Office of Workers’ Compensation Programs

Division of Federal Employees’ Compensation Interagency Meeting

February 15, 2018
Antonio A. Rios
Director,
Division of Federal Employees’ Compensation
Periodic Roll Trends

New Policies
- Nurse@ 2 weeks of TTD
- 2nd Op Exams @ 12 months of TTD

Number of Cases Paid on the Periodic Roll

PRM Units Implemented
Chargeback Trends 2007 - 2017

Drop in Comp Costs Corresponds with Drop in PR Universe

2015 Rise in Compounds

2016-2017 Drop in Compounds Costs
We’re Listening...

New ECOMP Document Upload Categories such as:

- Job Offer Rejections or Non-Responses
- Case Copy/Document Request
- Employer’s Claim Challenge
- Compensation Question

Averages Inquiries per Month Increased by 85%
Average Response Time Decreased by 30%
Average Inquiries per Month

- FY2017: 3,000
- FY2018 thru Jan 31: 7,000
Average Days to Respond

- FY2017: Approximately 19 days
- FY2018 thru Jan 31: Approximately 15 days
Continuing to Improve Efficiencies

- Pharmacy Benefit Manager (PBM)
  - Pause any PBM contract renewals/awards
  - Consult with DOL OWCP before doing so
- End to End Case Management
- Opioid Policy Implementation
- Expanding Program Integrity
- Collaborative Case Management
  - Disability Management Interface (DMI)
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Options:
- **Report Job Offer Refusal**
- **No RTW after Job Found Suitable**
- **Request Updated Medical Evidence**
Report Job Offer Refusal

1) Job offer date: 01/10/2018
2) Job offer title: Modified Clerk
3) Date of medical used for job offer: 01/03/2018
4) Name of physician: Dr. James
5) Grade/Step/Pay (Salary) for Position: $20.00 per hour
6) Schedule of offered job: M-F, 8:00 to 4:30
7) Location of offered job: Washington, DC
8) Response due date: [MM/DD/YYYY]
9) What are the duties of the position? (Description of duties)
   Answering phones, reviewing files, answering correspondence
10) What are physical requirements of the position (noting any special requirements or modified working conditions, if applicable)?
    Sitting 8 hrs/day; Walking 1 hr/day; Lifting up to 5 pounds
11) Did claimant submit written refusal or declination?
12) Date claimant refused job: 01/23/2018

⚠️ Please enter a Response Due Date.

⚠️ Don’t forget to upload the job offer and the Claimant’s response (if any) so the Claims Examiner has all necessary evidence to review.
Dear [Name],

You have been offered a position as a [Modified Clerk] at the Department of Justice in Washington, D.C., by notice dated [07/10/2016]. The duties and physical requirements of the offered position are described in the enclosed job offer.

We have been advised that you have refused or failed to report to this position.

We have reviewed this job offer and find it suitable in accordance with your medical limitations provided by Dr. [Dr. Smith] in the report dated [12/20/2017] because [Blank].

It has been determined that the weight of medical evidence rests with Dr. [Dr. Smith] because [Blank].

On [01/23/2018], your employing agency confirmed that this position remains available to you. Upon acceptance of this position, you will be paid compensation based on the difference (if any) between the pay of the offered position and the current pay of the position you held on the date of injury. Your case will be held open for 30 days with the expectation that you will accept the position and report to duty. You can still accept this job with no penalty. If you fail to accept this position, you must provide a written explanation of your reasons during the allotted period.

5 USC §8109(c)(2) states that “a partially disabled employee who refuses or neglects to work after suitable work is offered to, procured by, or secured for him is not entitled to compensation.” Therefore, any claimant who refuses an offer of suitable employment (or fails to report for work when scheduled) is not entitled to any further compensation for wage loss or schedule award.
January 24, 2018

Dear Mr. [Name],

You have been offered a position as a Modified Clerk with the Department of Justice in Washington DC by notice dated 01/10/2018. The duties and physical requirements of the offered position are described in the enclosed job offer.

We have been advised that you have refused or failed to report to this position.

We have reviewed this job offer and find it suitable in accordance with your medical limitations provided by Dr. Smith in the report dated 12/20/2017 because [sample text].

On 01/23/2018, your employing agency confirmed that this position remains available to you. Upon acceptance of this position, you will be paid compensation based on the difference (if any) between the pay of the offered position and the current pay of the position you held on the date of injury. Your case will be held open for 30 days with the expectation that you will accept the position and report to duty. You can still accept this job with no penalty. If you fail to accept this position, you must provide a written explanation of your reasons during the allotted period.

5 USC §8106(c)(2) states that "A partially disabled employee who refuses or neglects to work after suitable work is offered to, procured by, or secured for him is not entitled to compensation." Therefore, any claimant who refuses an offer of suitable employment (or fails to report for work when scheduled) is not entitled to any further compensation for wage loss or schedule award.
To use DMI, a Federal Agency must:

- Have a completed ECOMP MOU on file with DOL and demonstrate a current forms filing status in the system
- Contact DOL’s Branch of Technical Assistance to request access
- Review and agree to the DMI Rules of Behavior
- Complete DMI training
• Opioid Policy Development
• CE Identity Update
• End to End District Office Changes
Jennifer Valdivieso
Deputy Director,
Division of Federal Employees’ Compensation
Prescription Management Units

- Four Units: Jacksonville, Seattle, New Orleans, Chicago
- Medical Benefit Examiner vs. Responsible Claims Examiner
- Cases Assigned by SSN
Program Integrity

• Identification of Risky Opioid Providers/Prescribers
  o High Volume
  o High Morphine Equivalent Dose (MED)
• Predictive Analytics and Risk Metrics
Medication Kits and Combination Medications

FECA CIRCULAR 18-05, issued February 14, 2018

Payment will be denied if the items in the kit/medication:
• can typically be obtained separately and/or at a lower cost,
• there is a reasonable alternative or substitute, or
• the primary use is for a condition not normally caused by a workers’ compensation injury.

Initial denial list has 49 different NDCs
The graph illustrates the net amount paid and charged over a period from 07-2016 to 12-2017. The net amount paid shows a steady increase, while the net amount charged remains relatively flat until the period of 09-2017, after which it spikes significantly. This indicates a sharp increase in the net amount charged during that time frame.
Fraud Protocols

FECA CIRCULAR NO. 17-03: Office of Inspector General (OIG) Investigations Pertaining to Federal Employees’ Compensation Act (FECA) Claimant and Medical Provider Fraud

FECA BULLETIN NO. 17–04: Investigations related to Federal Employees’ Compensation Act (FECA) Claimant Fraud

FECA BULLETIN NO. 17-05: Investigations related to Federal Employees’ Compensation Act (FECA) Medical Fraud

Available at https://www.dol.gov/owcp/dfec/
Tara N. Jones
Chief,
Branch of Technical Assistance
Disability Management Interface (DMI)

Where do I sign up?
Disability Management Interface (DMI) – Gaining Access

- Contact DFEC’s Branch of Technical Assistance (BTA)
- Complete Training
  - In person/WebEx, facilitated by BTA
  - Agency must request cases through ARI in advance
  - During training will work on actual claims
- Agree to Rules of Behavior
Disability Management Interface (DMI) – Rules of Behavior

- Non-negotiables:
  - Complete and accurate information
  - No duplicates
  - Upload requested information
  - System abuse
Disability Management Interface (DMI) — Non-Compliance Examples

- Requesting suitability on temporary job offers:
  - See 20 CFR §10.500, 5 U.S.C. 8106(c)(2)
- Requesting medical at unreasonable intervals:
  - See 20 CFR §10.501
- Failing to provide useful data in requested fields of the application
Disability Management Interface (DMI) – Auditing

- Review and Monitor submissions
- Non Compliance will result in:
  - Suspension and/or Termination
  - Individual or Departmental
General Updates

• WEEDS Page Limit Increased to 7 (from 6)
• PR Schedule for 2018 Posted Online
• CQS:
  • 3,196 accounts since September 2017
  • 1% reported registration issues
• Forms: CA-7/16/17/20 and OWCP5a/b/c
General Updates

- Register for Listserv
- Notify Us of Staffing Changes That Affect User Accounts
- CHEP 2018 Announcement
Julia K. Hearthway
Director,
Office of Workers’ Compensation Programs
FECA Legislative Reform

• Included in President’s FY2019 Budget
• Subject to Interagency Clearance
## President’s 2019 Budget and FECA Reform

### FECA Provisions

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<tr>
<td>Retirement conversion benefit*</td>
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### Improving Program Integrity

- Prevent retroactive election of OPM and FECA benefits
- Suspend payments to indicted medical providers

### Modernizing Program Administration

- Waiting period
- Funeral benefit
- Disfigurement

### Total Proposed Cost or Savings

$885M

*Applicable to new injuries post-enactment*