OWCP Regulations

Course 18

Sheila Baker

OWCP

Division of Federal Employees' Compensation

Branch of Regulations and Procedures

What will we discuss?

- Overview of regulations published January 4, 1999
- Current events
- References

Overview of Regulations

- Regs governing FECA are at

  20 CFR parts 10 and 25

  part 10 is major claims issues, part 25 is foreign cases
- Q & A format
- 9 subparts

Subpart A-- General Provisions

- *10.1-10.18*
- Discusses the FECA, who administers it, defines key terms and lists key forms
- Also addresses records
  - confidentiality (*10.10*)
  - custody & control (*10.11*)
  - copies (*10.12*)
  - correction (*10.13*)
- FECA fraud & felony (*10.16-10.18*)

Subpart B--Filing Notices and Claims

- *10.100-10.127*
- When & how claims are filed
  - traumatic injury (*10.100*)
  - occupational disease (*10.101*)
  - wage loss (*10.102*)
  - permanent impairment (*10.103*)
  - recurrence (*10.104*)
  - death benefits (*10.105*)
- Employer responsibilities (*10.110-10.113*)
- Employee responsibilities--evidence needed (*10.115-10.121*)
- Issuance of initial decisions (*10.125-10.127*)

Subpart C--Continuation of Pay

- *10.200-10.224*
- Traumatic injury, filed on CA-1 w/in 30 days (*10.205*)
- 7 reasons OWCP may deny COP (*10.220*)
- To use COP, disability must begin within 30 days from DOI or, in case of a recurrence, within 45 days of first return to work after initial disability (*10.205-10.207*)

Subpart D-- Medical & Related Benefits

- *10.200-10.337*
- Change in attendant's allowance policy--$1,500, to be billed as medical expense, not, as before January 4, 1999, added to compensation payment (*10.314*)
- Conflict of medical opinion--weight of medical evidence (*10.321*)
- Medical reports should be submitted directly to OWCP (*10.331*)
- Partial reimbursement due to fee schedule application (*10.337*)

Subpart E--Compensation and Related Benefits

- *10.400-10.441*
- Explanation of compensation payment procedures (*10.400-10.425)*
- No allowance for lump sum payments of wage-loss compensation (*10.422*)
- Discussion of overpayment declaration & collection (*10.430-10.441*)

Subpart F--Continuing Benefits

- *10.500-10.541*
- **Employer responsibilities (*10.505-10.509*)**
  - advise employee in writing of obligation to RTW and of alternate positions available or accommodations that can be made
- Employer may use CA-17 to obtain medical progress report, but cannot contact physician by phone or visit (*10.506*)
- Job offers, to be suitable, should be in writing with specific duties & requirements (*10.507*)

Subpart F--Continued

- **Employee responsibilities (*10.515-10.537*)**
  - must resume regular employment if able, or seek work if unable to perform DOI job (*10.515*)
  - must advise physician that work is available and ask him/her to provide limitations (*10.515*)
  - must accept a suitable job or show why refusal is justified (*10.517*)
  - must undergo vocational rehabilitation as directed (*10.519*)
  - must report employment activities and dependent status when required (*10.525-10.537*)
- **Section F also discusses termination of compensation (*10.540 & 10.541*)**

Subpart G--Appeals Process

- *10.600-10.628*
- Reconsideration process (*10.605-10.610*)
  - Review under Director's own motion (*10.610*)
- Hearings (*10.615-10.622*)
  - Oral hearing or review of the written record (*10.617 & 10.618*)
  - Subpoenas may be requested (*10.619*)
  - Employer's role (*10.621*)
  - change in rules for postponing hearing (*10.622*)
- ECAB (*10.625 & 10.626*)

Subpart H--Special Provisions

- Representation (*10.700-10.703*)
  - one designated rep (*10.700*)
  - Federal employee can be rep only when immediate family member or unpaid union rep (*10.701*)
  - change in fee approval (*10.703*)
- Third party liability (*10.705-10.719*)
- Special Act cases (*10.725-10.741*)
  - Federal Jurors (*10.725-10.727*)
  - Peace Corps (*10.730 & 10.731*)
  - LEO (*10.735-10.741*)

Subpart I--Info for Medical Providers

- *10.800-10.826*
- Bill submission (*10.801*)
- Reimbursement (*10.802*)
- Fee Schedule application (*10.805-10.813*)
- Provider exclusion (*10.815-10.826*)

Current Events

- COP Nurse Intervention (*FB 00-15 & FB 01-09*)
- Real-time Pharmacy Billing (*FB 01-01*)
- Revised SSA Information Requesting (*FB 01-04*)
- Fifth Ed. AMA Guides (*FB 01-05*)
- OASIS

Resources

- DFEC website:

http://www.dol.gov/dol/esa/public/regs/compliance/owcp/fecacont.htm

- AQS
- NO-DO structure--chain of command