



**DEFENSE HEALTH AGENCY**  
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FALLS CHURCH, VIRGINIA 22042-5101

*DHA-IPM 23-002*  
June 12, 2023

MEMORANDUM FOR DISTRIBUTION

SUBJECT: Training Agreements

- References:
- (a) Department of Defense (DoD) Directive 5136.01, "Assistant Secretary of Defense for Health Affairs (ASD(HA))," September 30, 2013, as amended
  - (b) DoD Directive 5136.13, "Defense Health Agency (DHA)," September 30, 2013, as amended
  - (c) DHA-Procedural Instruction 5025.01, "Publication System," April 1, 2022
  - (d) DoD Instruction 6000.19, "Military Medical Treatment Facility Support of Medical Readiness Skills of Health Care Providers," February 7, 2020.
  - (e) DHA-Administrative Instruction 5136.03, "Delegation of Authority and Assignment of Responsibility for Administration and Management of Direct Care," November 3, 2022
  - (f) DoD Instruction 6015.24, "DoD Graduate Medical Education Program," April 9, 2021
  - (g) DHA-Procedural Instruction 1025.02, "Education, Training, and Clinical Readiness Activities in the Military Health System," November 14, 2022

This Defense Health Agency-Interim Procedures Memorandum (DHA-IPM), based on the authority of References (a) and (b), and in accordance with the guidance of References (c) through (g), establishes the Defense Health Agency's (DHA) procedures to enter into training agreements with partner organizations for clinical (or clinically-related) training involving healthcare delivery.

This DHA-IPM applies to DHA Enterprise (components and activities under the authority, direction, and control of the DHA) to include: assigned, attached, allotted, or detailed personnel. For DHA publications, the terms "market" or "direct reporting market" includes the Hawaii Market unless otherwise noted in the publication. This applies to all published DHA publications, thereby ratifying any actions taken by the Hawaii Market after establishment. Training agreements are required to receive clinical training with non-federal healthcare entities at non-federal sites and for non-federal partners to receive clinical training at DHA sites. This DHA-IPM applies to training agreements:

- Between military medical treatment facilities (MTF), which includes military training Consortia and Dental Treatment Facilities, and non-federal healthcare institutions for clinical training;
- Between MTFs and non-federal healthcare institutions for graduate medical education, undergraduate medical education, and Allied Health Education;

- Between MTFs and non-federal medical institutions for trauma training and expeditionary medical skills; and
- Between MTFs and non-federal medical institutions for any required medical Knowledge, Skills, and Abilities training.

This DHA-IPM does not apply to training agreements with foreign-government operated medical institutions. For assistance with international training agreements, please contact the DHA Agreements and Partnerships Management Office (APMO). This DHA-IPM does not apply to resource sharing agreements or competency agreements with the U.S. Department of Veterans Affairs (VA). For assistance with VA agreements, please contact DHA's Healthcare Optimization Division.

It is DHA policy that a training agreement must be established to document health care education, faculty and staff, or administration training programs with non-federal healthcare institutions prior to any such training taking place. This requirement also applies to non-federal health care workers training within DHA MTFs. Such training opportunities benefit the DoD, DHA, Military Departments, and eligible beneficiaries.

Training agreements must satisfy the U.S. Department of Justice's (DOJ's) requirements that in such training activities, every effort is made to have federal, as well as non-federal, trainees covered under any non-federal facilities' insurance programs. DOJ substitutes the United States as the party to the lawsuit in lieu of the government provider when they are acting within the scope of their federal employment. However, DoD requires proof that the government provider was acting in an official capacity and acting within the scope of the training contemplated by the training agreement. The evidence or proof required consists of, in part, the individual's official orders (full or permissive duty orders) and the training agreement between the MTF and the non-federal institution.

There is a designated Lead Agreement Manager (LAM) who is in charge of the DHA APMO and is the training agreements process owner. The LAM is responsible for facilitating the process to ensure efficiency and effectiveness, providing additional direction to include, but not limited to, the agreement type, artifacts to accompany the training agreement, coordination, and negotiation. The LAM will provide the required training agreement templates. For further support and guidance, contact the DHA APMO at: [dha.ncr.j-4.mbx.supportagreements@health.mil](mailto:dha.ncr.j-4.mbx.supportagreements@health.mil). Training agreement templates, approved by the DHA Office of General Counsel (OGC), are available at the APMO SharePoint site at <https://info.health.mil/staff/cae/sa/SitePages/Home.aspx>.

When establishing a new training agreement, it is the DHA MTF's responsibility to:

- Follow DHA guidance and provided templates for submitting new training agreements prior to the start of training;
- Coordinate with the other party in the development of the training agreement to ensure proper content and concurrence;
- Track all training efforts with non-federal medical institutions and provide documentation to DHA leadership when requested;
- Ensure internal controls and oversight measures are in place; and
- Ensure agreement and documentation of insurance coverage undergo legal review prior to signature.

Signature authority for MTF-initiated agreements is delegated, per Reference (e), to Market Directors, or MTF Directors, as appropriate, in support of their respective mission execution. MTF or market directors may further delegate specific signature authority to institutional training directors (e.g., Director of Medical Education). For any substantial deviation from approved templates, the training agreement will need to be reviewed at the DHA Headquarters (HQ) level. A substantial deviation may include, but is not limited to:

- Proposed language which adversely impacts the legal defense of the United States, including the borrowed servant defense, for example, revisions of terms regarding supervision of trainees by training institution employees;
- Modification/alteration/proposed deletion of the indemnification language in the agreement;
- The non-federal institution's refusal to provide professional (medical malpractice) liability insurance covering trainees at the non-Federal institution under the terms of the training agreement; or
- Changes to the template that are deemed beyond normal administrative changes by a servicing DHA OGC legal counsel.

In these instances, the MTF or Market will submit the training agreement to the DHA APMO which will then coordinate an authorization to approve with the applicable training area subject matter expert (e.g., J-7, Joint Trauma System, or Graduate Medical Education Division) and DHA HQ OGC. The DHA APMO will provide authorization to approve and route the training agreement back to the MTF for signature by the appropriate authority.

If an employee at a non-federal institution refuses to provide professional (medical malpractice) liability insurance covering non-privileged personnel who are training at non-federal institutions under the direct supervision of employees from that institution, for either trauma readiness training or clinical currency, it will not be considered a substantial deviation requiring DHA HQ-level approval. However, a servicing DHA OGC legal counsel must ensure there is sufficient wording in the agreement to reflect the supervision of the non-privileged personnel by staff at the non-federal institution.

- This DHA-IPM is cleared for public release and is available on the internet from the Health.mil site at: <https://health.mil/Reference-Center/Policies> and is also available to authorized users from the DHA SharePoint site at: [https://info.health.mil/cos/admin/pubs/SitePages/DHA%20Publications%20System%20Office%20\(PSO\).aspx](https://info.health.mil/cos/admin/pubs/SitePages/DHA%20Publications%20System%20Office%20(PSO).aspx).

The proponent of this publication is the Assistant Director-Support. When Activities are unable to comply with this publication the activity may request a waiver that must include a justification, to include an analysis of the risk associated with not granting the waiver. The activity director or senior leader will submit the waiver request through their supervisory chain to the Assistant Director-Support to determine if the waiver may be granted by the Director, DHA or their designee.

This DHA-IPM is effective upon signature. It will expire 1 year from the date of signature if it has not been reissued or cancelled before this date in accordance with Reference (c).

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GLOSSARY

ABBREVIATIONS AND ACRONYMS

APMO	Agreements and Partnerships Management Office
DHA	Defense Health Agency
DHA-IPM	Defense Health Agency-Interim Procedures Memorandum
DOJ	United States Department of Justice
HQ	headquarters
LAM	lead agreements manager
MTF	military medical treatment facility
OGC	Office of General Counsel
UME	undergraduate medical education
VA	United States Department of Veterans Affairs