

OGC Has Reviewed

*Legal Division
"Public Health
make to be"*

Executive for A&H

19 November 1948

General Counsel

Contract Physician for [REDACTED]

STATSPEC

1. The attached proposal for contracting with a private physician to conduct an emergency and preventive health program for the [REDACTED] has been referred to this office for opinion as to whether it is legally feasible.

STATSPEC

2. It appears that such arrangements were specifically contemplated in the Health Services Act of 1946 (5 U.S.C.A. 150), which authorized the heads of the departments and agencies to establish health service programs by contract or otherwise. The intent of this provision is clarified by a legislative note in the 1948 U. S. Code Congressional Service, page 1449, which states that under certain situations there will not be justification for establishing health units in the agency, and in such cases necessary services can be procured by contract with medical organizations, private physicians, or industrial health units. The law restricts the furnishing of such health services to emergency treatment and preventive health programs.

3. The attached proposal appears to be within these limitations, but it should be made quite clear that the services of the Contract Physician are not engaged for private treatment for the personal benefit of employees. Such treatment must be paid for by the employees, and if the injury or illness is incurred in line of duty, claim may be made under the Employees Compensation Act.

4. Before implementation of the program, the law requires consultation with the Public Health Service and consideration of its recommendations. The law also requires that the program be within the limits of appropriations made available therefor. Discussions with the Chief, Budget and Finance Branch indicate that appropriated funds are available to support this program.

LAWRENCE R. HOUSTON

LRH:mhb