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B-241706, Jun 19, 1991

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CIVILIAN PERSONNEL - Compensation - Physicians - Membership fees DIGEST: A physician who is commissioned officer in the Public Health Service may be reimbursed annual membership dues to obtain hospital admission privileges for treatment of its patients as necessary in the agency's performance of its mission and directly related to the conduct of Public Health Service business where the government was unable to secure membership in its own name.

Dr. Robert Gelber - Reimbursement of Hospital Medical Staff Dues:

This decision is in response to a request of the United States Public Health Service (PHS) for a determination of the legality of reimbursing Dr. Robert Gelber, a member of the PHS Commissioned Corps stationed at the Regional Hansen's Disease Center, San Francisco, California, for annual medical staff dues at the Mount Zion Hospital. The payment of staff dues is a prerequisite to staff privileges. Without staff privileges, a physician cannot admit patients to the hospital for treatment. conclude that Dr. Gelber can legally be reimbursed for this expense.

Dr. Gelber's claim for reimbursement was denied by the certifying officer under the provisions of 5 U.S.C. Sec. 5946 (1988) which provide that unless a specific appropriation permits, payment of society or association membership dues or fees of a government employee is prohibited.

At the outset it should be pointed out that the prohibition referred to in 5 U.S.C. Sec. 5946 applies to employees as defined in 5 U.S.C. Sec. 2105. Thus, this statute does not directly apply to a member of the uniformed service. We have in the past permitted agencies to use appropriated funds for staff memberships in a private law library association when the memberships were essential to the fulfillment of the agency's mission. 19 Comp.Gen. 937 (1940). On the other hand, we have denied reimbursement for the expense of admission to practice as an attorney before a court because the privilege accorded by such membership is personal to the employee as an individual and incidental to his employment by the government even though required to perform his government duties. 47 Comp.Gen. 116 (1967). We think Dr. Gelber's hospital medical staff dues must be viewed in a light similar to that of the library memberships; hospital privileges are essential to the agency for the performance of its mission, and while the hospital medical staff membership, like the law library membership, is carried in the name of the individual, such membership is directly related to the conduct of PHS business-- the treatment of patients in the hospital facilities. Therefore, PHS may reimburse Dr. Gelber for the medical staff membership dues.