

Office of Workers' Compensation Programs, Labor

§ 10.0

10.718 Are payments to a beneficiary as a result of an insurance policy which the beneficiary has purchased a gross recovery that must be reported to OWCP or SOL?

10.719 If a settlement or judgment is received for more than one wound or medical condition, can the refundable disbursements paid on a single FECA claim be attributed to different conditions for purposes of calculating the refund or credit owed to the United States?

FEDERAL GRAND AND PETIT JURORS

10.725 When is a Federal grand or petit juror covered under the FECA?

10.726 When does a juror's entitlement to disability compensation begin?

10.727 What is the pay rate of jurors for compensation purposes?

PEACE CORPS VOLUNTEERS

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10.731 What is the pay rate of Peace Corps volunteers and volunteer leaders for compensation purposes?

NON-FEDERAL LAW ENFORCEMENT OFFICERS

10.735 When is a non-Federal law enforcement officer (LEO) covered under the FECA?

10.736 What are the time limits for filing a LEO claim?

10.737 How is a LEO claim filed, and who can file a LEO claim?

10.738 Under what circumstances are benefits payable in LEO claims?

10.739 What kind of objective evidence of a potential Federal crime must exist for coverage to be extended?

10.740 In what situations will OWCP automatically presume that a law enforcement officer is covered by the FECA?

10.741 How are benefits calculated in LEO claims?

Subpart I—Information for Medical Providers

MEDICAL RECORDS AND BILLS

10.800 What kind of medical records must providers keep?

10.801 How are medical bills to be submitted?

10.802 How should an employee prepare and submit requests for reimbursement for medical expenses, transportation costs, loss of wages, and incidental expenses?

10.803 What are the time limitations on OWCP's payment of bills?

MEDICAL FEE SCHEDULE

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10.806 How are the maximum fees defined?

10.807 How are payments for particular services calculated?

10.808 Does the fee schedule apply to every kind of procedure?

10.809 How are payments for medicinal drugs determined?

10.810 How are payments for inpatient medical services determined?

10.811 When and how are fees reduced?

10.812 If OWCP reduces a fee, may a provider request reconsideration of the reduction?

10.813 If OWCP reduces a fee, may a provider bill the claimant for the balance?

EXCLUSION OF PROVIDERS

10.815 What are the grounds for excluding a provider from payment under the FECA?

10.816 What will cause OWCP to automatically exclude a physician or other provider of medical services and supplies?

10.817 When are OWCP's exclusion procedures initiated?

10.818 How is a provider notified of OWCP's intent to exclude him or her?

10.819 What requirements must the provider's reply and OWCP's decision meet?

10.820 How can an excluded provider request a hearing?

10.821 How are hearings assigned and scheduled?

10.822 How are subpoenas or advisory opinions obtained?

10.823 How will the administrative law judge conduct the hearing and issue the recommended decision?

10.824 How can a party request review by the Director of the administrative law judge's recommended decision?

10.825 What are the effects of exclusion?

10.826 How can an excluded provider be reinstated?

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Subpart A—General Provisions

INTRODUCTION

§ 10.0 What are the provisions of the FECA, in general?

The Federal Employees' Compensation Act (FECA) as amended (5 U.S.C. 8101 et seq.) provides for the payment of workers' compensation benefits to civilian officers and employees of all

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branches of the Government of the United States. The regulations in this part describe the rules for filing, processing, and paying claims for benefits under the FECA. Proceedings under the FECA are non-adversarial in nature.

(a) The FECA has been amended and extended a number of times to provide workers' compensation benefits to volunteers in the Civil Air Patrol (5 U.S.C. 8141), members of the Reserve Officers' Training Corps (5 U.S.C. 8140), Peace Corps Volunteers (5 U.S.C. 8142), Job Corps enrollees and Volunteers in Service to America (5 U.S.C. 8143), members of the National Teachers Corps (5 U.S.C. 8143a), certain student employees (5 U.S.C. 5351 and 8144), certain law enforcement officers not employed by the United States (5 U.S.C. 8191–8193), and various other classes of persons who provide or have provided services to the Government of the United States.

(b) The FECA provides for payment of several types of benefits, including compensation for wage loss, schedule awards, medical and related benefits, and vocational rehabilitation services for conditions resulting from injuries sustained in performance of duty while in service to the United States.

(c) The FECA also provides for payment of monetary compensation to specified survivors of an employee whose death resulted from a work-related injury and for payment of certain burial expenses subject to the provisions of 5 U.S.C. 8134.

(d) All types of benefits and conditions of eligibility listed in this section are subject to the provisions of the FECA and of this part. This section shall not be construed to modify or enlarge upon the provisions of the FECA.

§ 10.1 What rules govern the administration of the FECA and this chapter?

In accordance with 5 U.S.C. 8145 and Secretary's Order 5–96, the responsibility for administering the FECA, except for 5 U.S.C. 8149 as it pertains to the Employees' Compensation Appeals Board, has been delegated to the Assistant Secretary for Employment Standards. The Assistant Secretary, in turn, has delegated the authority and responsibility for administering the

FECA to the Director of the Office of Workers' Compensation Programs (OWCP). Except as otherwise provided by law, the Director, OWCP and his or her designees have the exclusive authority to administer, interpret and enforce the provisions of the Act.

§ 10.2 What do these regulations contain?

This part 10 sets forth the regulations governing administration of all claims filed under the FECA, except to the extent specified in certain particular provisions. Its provisions are intended to assist persons seeking compensation benefits under the FECA, as well as personnel in the various Federal agencies and the Department of Labor who process claims filed under the FECA or who perform administrative functions with respect to the FECA. This part 10 applies to part 25 of this chapter except as modified by part 25. The various subparts of this part contain the following:

(a) Subpart A: The general statutory and administrative framework for processing claims under the FECA. It contains a statement of purpose and scope, together with definitions of terms, descriptions of basic forms, information about the disclosure of OWCP records, and a description of rights and penalties under the FECA, including convictions for fraud.

(b) Subpart B: The rules for filing notices of injury and claims for benefits under the FECA. It also addresses evidence and burden of proof, as well as the process of making decisions concerning eligibility for benefits.

(c) Subpart C: The rules governing claims for and payment of continuation of pay.

(d) Subpart D: The rules governing emergency and routine medical care, second opinion and referee medical examinations directed by OWCP, and medical reports and records in general. It also addresses the kinds of treatment which may be authorized and how medical bills are paid.

(e) Subpart E: The rules relating to the payment of monetary compensation benefits for disability, impairment and death. It includes the provisions for identifying and processing overpayments of compensation.