Many of the dentists working in IHS clinics, and many in tribally operated clinics, are Commissioned Officers. Commissioned Officers also serve in the National Health Service Corps, Coast Guard, and Federal Bureau of Prisons, as well as in other Agencies of the Federal government. Detailed information about the Commissioned Corps can be obtained on the Division of Commissioned Personnel website at <http://dcp.psc.gov/> and on the Commissioned Corps website at <http://www.usphs.gov/>.

**TRIBAL EMPLOYMENT** Dentists can be employed by individual Tribes under a fee-for-service, a fee-per-day, or an annual salary basis. Pay scales, benefits, and career development opportunities for tribally hired personnel are determined by each Tribal organization.

Comparison of Benefits between Commissioned Corps & Civil Service

Benefits	Commissioned Corps	Civil Service, Including Title 38
<b>Health Insurance</b>	<p><b>Officer:</b> PHS officers are entitled to health care from any Uniformed Service Medical Treatment Facilities (USMTF). Health care services may be supplemented by other resources in accordance with Uniformed Service policies and procedures</p> <p><b>Dependents:</b> Dependents are eligible to receive health care from a USMTF on a space-available basis. Most outpatient routine care may be obtained from a civilian provider and reimbursed by the Civilian Health and Medical Program of the Uniformed Services (TRICARE/CHAMPUS). TRICARE is the name for the Department of Defense triple option health care program. Dependents' dental care can be provided by voluntary enrollment in the TRICARE Active Duty Family member Dental Plan.</p>	<p>Choice of medical and dental plans from traditional fee-for-service plans to prepaid HMOs. Employee payments and benefits vary with the plan chosen. Benefits are provided to employees and dependents on a cost-sharing basis.</p>
<b>Annual Leave</b>	<p>An officer earns 30 days of annual leave per year (2.5 days per month) from the time s/he enters on duty. A total of 60 days may be carried from year to year and may be reimbursed on the officer's separation or retirement</p>	<p>A civil servant earns 13 working days of annual leave per year (4 hours per pay period, 26 pay periods per year for the first three years). Fourth year through the 15th, s/he earns 6 hours of annual leave per pay period (20 working days per year). From the beginning of the 16<sup>th</sup> year until retirement, 8 hours of annual leave accrues per pay period (26 working days per year). A total of 30 days (240 hours) of annual leave may be carried over from year to year and will be reimbursed on separation or retirement.</p>
<b>Sick Leave</b>	<p>No formal rate of accrual. Sick leave is granted as needed, with no specific maximum. If an officer must be on sick leave for an extended period, the Commissioned Corps Medical Branch reviews the case to determine whether s/he will be able to return to duty or need special considerations in his or her assignments.</p>	<p>Sick leave is accrued at the rate of 4 hours per pay period for the length of employment. There is no maximum carry over limit.</p>
<b>Retirement</b>	<p>The Commissioned Corps retirement system is based upon a 30-year career, with an officer being vested in the system after 20 years of active-duty. At 20 years, an officer may retire with an annuity and benefits. Retirement is mandatory after 30 years. The annuity is 75% of base pay at 30 years. The Commissioned Corps retirement system is noncontributory. A thrift savings plan will be available for commissioned officers beginning in October 2001.</p>	<p>The Civil service retirement system is a three-tiered contributory comprehensive program allowing Civil Service employees to control a large portion of their retirement savings. The program consists of a base retirement annuity, social security benefits, and a government matching savings program that allows employees to invest the savings money in government securities, the bond market and/or the common stock market.</p>
<b>Moving Expenses</b>	<p><b>Call to Active Duty:</b> Pays to move officer's family and household goods, within certain weight limits, from current residence to duty station.</p> <p><b>On Duty:</b> Pays to move officer's family and household goods, within certain weight limits, from duty station to duty station.</p> <p><b>On Separation or Retirement:</b> Pays to move officer's family and household goods, within certain weight limits, from duty station to home of record or the place from which called to duty, whichever is farther, or equivalent distance.</p>	<p><b>Initial Employment:</b> Depending upon the agency and position, may pay to move an employee's family and household goods, within certain weight limits from current residence to duty station.</p> <p><b>On Duty:</b> Depending upon the agency and position, may pay to move an employee's family and household goods, within certain weight limits from current residence to duty station.</p> <p><b>On Separation or Retirement:</b> Provides no assistance in moving from final duty station to the next place of residence.</p>
<b>Tax Benefits</b>	<p>The basic allowance for quarters, variable housing allowance, and subsistence allowance are non-taxable. The base-pay is taxable.</p>	<p>All pay is taxable.</p>
<b>Draft Obligation</b>	<p>Two years of active duty in the Commissioned Corps satisfies a person's draft obligation.</p>	<p>Civil Service makes no provision here.</p>
<b>Travel</b>	<p>Officers are eligible to fly on military aircraft within the U.S. and overseas (foreign travel) on a "space available" basis. Their families may fly overseas only on the same basis.</p>	<p>Civil Service makes no provision here.</p>
<b>Military Bases</b>	<p>Officers may use the commissary, post exchange, transient officer quarters and other facilities at military bases.</p>	<p>Civil Service makes no provision here.</p>
<b>Medical License</b>	<p>Must have a full and unrestricted license in a state.</p>	<p>Must have a full and unrestricted license in a state.</p>

## ==ADDITIONAL INFORMATION ABOUT IHS EMPLOYMENT==

**CONTINUING DENTAL EDUCATION** Each year the IHS offers a number of continuing education courses which are approved by the American Dental Association. These normally suffice for licensure requirements for most states. Schedules are made for the fiscal year and are generally available in September for the upcoming fiscal year. Once employed with the IHS, your supervisor should be able to provide you with a current list of the courses offered.

There are a number of courses that are held on a recurring basis. These include the Dental Challenges courses, prevention courses, general courses in each of the specialties (all held yearly), and the Dental Update course (held every two years).

As a dentist new to the IHS, you will be expected to attend the Challenges course during your first year. This will give you an introduction into PHS/IHS matters and give you practical experience in clinical treatment situations that you will encounter. Additionally, the Division of Commissioned Personnel (DCP) now offers a Commissioned Officer Training Academy (COTA) that provides detailed orientation to the Commissioned Corps. All new Corps recruits are encouraged to attend this course. DCP is attempting to make central funding through DCP available to support this course.

After the first year, you should review the available courses with your supervisor and make an appropriate selection based on the needs of the dental program. If none of the available IHS courses is appropriate to your needs, discuss this with your supervisor. If there are a number of officers with the same needs a new course may be added; or there may be a course in the private sector or at a military facility that you may attend.

Local funding for continuing education will determine the limits of availability for continuing education. In some programs, the cost of training, travel and per diem is covered for one week of continuing education per year.

**FEDERAL TORT CLAIMS ACT** is the Federal Act that provides a waiver of the U.S. Government's immunity from legal action due to damages suffered in connection to malpractice of health care providers. Under this Act, claims alleging malpractice by any Civil Service or Commissioned Officer health care providers are made against the Federal Government and not against the individual provider. This Act does not prevent a claim from being made against a Federal employee personally, but it does provide a claim to be removed to the Federal Court with the U.S. Government substituted as the defendant. *This provision is only in effect if the dentist is deemed by the Secretary of DHHS to have been acting within the scope of his/her office or employment*, the critical factor being whether the Federal Government had the right to control or supervise the activity being performed.

**INDIAN PREFERENCE** The Wheeler-Howard Act of 1934 (25 US Code 464) specifies that if an Indian and a non-Indian apply for the same position and they both meet the necessary qualifications for the job, the Indian must be selected. Indian Preference is applied for and established on BIA Form 5-4432.

**LICENSURE** Licensure requirements vary by the personnel system under which you

are hired, Commissioned Corps, Civil Service (including Title 38) or Tribal. Civil Service dentists must possess a valid, unrestricted license in a state, territory of the United States, or the District of Columbia at the time they are hired. Licensure requirements for Tribally hired dentists are somewhat site specific; some Tribes require a license in the state in which they are located, others only require a valid unrestricted license in any state, territory or DC. For Commissioned Corps dentists, a valid, unrestricted license in any state, territory, or DC is acceptable for commissioning. New graduates may sometimes be commissioned prior to licensure, with a restriction on their orders. Normally these individuals must be licensed within 12 months of graduation to continue on duty. Because of accreditation and supervision concerns, individual facilities and some Areas may have local regulations requiring current licensure, so it is best to check with the facility in which you are interested to determine local policy.

**LOAN REPAYMENT** The Indian Health Service has several remote sites that, depending on funding, may be designated as Loan Repayment Sites. Dentists assigned to these sites are eligible for repayment of approved dental school loans for up to \$20,000 per year for a minimum contract of two years. The amounts of loan repayment, and the individual sites to be designated will vary with available funding. Whether or not a dentist at a designated Loan Repayment Site actually receives loan repayment depends on the annual level of funding provided by Congress. Merely accepting a position at a loan repayment site does **not** guarantee that you will receive the benefit. The following excerpt from the IHS Fact Sheet on Loan Repayment gives more details on the program:

### **LOAN REPAYMENT PROGRAM**

#### **PURPOSES**

The purpose of the IHS Loan Repayment Program (LRP) is to recruit and retain highly qualified health professionals to meet the staffing needs of the IHS or an Indian health program.

#### **OPERATIONS**

Applicants sign contractual agreements with the Secretary for 2 years and fulfill their agreements through full-time clinical practice at an IHS facility or approved Indian health program. In return, the LRP will repay all or a portion of the applicant's eligible health professionals educational loans (undergraduate and graduate) for tuition expenses. Applicants are eligible to have their educational loans repaid in amounts up to \$20,000 per year for each year of service. In addition, the LRP will pay up to 20% of Federal taxes directly to the Internal Revenue Service (IRS)--incurred as a result of payments made on behalf of recipients. **Note:** Loan repayments are deemed taxable income.

#### **ELIGIBILITY**

Applicants must:

- have a degree in a health profession; and



- be eligible for, or hold, an appointment as a Commissioned Officer in the Regular or Reserve Corps of the Public Health Service (PHS); or
- be eligible for selection for civilian service in the Regular or Reserve Corps of the PHS; or
- meet the professional standards for civil service employment in the IHS; or
- be employed in an Indian health program without service obligation.

Eligible applicants also include health professionals in postgraduate training, or in their final year of health professions school.

#### **APPLICATION INFORMATION**

To obtain an application or request additional information, write or call the LRP at:

Indian Health Service  
 Loan Repayment Program  
 Twinbrook Metro Plaza - Suite 100  
 12300 Twinbrook Parkway  
 Rockville, Maryland 20852  
 (301) 443-3396  
 Telefax # (301) 443-4815  
**8:30 A.M. - 5:00 P.M., [EST]**  
**Monday through Friday,**  
*(except Federal holidays)*  
 website: [www.ihs.gov](http://www.ihs.gov), and follow links to loan repayment and scholarships

Participants in the LRP will be paid up to \$20,000 per year for signing a 2-year LRP Contract and by agreeing to serve their full-time clinical practice at a designated Indian health program priority sites in the United States. Qualified government and commercial educational loans are those obtained for the pursuit of health professions education.

#### **LRP PRIORITY SITES**

Sites are given scores using a 100-point index and ranking criteria giving consideration to Indian health programs that have historically critical shortages caused by frequent staff turnover, current unmatched vacancies in a health profession discipline, and projected vacancies in a health profession discipline. Sites that are provided high scores will receive priority over sites that have lower scores. Consistent with this priority ranking, in determining which applications to approve and which contracts to accept, the IHS will give priority to applications made by American Indians and Alaska Natives and to individuals recruited through the efforts of Indian Tribes, Tribal or Indian organizations.

#### **PAYMENTS**

Loan repayments will be made in annual payments.

## **PROGRAM FUNDING**

The LRP receives its funding from annual Congressional appropriations. All awards are subject to the availability of funding.

**MALPRACTICE INSURANCE** See Federal Tort Claims Act.

**MOA/IPA** Tribally operated programs can hire Commissioned Officers or Civil Servants by means of a Memorandum of Agreement (MOA) or an Intergovernmental Personnel Agreement (IPA). A Memorandum of Agreement is initiated by the PHS and the officer is officially assigned to the Tribal group. The MOA sets out the duties and responsibilities of the officer and the Indian group. Officers are given the same benefits as all other Commissioned Officers. Initial agreements are usually for two years and have the option for renewal or extension.

Civil Servants can be transferred to work for a Native group as well, using an IPA, and are afforded the same pay and benefits as they would qualify for in the Civil Service System. There is a two year limitation on the length of employment, which can be extended for another two years. After four years, the employee can either remain as a Tribal employee or move to a location which uses the Civil Service System.

**MOVING EXPENSES** Your moving expenses will be paid if you are a Commissioned Officer, and usually if you are a Civil Service employee of the Public Health Service. Normally they will also be paid if you work for a Tribal program, but this is a decision made by the Tribe. If you are unsure, check with the program in which you are interested.

**OVERTIME, FAIR LABOR STANDARDS ACT** This Act provides for overtime pay to be disbursed to Civil Service employees who work more than eight hours in a day, or more than forty hours in a week. This does not apply to Commissioned Officers, who are technically to be "available for duty" 24 hours a day, seven days a week. Nor does it apply to Tribal employees. See WORK HOURS for more details.

**PRIVILEGES** Clinical privileges permit a provider to render certain types of treatment at a health care facility based on the individual's formal educational background, other training, and experience. Privileges need to be applied for, and are granted (or denied) by the governing board or body of service unit.

Before starting work at any facility, you must apply for the privileges you desire, based on your level of education, training, and skill. The medical staff and governing board of the facility will make a determination of which privileges to grant, usually based on the recommendation of the Chief Dentist of the facility, who will have checked with your references to determine your current competencies. Only services within the list of approved privileges may be performed. The provision of services outside of the granted privileges can increase your personal legal exposure to charges of malpractice, because the Federal Tort Claims Act only applies when you are practicing within your defined

scope of employment. Your granted privileges help to define this scope of employment.

New providers are usually granted provisional privileges for a period of six months to one year, and then, assuming that performance is acceptable, full privileges are granted, usually for a period of two years, at which time the provider must re-apply.

**SELECTION** The merit principle applies to both the Civil Service and the Commissioned Corps system, since both systems endeavor to place the most qualified applicant in the vacant position. Civil servants wishing to apply for a job must fill out Form-171 (Personnel Qualification Statement) and submit it to the Personnel Office. Commissioned Officers must submit a resume to the Area Personnel Office along with a letter stating their desire to be considered for the position. Some Areas may require additional information from the applicant, so be sure to include all requested information when you submit your application materials.

The Personnel Office reviews the applications and makes up a certificate of eligible applicants. The supervisor then interviews applicants, checks references, and makes a selection. If none of the persons on the certificate are acceptable to the supervisor, it can be rejected and the process starts again. All applications are subject to Indian Preference requirements. Once a selection is made by the program, the certificate of eligible applicants is returned to the servicing Personnel office, which will notify the successful applicant of his/her selection.

**STATE DENTAL PRACTICE ACT** Dental personnel working in tribally operated clinics not located on a reservation must usually abide by the regulations outlined in the dental practice act of the state where the clinic is located. This is not true of IHS dental programs operating on Federal reservations. Among other things, this may affect the manner in which dental assistants and hygienists are utilized. If you are unaware of the regulations in operation in your state, contact the Board of Dental Examiners and request a copy of the State Dental Practice Act.

**WORK HOURS** at most IHS and Tribal facilities are 8:00 AM to 4:30 or 5:00PM, though this may vary. Some facilities are open on Saturdays and evenings as well. Most dental officers are asked to work only the normal forty hour week with periodic intervals on call for emergency dental needs.

Pay to Commissioned Officers is not altered due to the number of hours actually worked. No overtime or compensation time is provided for excess of forty hours or week or eight hours per day. Civil Service dentists are compensated for these times, but employees hired under Title 38 are not compensated for overtime. Overtime pay or comp time for tribally-hired dentists is determined by the Tribe in question.

## **SUMMARY**

The preceding pages have been provided to you to help you in your decision to seek employment with the Indian health Service or a Tribal organization. The information is an overview of significant topics, and is not intended to be comprehensive. At minimum, it should help you formulate questions and point you in the correct direction to find the answers. If you should accept a position with the IHS, several more chapters to this

Orientation Manual will be provided to you at set intervals to help you in your transition into your new position.

## Chapter Index

	<b>Page</b>
Civil Service System	I-4
Commissioned Corps	I-5
Comparison Of Benefits Between Commissioned Corps & Civil Service	I-6
Continuing Dental Education	I-7
Facts About The Indian Health Service	I-2
Federal Tort Claims Act	I-7
Federal-Tribal Relationship	I-2
IHS Direct	I-3
Indian Preference	I-7
Licensure	I-7
Loan Repayment	I-8
LRP Priority Sites	I-9
Malpractice Insurance	I-10
MOA/IPA	I-10
Moving Expenses	I-10
Overtime, Fair Labor Standards Act	I-10
Personnel Systems	I-4
Privileges	I-10
Selection	I-11
State Dental Practice Act	I-11
Tribal Employment	I-5
Tribal Self-Governance	I-4
Tribal/638 Programs	I-3
Types Of Dental Programs	I-3
Urban Programs	I-4
Work Hours	I-11