



JUL 14 1999

File Number:

Mr. Larry B. Anderson, Manager
Safety and Risk Management
U.S. Postal Service
475 L'Enfant Plaza
Washington, D. C. 20260-4232

Dear Mr. Anderson:

A copy of your January 21, 1999 memorandum, regarding the new FECA Regulations, addressed to all Human Resource Managers and all Injury Compensation Area Analysts, was provided to me by the American Postal Workers Union. Your memorandum addresses the provisions of 20 C.F.R. 10.506, which prohibits telephone or personal contact with an employee's attending physician by the employer, and limits written communication from agency personnel to a physician to the subject of work limitations.

Your memorandum states that this FECA Regulation neither limits communication by FAX or email nor prevents a physician from initiating telephone or personal contact with the Postal Service. You also state that you can contact a physician by telephone to see if a FAX has been received or to ascertain the status of a request for information.

This is to advise you that communications by FAX or email most certainly are written communications and are subject to the limitations outlined in 20 C.F.R. 10.506. The Regulations do not distinguish between various methods of transmitting a request. The obvious intent is to limit the communication between agency personnel and physicians to written requests for information necessary for an agency to assess an employee's ability to perform full or light duties. Written communication, regardless of how it is transmitted to the physician, is limited to information regarding fitness for duty.

In addition, a copy of all written communications to and from a physician must be provided to OWCP and the employee. If a communication is sent by FAX or email, and the employee is not able to receive their copy by the method through which the original is transmitted, they should be provided with a copy through the U.S. Mail.

Any and all telephone contact initiated by the agency, regardless of the subject, is entirely prohibited. There is no exception made for follow up requests. Telephone or personal contact with members of a physician's staff is considered contact with the physician, and is also prohibited.

Please instruct your staff to cease all telephone communication with employee's physicians; to limit all written communications, whether transmitted by FAX, email, U.S. Mail, or any other means, to information regarding fitness for duty; and to provide a copy of all written communication to and from an employee's physician to OWCP and the employee. Your prompt documentation that this correction has been made would be appreciated.

Sincerely,

SHEILA M. WILLIAMS
Acting Director for
Federal Employees' Compensation