

Medical evidence and OWCP, Part 2 —The new CA-20



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On Aug. 31, just two weeks ago from my writing this, the Office of Workers' Compensation Programs (OWCP) released a much-awaited revision of its CA-20 form, the Attending Physician's Report. OWCP allowed the NALC significant input on the design of the new CA-20. And NALC at the national level supported the development of the new form in its comments responding to the Department of Labor's "Proposed Revision of Information Collection; FECA Medical

Report Forms, Claim for Compensation" published in the *Federal Register*, Vol 88, No. 50, March 15, 2023, pages 16038-16039.

The NALC has always had a particular interest in OWCP's medical report forms because they affect so many of our members. In most years, city letter carriers make up the largest subgroup of injured federal workers filing claims under the Federal Employees' Compensation Act (FECA). This is due to the physical nature of our work, including driving vehicles, extensive walking, climbing stairs, handling equipment, heavy lifting and strenuous repetitive activities. Every year thousands of injured letter carriers use OWCP's forms not only to file their claims, but also to provide medical evidence to support their cases.

Navigating through the federal injury compensation program can be a daunting task for both the injured worker and their attending physician, even in simple and straightforward cases. Unfortunately, it's been our experience that OWCP's forms have been woefully inadequate in eliciting the medical evidence that OWCP requires for claimants to meet their burden to establish the basic elements for claim acceptance. And while OWCP addresses claim deficiencies through development letters, it also has been our experience that these do not adequately describe what OWCP is looking for regarding medical evidence.

In fact, doctors' frustration with writing acceptable medical reports has been one of the factors leading to what OWCP—in conversations with NALC at the national level—calls "provider deserts." There are now a number of such deserts around the country where doctors willing to take on federal injury compensation cases are rare or nonexistent.¹

¹ Note that in summer 2023, as part of the Phase 2 rollout of the escalations process, senior MTAs and MTA supervisors have begun outreach to underserved "provider deserts" in an effort to increase the number of providers willing to accept patients with OWCP claims. They will focus on providers who formerly accepted patients with OWCP cases but left the program due to frustrations with billing, authorizations and medical reports.

The implementing regulations of the FECA describe OWCP's requirements for medical reports in 20 CFR §10.330:

What are the requirements for medical reports?

In all cases reported to OWCP, a medical report from the attending physician is required. This report should include:

- (a) Dates of examination and treatment;
- (b) History given by the employee;
- (c) Physical findings;
- (d) Results of diagnostic tests;
- (e) Diagnosis;
- (f) Course of treatment;
- (g) A description of any other conditions found but not due to the claimed injury;
- (h) The treatment given or recommended for the claimed injury;
- (i) The physician's opinion, with medical reasons, as to causal relationship between the diagnosed condition(s) and the factors or conditions of the employment;
- (j) The extent of disability affecting the employee's ability to work due to the injury;
- (k) The prognosis for recovery; and
- (l) All other material findings.

The problem for injured letter carriers and their physicians is that, until now, existing OWCP forms have not actually adequately described the basic evidence required for OWCP to accept their case, particularly with regard to (i) above, the causal explanation. The level of detail OWCP requires for a causal explanation, especially in CA-2 occupational disease cases, goes far beyond what any other medical insurer requires. With the new CA-20, that situation should improve dramatically.

We anticipate that with most traumatic injury cases, a conscientiously completed CA-20 form should result in the initial acceptance of the claim. OWCP, however, may still require additional medical evidence in some occupational disease cases and in cases that involve previous injuries to the affected body part or preexisting degenerative conditions.

Copies of the new CA-20 can be downloaded from OWCP's website: dol.gov/sites/dolgov/files/owcp/regs/compliance/ca-20.pdf.

We strongly encourage local branches to print out copies of the new CA-20 to provide to their injured members.

Next month's column will continue the discussion of medical evidence and OWCP.