

**REQUIREMENTS FOR SUBMITTING TITLE 38**  
**PHYSICIAN AND DENTIST PAY (PDP) CASES**

The procedural guidance listed below is for submitting Title 38 PDP cases for review by the NIH Clinical Compensation Panel (NCCP). The policy guidance for Title 38 PDP can be found in [HHS Instruction 590-1: Title 38 PDP](#).

**1. Eligibility:**

To be eligible for Title 38 PDP, physicians or dentists must:

- Be appointed under Title 5 (having met the qualifications as described in the OPM Classification Standards for series GS 602 Medical Officer or series GS 680 Dental Officer);
- Have an active medical or dental license; and
- Have a position in which the physician's or dentist's responsibilities provide direct patient care or services incident to patient care.  
(Note: The former NIH requirement that these patient-care services or services incident to patient care constitute at least ten percent of duties has been eliminated. *However*, there must still be *some* component patient care duties or services incident to patient care, in accordance with HHS Instruction 590-1-10, which NIH no longer quantifies.)

Physicians or dentists are **excluded** from receiving Title 38 PDP if they are:

- Currently serving as members of the Public Health Service (PHS) Commissioned Corps\*
- Serving in an internship or residency program
- Reemployed annuitants
- In the Senior Executive Service (SES), Senior Level/Scientific and Professional (SL/ST), Senior Biomedical Research Service (SBRS), Executive Service (ES), Executive Level (EL), or other senior-level system
- Receiving Physicians Compatibility Allowance (PCA) under 5 U.S. Code 5948
- Employed or paid under a Title 42 authority
- Serving on an intermittent work schedule

\*Former members of the Uniformed Services, i.e. the Army, Navy, Air Force, Marines, Coast Guard, National Oceanic and Atmospheric Administration and the PHS Commissioned Corps may receive Title 38 PDP.

**2. Procedures:**

**A. Required Documentation**

The following documentation is required for review by the NCCP:

1. Memorandum of recommendation, signed and dated by the Institute's or Center's (IC) Standing Committee Chair and the IC Director, addressing:

- *Nature of Action:* Type of action proposed – e.g. recruitment, placement of physician into a [VA Title 38 PDP pay table and tier level](#), biennial review, or market pay adjustment.
- *Position Information:* Description of duties, patient care services or services incident to patient care, responsibilities and challenges of the NIH position that justify placement in Title 38 PDP, the VA Title 38 PDP pay table, and the tier level. ICs must provide specific information regarding the individual’s professional responsibilities, professional achievements, and other duties which support the scientist’s placement into a specific tier. All Intramural and Extramural professional designation and peer review requirements must be obtained prior to the submission of the T38 PDP case. The individual’s professional designation must be clearly stated, and if changing positions, both professional designations must be included if the designation is changing.
- The NIH Title 38 PDP tier definitions are:

<b>TIER 1</b>	Non-supervisory physician/dentist providing patient care services in support of biomedical research.
<b>TIER 2</b>	Supervisory or Program Manager physician/dentist functions as a fully credentialed, fully trained clinician with patient care responsibility.
<b>TIER 3</b>	Physician/Dentist with independent resources (personnel, budget and space) who provides patient-related activities. Publishes and presents original peer-reviewed scientific research at national meetings.
<b>TIER 4</b>	Physician or Dentist that has responsibility for a complex group or organization that has agency-wide or nation-wide impact. Growing body of published and presented original peer-reviewed scientific research at national and international meetings. Recognized by receipt of national and international awards.

- *Physician Information:* The physician’s specific qualifications, achievements, awards, publications, and any other information that is pertinent and significant with respect to placement in this position.
- *Market Pay Justification:* A market pay justification, either initial assignment or adjustment, must address the following factors about the specialty or assignment of the physician or dentist:
  - The level of experience
  - The need for the specialty or assignment at the facility
  - The appropriate health care labor market
  - Applicable board certifications
  - Accomplishments of the physician or dentist
  - Any unique circumstances, qualifications or credentials, and the comparison of these circumstances to the equivalent compensation level of the non-HHS physicians or dentists in the local health care labor market

2. Completed [Title 38 PDP pay setting cover sheet](#)

3. Association of American Medical Colleges (AAMC) data for physicians (M.D.s) referencing appropriate specialties and position titles. See the 2010-11 AAMC data:
    - [M D Basic Sciences All Schools](#) 
    - [M D Clinical All Schools](#) 
  4. Signed document approving “Setting Pay at an Advanced Rate based upon Superior Qualifications and Special Needs” (formerly “Above-the-Minimum”), if applicable. Please consult this section on the [IntraHR website](#).
  5. Signed Recruitment, Relocation, and Retention form ([PHS 6340](#), [PHS 6340B](#)), if applicable.
  6. Abbreviated Curriculum Vitae (CV) no longer than two-three pages, which includes information on education, awards, and relevant positions (excluding mentoring positions), presentations, or extracurricular activities. Also, a list of the ten most significant publications, highlighting up to five published within the past five years (please refrain from providing a full-length bibliography).
  7. Organizational Chart and a staff list indicating where the position is located within the organization.
  8. A signed and dated OF-8 and classified Position Description (describing patient care services or services incident to patient care within the text of the position’s responsibilities and duties).
  9. Verification of medical or dental license
  10. Completed and signed [HHS-691 form \(Request for Title 38 PDP\)](#)
- Instructions for completing [Section 4: ”Current Pay Information”](#)

For physicians and dentists currently receiving Title 38 PDP, or for physicians currently receiving PCA and moving to Title 38 PDP:

- Current pay plan: GP or GR for scientists currently coded as GR, or GS for current PCA recipients/current grade/current step
- Current Base Pay: GS non-locality pay table for current GP or GR, GS locality pay table for current PCA recipients
- Clinical Specialty/Board Certification upon which the market pay placement or adjustment is based
- Current locality or market pay (if already receiving Title 38 PDP)
- Current VA Title 38 PDP pay table/tier level (if already receiving Title 38 PDP)
- Current PCA, if applicable
- Current recruitment/relocation/retention incentives (3Rs), if applicable
- Calculation of total annual compensation, including any potential 3Rs payments

For physicians and dentists currently appointed and paid under Title 42(f) or (g) converting to Title 5 with Title 38 PDP:

- Current pay plan: AD
  - Current Base Pay: Base pay under the Title 42 Pay Model
  - Clinical Specialty/Board Certification: Fill in specialty
  - Current locality or market pay: N/A
  - Current VA Title 38 PDP pay table/tier level: N/A
  - Current PCA: N/A
  - Current recruitment/relocation/retention incentives (3Rs), if applicable
  - Calculation of total annual compensation, including any potential 3Rs payments
- The fields in Section 5 “Proposed Pay Information” are self-explanatory. The “proposed GS base pay” must be base pay without locality. The “proposed total annual PDP” is the sum of proposed GS base pay and proposed market pay. This section must be completed for all initial determinations of Title 38 PDP or adjustments.
  - Instructions for completing Section 6: “Reviews and Approvals”
    - Recommending Official – IC Director
    - Compensation Panel (NCCP) Chair – Michael Gottesman, M.D., Deputy Director for Intramural Research (OIR), NIH
    - Approving Official
      - All requests for Title 38 PDP when total annual pay  $\leq$  EX-1 (currently \$199,700): Deputy Director for Management (DDM)
      - All requests for Title 38 PDP when total annual pay  $>$  EX-1 (currently \$199,700): Principal Deputy Director, NIH
    - Fund Availability – IC Administrative or Budget Officer
    - Human Resources (HR) Review – OHR, Compensation and Senior/Scientific Employment Division (CSSED) Specialist
10. One hardcopy original should be submitted to the Compensation and Senior/Scientific Employment Division (CSSED), Office of Human Resources, NIH, in Building 31, Room 4B39, and one electronic copy should be sent to CSSED@mail.nih.gov.
11. ICs should also enter case information into the WiTS system.

## **B. Review Procedures:**

Cases will be submitted by CSSED to the NCCP which is responsible for the evaluation of physicians and dentists based on the information provided, and for making recommendations on annual pay to the approving official for annual pay. The NCCP review is done on an ad-hoc basis and case processing can take up to 28 business days once the complete case has been submitted to CSSED. This timeframe should be considered when submitting packages. The NCCP will make recommendations to the Principal Deputy Director, NIH, or the Deputy Director for Management, NIH, for

approval of proposed placements and market pay adjustments. ICs may request market pay increases at any time during the year if there is a substantial change in the physician's duties that merits such an increase (except when restricted by a Federal pay freeze). In addition, the NCCP will evaluate the pay table, tier level, and total compensation of each physician biennially.

### 3. **Approvals:**

The approval levels listed below apply to appointments and pay adjustment requests, following review by the NCCP:

#### **Deputy Director for Management, NIH:**

- All requests for Title 38 PDP when total annual pay  $\leq$  EX-1 (currently \$199,700)

#### **Principal Deputy Director, NIH:**

- All requests for Title 38 PDP when total annual pay  $>$  EX-1 (currently \$199,700)