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Payment of Expenses for Medical Examinations

Number: B-253159

Date: 1993-11-22

Matter of: Payment of Expenses for Medical Examinations File: B-253159 Date: November 22, 1993

CIVILIAN PERSONNEL Compensation Medical examination Expenses Reimbursement The Centers for Disease Control (CDC) may not reimburse two employees for medical examinations by private physicians for themselves and their dependents. The examinations, which were in preparation for the employees' relocation to assignments outside the United States, were not required by the CDC nor were they primarily for the benefit of the government. Thus the expense is personal to the employee, and payment may not be made from appropriated funds.

DECISION

According to vouchers submitted, Alan Greenberg, who is a commissioned officer of the Public Health Service, incurred expenses of $288.20 for an examination for himself and $294.40 for an examination for his dependent from a private physician. Harold Van Patten, who is a civilian employee, incurred expenses of $5.00 for an examination for himself and $620.00 for examinations for his dependents, also from private physicians. We understand that the CDC does not require employees or their dependents to have medical examinations before they are posted abroad. Nothing in the record you submitted indicates that these examinations were sought by or on behalf of the CDC or that your agency regards them as having been primarily for the benefit of the government.

As you observe, numerous GAO decisions express the general rule that, except for illness directly resulting from the nature of the employment, medical care and treatment for civilian employees are personal to the employee and payment may not be made from appropriated funds unless provided for in a contract of employment, by statute, or by valid regulation. 53 Comp.Gen. 230 (1973), and cases cited therein.

Agencies may, however, pay the costs of physical examinations that are primarily for the benefit of the government. For example, we found periodic physical examinations of employees who operated heavy equipment on barges in the Saint Lawrence were primarily for the benefit of the government because insuring that these employees were physically fit could help prevent possible damage or injury to government property and personnel. 41 Comp.Gen. 531 (1962). In another case, we found that frequent examinations of employees at a World War II chemical warfare laboratory for early detection of arsenic poisoning were primarily for the benefit of the government because they helped insure that qualified personnel would be available to perform a mission that furthered the war effort. 22 Comp. Gen. 32 (1942).

In the cases cited above, we looked at the nature of the tasks being performed and the mission to be accomplished in determining whether the physical examinations were primarily for the benefit of the government. In the case at hand, neither the nature of the tasks nor the mission to be accomplished suggests that the physical examinations primarily benefit the government. Further, the CDC does not require its employees to have physical examinations before they are posted abroad.

Commissioned officers of the Public Health Service on active duty are entitled to medical treatment by the service. 42 U.S.C. Sec. 253(a) (1988). Under the regulations, however, except in emergencies, they are entitled to medical treatment only at Public Health Service medical relief stations and by designated physicians. The cost of services procured elsewhere "shall not be borne" by the Public Health Service. 42 C.F.R. Sec. 31.3 (1992). Since Mr. Greenberg incurred expenses from a private physician and did not obtain his examination in accordance with the regulation, the CDC may not reimburse Mr. Greenberg.

Dependents of commissioned officers of the Public Health Service are also entitled to medical advice and outpatient treatment at certain Public Health Service medical relief stations. 42 C.F.R. Sec. 31.10 (1992). Again, however, no authority exists for payment of private physicians' examinations.

In your letter, you cite portions of the Department of State Foreign Affairs Manual and the Agency for International Development (AID) Operations Manual for Participating Agencies with regard to medical clearance and medical examinations. The employees submitted forms from the Department of State for "Authorization for Medical Examinations." These regulations and clearance forms are inapplicable here; they apply to CDC employees only if they are converted to a foreign compensation rating or stationed abroad under a participating agency services agreement with the Department of State. Neither of the employees in this case meets either of these criteria.

Your letter also notes that the CDC appropriations act has for several years stated:

"Appropriations in this Act . . . shall be available for . . . expenses for medical care for civilian and commissioned employees of the Public Health Service and their dependents assigned abroad on a permanent basis in accordance with such regulations as the Secretary may provide."[1]

Pub. L. No. 102-394, Sec. 202, 106 Stat. 1810-11 (1992).

The apparent purpose of this provision, as your letter suggests, is to authorize the use of appropriated funds for medical treatment received abroad. It does not appear to cover medical expenses incurred in this country by people assigned to posts out of the country who have yet to report to their foreign posts.

For the reasons cited herein, it is our opinion that the expenses incurred by the two employees for medical examinations for themselves and family members are personal to the employees and payment may not be made from appropriated funds.

1. The Secretary has not promulgated regulations under this authority.