Frequently Asked Questions
About the Army’s New Non-Citizen Recruiting Program
For Foreign Health Care Professionals*

By Margaret D. Stock

On February 23, 2009, the US Army started a new recruiting pilot program for foreign health care professionals. Titled “Military Accessions Vital to the National Interest” (MAVNI), the new pilot program allows certain non-citizens who are legally present in the United States to join the Army and apply immediately for US citizenship without first obtaining lawful permanent residence. The US Army MAVNI recruiting program will recruit up to 333 health care professionals (doctors, dentists, psychiatrists, nurses, and others) nationwide. The Army will also run a separate part of MAVNI in New York City to recruit up to 557 persons who speak certain critical foreign languages; some health care professionals may want to consider that program if they speak one of the critical languages but do not meet the specific MAVNI health care professional program requirements. The Army’s MAVNI program can accelerate the path to US citizenship while MAVNI health care professionals serve in the active Army or the Reserve.¹ The pilot program is scheduled to end on December 31, 2009, or whenever the Army meets its projected recruiting needs.

Q. Who Can Enlist in the US Army under this new Recruiting Program?

The MAVNI program expands the categories of persons who can lawfully enlist in the United States Armed Forces. Previously, the Armed Forces—the US Army, Navy, Air Force, Marine Corps, and Coast Guard—have generally enlisted only citizens and non-citizen nationals of the United States; lawful permanent resident aliens (including conditional lawful permanent residents); and certain nationals of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau who are admissible as non-citizens.


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¹ The Navy and Marine Corps also reportedly plan to implement the pilot program, but have not yet publicly announced any details.

immigrants under the Compacts of Free Association with those nations. Under Section 504(b)(2) of the military enlistment statute, however, the Secretary of any Armed Force to enlist other aliens “if the Secretary determines that such enlistment is vital to the national interest”.

Under guidance from the Secretary of Defense, the Secretary of the Army has determined that the enlistment of certain legal non-citizen health care professionals is vital to the national interest, and has authorized the Army to commence the MAVNI pilot program. The legal non-citizens to be recruited include doctors and nurses as well as persons who can demonstrate proficiency in any one of the foreign languages listed in Appendix 1.

The Office of the Secretary of Defense set the immigration eligibility criteria for the program; they are also listed in Appendix 1. Anyone who currently holds asylee, refugee, Temporary Protected Status (TPS), or one of numerous non-immigrant statuses (E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U, or V) may be eligible. A non-citizen must have held one of those legal statuses for at least two years; having changed between these statuses during the two-year period will not bar enlistment. In addition, if the person holds a non-immigrant status (E, F, H, I, J, K, L, M, O, P, Q, R, S, T, TC, TD, TN, U, or V), he or she cannot have had a single absence from the United States of more than 90 days in the past two years (multiple absences are apparently fine, as long as no single trip exceeded 90 days).

Persons whose status is not listed in the eligibility criteria cannot enlist under this pilot program. Thus, those holding B visa or other visitor status—including those who entered on the Visa Waiver Program—are not eligible. Asylum applicants are not eligible, although once they have been granted asylum, they may become eligible. Undocumented immigrants, visa overstayers, and other persons who have violated their status are also not eligible.

Q. Is The Army Sponsoring Anyone For A Visa Or Assisting Anyone Outside The United States To Enter The US In Order To Enlist?

A. No. This Is An Enlistment Program For People Who Are Already Inside The United States In Legal Status.

Under the MAVNI program, the Army is not sponsoring anyone for a visa or green card or authorizing anyone to enter the United States for the purpose of enlistment.

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3 See 10 USC §504(b)(1) (2009). In January 2006, Congress enacted a unified enlistment statute for the US Armed Forces in 10 USC §504. Prior to this statute being enacted, each Service had different enlistment rules.
5 In conjunction with the Army’s launch of the pilot program, the Department of Homeland Security has published a new rule in the Federal Register confirming that persons who enlist in the Army under this program are authorized to work. See 74 Fed. Reg. 7993 (Feb. 23, 2009).
6 The Fact Sheet at Appendix 1 can also be found at www.defenselink.mil/news/mavni-fact-sheet.pdf.
This program is not available to persons who are overseas. Instead, MAVNI allows certain non-citizens who are already legally present in the United States to enlist.

Under the Army’s rules, all MAVNI recruits must pass an English test and score 50 or higher on the Armed Forces Qualification Test (AFQT). Thus, Army MAVNI recruits will be required to meet higher standards than US citizen Army recruits. Those MAVNI recruits who seek to enlist on the basis of their foreign language proficiency will be tested on that proficiency.

Q. Don’t I Need A Green Card Before I Can Apply for Citizenship?
A. No. Persons Who Enlist Under MAVNI Can Apply for US Citizenship Immediately, Even if They Do Not Have Lawful Permanent Resident Status.

Under the wartime military enlistment statute, anyone serving honorably in the United States Armed Forces (whether in an active status or in the Selected Reserve) is eligible to naturalize, regardless of immigration status. Wartime military naturalization applicants pay no fees for filing their naturalization applications. No minimum period of honorable service is required prior to filing for wartime naturalization, and applicants are exempt from the residency and physical presence requirements that apply to other naturalization applicants.

How do these provisions apply to health care professionals? To give just one example, a J-1 doctor who has been in the United States legally for two years and who is licensed to practice medicine in the United States may enlist in the Army Reserve under the MAVNI program. Upon enlistment, the doctor may apply for US citizenship, even if the doctor has not yet met the 2-year home residency requirement or obtained lawful

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7 The other Services are reportedly considering a lower AFQT score for their MAVNI recruits, but have not yet announced details.
8 See 8 USC §1440(a), INA §329(a) (2009) (“Any person who . . . has served honorably as a member of the Selected Reserve of the Ready Reserve or in an active-duty status in the military, air, or naval forces of the United States during . . . any . . . period which the President by Executive order shall designate as a period in which Armed Forces of the United States are or were engaged in military operations involving armed conflict with a hostile foreign force, and who, if separated from such service, was separated under honorable conditions, may be naturalized . . . whether or not he has been lawfully admitted to the United States for permanent residence . . .”).
9 See 8 USC §1440(b), INA §329(b) (“notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing a petition for naturalization or for the issuance of a certificate of naturalization . . .”)
10 See 8 USC §1440(b), INA §329(b) (“no period of residence or specified period of physical presence within the United States or any State or district of the Service in the United States shall be required . . .”)
permanent residence. Notwithstanding the lack of a “green card,” the doctor may receive US citizenship in six months or less. The doctor and her civilian employer will thereby save time and the thousands of dollars in costs associated with the processing of the complex paperwork normally required to move from J-1 to lawful permanent resident. In return, the United States Army Reserve will gain a new military doctor.

Q. What Kind of Screening Will There Be?
A. Persons Who Enlist Under MAVNI Will Be Fingerprinted And Screened By DHS And DOD.

Anyone seeking to enlist in the Army under the MAVNI program will be required to provide an Army recruiter with US government documents proving that he or she is in the United States legally and meets the MAVNI immigration eligibility criteria. The recruiter will then transmit the documents to the Department of Homeland Security through a newly established procedure. DHS will review the documents, verify their validity, and advise the recruiter whether the potential recruit meets the MAVNI eligibility criteria. Recruits will also be fingerprinted—as are all Army recruits—and the fingerprints checked against US government databases. In appropriate cases, applicants will undergo additional security screening before being permitted to enlist.

Q. Do I Have To Join The Army On A Full-Time Basis, Or Can I Keep My Civilian Job?
A. If You Elect To Serve In The Reserve As A Health Care Professional, You Can Keep Your Civilian Job, But The Reserve Option Is Only Open To Qualified Doctors Or Nurses.

The Office of the Secretary of Defense has directed that MAVNI health care professionals have a choice of a three-year contractual active duty tour, or six years in the Selected Reserve. Health Care professionals who seek the three-year active duty tour or service in the Selected Reserve must enlist specifically as doctors or nurses; they need not have any specialized language skills, but they must meet the Army’s stringent credentialing requirements for doctors and nurses.

Those who join the Selected Reserve are expected to attend Unit Training Assemblies (“drills”), which are typically held once each month. They are also expected to perform at least two weeks of Annual Training each year. They can be subject to mobilization, and they may be asked to volunteer for tours of duty in addition the required Annual Training. They can, however, continue to work in their civilian jobs and

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11 Failure to meet the two-year home residency requirement is a ground of inadmissibility that must be overcome before someone can be approved for lawful permanent residence, but it is not a bar to obtaining US citizenship. See 8 USC §1182(e), INA §212(e).
are protected by the Uniformed Services Employment and Reemployment Rights Act (USERRA).\textsuperscript{13}

**Q. How Long Do I Have To Serve In The Army?**

**A. You Can Elect To Sign A Contract For Three Years Of Active Duty, Or Six Years In The Selected Reserve, But All Army Soldiers Have An Eight-Year Statutory Obligation.**

The amount of time that a person serves in the US Army is governed by statute, and by the terms of the person’s enlistment contract. A contractual obligation to serve exists when a person voluntarily signs an enlistment agreement. In addition to the contractual obligation, all persons who join the US Army (including US citizens) are subject to an eight-year statutory military service obligation that requires them to remain on the military rolls for eight years total, even if they are no longer on active duty or in a Selected Reserve unit.\textsuperscript{14}

After completing their minimum contractual enlistment period, MAVNI enlistees—like all other military personnel—may serve any remaining statutory military service obligation in the Selected Reserve, Inactive National Guard, or Individual Ready Reserve. The eight-year statutory obligation applies to MAVNI candidates just as it does to every other person who joins the US Army. Thus, a doctor who enlists under the MAVNI program should expect to serve three years of active duty, or six years in the Selected Reserve, followed by two or more years on the military rolls before the doctor is fully released from any obligation to serve. A person who has a statutory obligation can be called back to duty if the Nation needs the person. While such call-ups have historically been relatively rare, they are possible.

**Q. What Types of Doctors and Nurses is the Army Seeking?**

**A. Doctors and Nurses Will Be Recruited for Specific Specialties Needed by the Army, including Internal Medicine, Dentistry, General Surgery, Veterinary Medicine, Psychiatry, and Many Others.**

Qualified doctors and nurses who enlist under the MAVNI Health Care Professional program will not select an enlisted Army job; instead, they will be filling a doctor or nurse job in the Army and will eventually become commissioned officers. A list of the professional medical specialties that the Army seeks is found at Appendix 2. The desired medical specialties needed by the Active Army include Internal Medicine,


\textsuperscript{14} See 10 USC §651 (2009); Army Regulation 135-91, Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures (Feb. 1, 2005), ¶2-1 (“The statutory MSO [Military Service Obligation] is incurred on initial entry into the Armed Forces whether by induction, enlistment, or appointment. . . On and after 1 June 1984, all soldiers incurred an 8–year statutory MSO.”).
Psychiatrist, General Dentist, and Oral Surgeon; the Army Reserve desires to recruit Obstetricians, Psychiatrists, General Surgeons, Plastic Surgeons, Dentists, Veterinarians, and many others. For nurses, the Army seeks all specialties, but a minimum requirement to be an Army Nurse is a bachelor’s degree in nursing from an accredited American nursing school.

Q. What If I Can’t Meet the Army’s Doctor or Nurse Credentialing Requirements? Can I Still Join the Army Under this Program?
A. Health Care Professionals Who Do Not Meet the Army’s Strict Doctor or Nurse Credentialing Requirements Can Enlist As MAVNI Language Specialists, if They Have Language Skills. They May Apply To Serve in an Enlisted Health Care Job.

Any non-citizen doctor or nurse who cannot meet the Army’s strict medical professional credentialing requirements is welcome to try to enlist in the Army under the MAVNI language option, but must be able to speak one of the languages listed in Appendix 1. Such an enlistee is permitted to enlist in any available enlisted MOS, but cannot serve in the Army as a doctor or nurse.

Enlisted Army soldiers contract with the Army to serve in particular “Military Occupational Specialties” (MOSs). While US citizens are eligible to enlist in any MOS, non-citizens are not permitted to enlist in an MOS that requires a security clearance. Under the MAVNI program, some eighty-three of the Army’s enlisted MOSs are available. The available specialties include numerous medical jobs, such as Operating Room Specialist, Dental Specialist, Pharmacy Specialist, Preventive Medicine Specialist, and Combat Medic. A complete list of the available MAVNI enlisted medical MOSs is found in Appendix 3. Some of the specialties may not be available when an applicant enlists because the quota for those specialties may have already been filled. If this happens, the enlistee should choose a different specialty.

Once a MAVNI enlistee becomes a US citizen, he or she can apply to re-classify into a different military specialty, including one that requires a security clearance. He or she can also apply to become an officer upon obtaining US citizenship.

For most foreign-educated but US-licensed doctors, the Army credentialing process may pose few obstacles because they likely already meet the Army’s stringent requirements for Army doctors. Thus, many US-licensed foreign doctors will likely be eligible for the MAVNI Health Care Professional Option.

Nurses, however, are a different matter. Because the Army Nurse Corps requires its nurses to have obtained a degree from an American nursing school,¹⁵ most US-

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¹⁵ See Army Nurse Corps Specialties & Requirements, http://www.goarmy.com/amedd/nurse/corps_specialties_requir.jsp (Army Nurses must “[h]ave a Bachelor degree in nursing (BSN) or Master's degree in Nursing (MSN) from a
licensed foreign nurses are not eligible for commissioning in the Army Nurse Corps and cannot directly enlist under the MAVNI Health Care Professional option. US-licensed nurses who do not have an American degree, but who would like to become Army nurses, can choose to (1) enroll at their own expense in an American nursing program that will give them the required American degree, or (2) enlist in the Army under the MAVNI language specialist option—if they possess the necessary language skills—and choose any available MOS (including a medical one). Later, they may become Army nurses by applying to Army educational programs that will allow them to obtain the required American degree. After obtaining an American degree, they can apply to become members of the Army Nurse Corps. This is a convoluted route to becoming an Army nurse, but unless the Army Nurse Corps changes its rules to recognize foreign nursing degrees, this appears to be the only option for US-licensed nurses with foreign nursing degrees who wish to be Army nurses.

Q. What If I Don’t Complete My Term of Enlistment?
A. Citizenship Can Be Revoked If a MAVNI Enlistee Fails to Complete His or Her Enlistment.

MAVNI enlistees are not eligible for US citizenship under the regular naturalization statutes; because they do not have Lawful Permanent Residence (LPR) status, they are only eligible to apply for US citizenship under the wartime military naturalization statute. This statute allows for revocation of US citizenship if the enlistee does not complete five years of honorable military service. Thus, MAVNI health care professionals who enlist for a three-year active duty term must also complete at least two years of honorable service in the Individual Ready Reserve, or they may face revocation of their citizenship. If a MAVNI enlistee fails to become a US citizen, or has his or her citizenship revoked, the immigration consequences could be very serious. Answering detailed questions about the immigration consequences of an unfavorable military discharge is beyond the scope of this FAQ. If you are concerned about these issues, consult an experienced immigration attorney for details.

16 See, e.g., the Army Medical Enlisted Commissioning Program (AECP), http://www.goarmy.com/amedd/undergrad.jsp, in which the Army allows selected enlisted soldiers to obtain a US nursing degree at the Army’s expense.
17 See 8 USC §1440(c), INA §329(c) (2009) (“Revocation.—Citizenship granted pursuant to this section may be revoked . . . if the person is separated from the Armed Forces under other than honorable conditions before the person has served honorably for a period or periods aggregating five years.”).
Q. When Will This Opportunity End?
A. The Pilot Program Will End on December 31, 2009, Or When 1000 Qualified Non-Citizens Have Been Recruited, Whichever Comes First.

For health care professionals who desire to join the Army, the window of opportunity is small. When announcing his guidance to the Service Secretaries with regard to the MAVNI program, Secretary of Defense Robert Gates also placed a limit of 1,000 on the number of persons who could be recruited into the US Armed Forces under the MAVNI pilot program. The Army has been given the task of recruiting 890 of the allocated slots. Among those 890 slots, 333 have been reserved for health care professionals, and 557 for persons who demonstrate proficiency in the foreign languages listed in Appendix 1. The end date for the pilot program is December 31, 2009, although it may end earlier, or be extended, as the Department of Defense desires. Thus, any health care professional interested in this program should act quickly.

Q. How Do I Start the Enlistment Process?
A. Interested Health Care Professionals Should Complete the Form on the “Go Army” Website.

The Army has established two special websites for non-citizens who are interested in finding out more about the MAVNI pilot program. The links are:

http://www.goarmy.com/info/mavni/healthcare (for doctors and nurses)
http://www.goarmy.com/info/mavni (for persons with language skills who are interested in enlisted health care jobs)

As discussed above, the MAVNI program is being conducted as a pilot program. Accordingly, the program may change or expand in the future. To give just one example, the list of languages may change. Accordingly, the Army encourages anyone who speaks a language other than one of the thirty-five listed in Appendix 1 to fill out the website form and indicate his or her interest in joining the Army. The Army will use this information to gauge the merits of changing or expanding the program in the future to meet specialized language needs. Please complete the Go Army website questionnaire, even if your foreign language is not one of the ones listed in the DOD Fact Sheet. If program eligibility requirements change, an Army recruiter will contact you.

Recruiting for the MAVNI health care portion of the pilot program is taking place nationwide; thus, after completing the website form, interested non-citizen doctors or nurses can wait for a call from an Army Medical recruiter or contact any Army Medical recruiter to begin the enlistment process. All applicants, however, should begin the process by completing the questionnaire on the websites listed above.
Recruiting for the Army MAVNI language pilot program is taking place only in New York City. Applicants who wish to be part of the language pilot must already be in the New York City area or be willing to travel to New York City at their own expense to complete recruitment processing. After completing the form on the website, they will be contacted by an Army recruiter, or they may initiate contact with any New York City Army recruiter to begin enlistment processing. Non-citizens who are interested in the MAVNI program, but who are not health care professionals or who are not in the New York City area are encouraged to complete the website information form even if they are not currently eligible for the program or do not wish to travel to New York City. If the pilot program is expanded to other geographic areas in the future, an Army recruiter will contact them.

This article provides basic information for Health Care Professionals about the requirements of the MAVNI program, the specifics of the Army’s implementation of the program, and how to begin the MAVNI enlistment process. This article is not intended to substitute for individualized legal advice from a competent immigration attorney. Readers are cautioned to seek advice from such an attorney if they have further questions. A competent immigration attorney can assist non-citizens in deciding whether the new Army MAVNI pilot program is suited to their individual situation. The new program may provide an important option for legal non-citizens who are interested in joining the US military, but who previously were denied the opportunity to serve.

MILITARY ACCESSIONS VITAL TO NATIONAL INTEREST (MAVNI) RECRUITMENT PILOT

The Secretary of Defense authorized the military services to recruit certain legal aliens whose skills are considered to be vital to the national interest. Those holding critical skills – physicians, nurses, and certain experts in language with associated cultural backgrounds – would be eligible. To determine its value in enhancing military readiness, the limited pilot program will recruit up to 1,000 people, and will continue for a period of up to 12 months.

ELIGIBILITY

1. The applicant must be in one of the following categories at time of enlistment
   a. asylee, refugee, Temporary Protected Status (TPS), or

2. The applicant must have been in valid status in one of those categories for at least two years immediately prior to the enlistment date, but it does not have to be the same category as the one held on the date of enlistment; and

3. An applicant who may be eligible on the basis of a nonimmigrant category at time of enlistment (see 1b above) must not have had any single absence from the United States of more than 90 days during the two-year period immediately preceding the date of enlistment.

Health Care Professionals
• Applicants must fill medical specialties where the service has a shortfall
• Applicants must meet all qualification criteria required for their medical specialty, and the criteria for foreign-trained DoD medical personnel recruited under other authorities
• Applicants must demonstrate proficiency in English
• Applicants must commit to at least 3 years of active duty, or six years in the Selected Reserve

Enlisted Individuals with Special Language and Culture Backgrounds
• Applicants must possess specific language and culture capabilities in a language critical to DoD
• Applicants must demonstrate a language proficiency
• Applicants must meet all existing enlistment eligibility criteria
• Applicants must enlist for at least 4 years of active duty

(Services may add additional requirements)
Languages

- Albanian
- Amharic
- Arabic
- Azerbaijani
- Bengali
- Burmese
- Cambodian-Khmer
- Chinese
- Czech
- Hausa
- Hindi
- Hungarian
- Igbo
- Indonesian
- Korean
- Kurdish
- Lao
- Malay
- Malayalam
- Moro
- Nepalese
- Persian [Dari & Farsi]
- Polish
- Punjabi
- Pushtu (aka Pashto)
- Russian
- Sindhi
- Sinhalese
- Somali
- Swahili
- Tamil
- Turkish
- Turkmen
- Urdu
- Yoruba

BACKGROUND

Non-citizens have served in the military since the Revolutionary War. The Lodge Act of 1950 permitted non-citizen Eastern Europeans to enlist between 1950 and 1959. Additionally, the United States officially began recruiting Filipino nationals into the
Navy in the late 1940s, when it signed the Military Bases Agreement of 1947 allowing US military bases in the Philippines. In total, over 35,000 Filipinos enlisted in the Navy through the program between 1952 and 1991.

Today, about 29,000 non-citizens serve in uniform, and about 8,000 legal permanent resident aliens (green card holders) enlist each year. Law ensures that the sacrifice of non-citizens during a time of national need is met with an opportunity for early citizenship, to recognize their contribution and sacrifice.

In fact, today's service members are eligible for expedited citizenship under a July 2002 Executive Order, and the military services have worked closely with the US Citizenship and Immigration Services (USCIS) to streamline citizenship processing for service members. Since Sept. 11, 2001, nearly 43,000 members of the Armed Forces have attained their citizenship while serving this nation.

-END-
Appendix 2, Professional Medical Specialties To Be Recruited Under the Army MAVNI Pilot

**Regular Army**

**Medical Corps**
- 60P Pediatrician
- 60W Psychiatrist
- 61F Internal Medicine
- 61H Family Practice

**Dental Corps**
- 63A General Dentist
- 63M Oral Surgeon

**Nurse Corps**
- Army Nurses: All specialties

**Army Reserve**

**Medical Corps**
- 60C Preventive Medicine
- 60J Obstetrician/Gynecologist
- 60K Urologist
- 60N Anesthesiologist
- 60S Ophthalmologist
- 60T Otolaryngologist
- 60W Psychiatry
- 61G Infectious Disease Officer
- 61F Internal Medicine
- 61H Family Practice
- 61J General Surgeon
- 61K Thoracic Surgeon
- 61M Orthopedic Surgeon
- 61Z Neurosurgeon
- 62A Emergency Medicine
- 61L Plastic Surgeon

**Dental Corps**
- 63A General Dentist
- 63B Comprehensive Dentist
- 63F Prosthodontist
- 63N Oral Surgeon

**Nurse Corps**
- 66H Medical Surgical Nurse
- 66H8A Critical Care Nurse
- 66E Operating Room Nurse
- 66F Nurse Anesthetist
- 66N Generalist Nurse

**Specialist and Medical Service Corps**
- 65D Physician Assistant
- 67F Optometry
- 71A Microbiology
- 71E Clinical Laboratory
- 72A Nuclear Medicine
- 72B Entomology
- 73B Clinical Psychologist
- 64A Veterinarian
Appendix 3, Enlisted Army Military Occupational Health Care Specialties Available to MAVNI Enlistees with Language Skills

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<th>Code</th>
<th>Specialty</th>
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<td>BIOMEDICAL EQUIPMENT REPAIRER</td>
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<td>OPERATING ROOM SPECIALIST</td>
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<td>68E</td>
<td>DENTAL SPECIALIST</td>
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<td>68G</td>
<td>PATIENT ADMINISTRATION SPECIALIST</td>
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<td>68H</td>
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<td>68K</td>
<td>MEDICAL LABORATORY SPECIALIST</td>
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<td>68M</td>
<td>NUTRITION CARE SPECIALIST</td>
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