

2010 Military Health System Conference

How Do We Formalize Care for the Civilian Expeditionary Workforce?

Sharing Knowledge: Achieving Breakthrough Performance

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Question



- What is necessary to establish eligibility for assessing members of the Civilian Expeditionary Workforce and what can MTFs provide to care for their medical conditions?
 - What is the Civilian Expeditionary Workforce?
 - Can Civil Servants receive medical care in our MTFs in theater, OCONUS, CONUS?
 - What about long-term care?

Overview of Presentation



- Outline
- Definitions
- Assumptions
- DoD Policies
- Federal Policies and Regulations
- Deployment issues and challenges
- Agency Case Study

Outline



- Regulations affecting a deploying Civil Servant population.
- Office of Personnel Management (OPM) Fitness for Duty regulations.
- Limitations on such examinations and legal precedents.
- Waiver process and coordination with COCOMs.
- Risk assessments and risk management for deployed environment stressors and hazards.

Outline *continued*



- In-theater medical care and relevance to Workers' Compensation claims.
- Severe injury or illness in theater or chronic injury or illness upon return.
- Population based policies and Union considerations.

Definitions



- Deployment
 - Defined by DoD policy
- Protected Health Information
 - HIPAA, regulations in 45 CFR 164
- Essential Function of the Job
- Fitness for Duty evaluation
- Accommodation
- Waiver

Assumptions



- Involuntary deployment
 - Adverse personnel action an option
 - Workers' Compensation claims
- Condition of Employment
 - Deployability equals employability
- Union interest
 - Change in condition of employment
 - Deployment-related assessments

DoD Policies



- Deputy Secretary of Defense Memo
- Under Secretary of Defense, Personnel and Readiness Memos
- Health Affairs Memos
- 32 CFR series for Service-specific policies
- DoD Directive 1404.10
- TMA Uniform Business Office Manual
- COCOM policies

DepSecDef Memo



- September 2007 memo “Medical Care for Federal Employees Injured or Wounded while Forward Deployed in Support of U.S. Military Forces”
 - Deployed Civil Servants eligible for care in theater same as military personnel.
 - Evacuation and care at MTFs for work-related injury or illness same as military personnel.
 - Deployment Health policies apply.

USD P&R Memos



- February 2008 memo “Building Increased Civilian Deployment Capacity”
 - Expand ability to deploy Civil Servants.
- September 2008 memo “Opportunities for Department of Defense Civilians to Serve in Global Expeditionary Positions”
 - Establishes that deployed positions formally filled by Active Duty would now be filled by Civil Servants.

DoD Directive



- DoDD 1404.10 “DoD Civilian Expeditionary Workforce”
- Established concept of CEW
- Establishes subsets of CEW:
 - Emergency Essential (E-E)
 - Non-Combat Essential (NCE)
 - Capability-Based Volunteer (CBV)

Federal Policies and Regulations



- 5 CFR series from Office of Personnel Management
- 29 CFR series from Occupational Safety and Health Administration
- 20 CFR series from Office of Workers' Compensation
- 45 CFR series from Health and Human Services
- Employee Compensation Appeals Board rulings

Program Requirements



- Expanding and formalizing deployment program for Civil Servants.
- Qualified versus pre-deployment screening.
- Privacy versus work-related requirements.

Fitness for Duty Examinations



- **5 CFR 339.301 Authority to require an examination.**
 - (a) A routine preappointment examination is appropriate only for a position which has specific medical standards, physical requirements, or is covered by a medical evaluation program established under these regulations.

Fitness for Duty Examination



- 5 CFR 339.301 (cont)
 - (2) On a regularly recurring, periodic basis after appointment; or
 - (3) Whenever there is a direct question about an employee's continued capacity to meet the physical or medical requirements of a position.

Fitness for Duty



- **5 CFR 339.302 Authority to offer examinations.**
 - An agency may, at its option, offer a medical examination (including a psychiatric evaluation) in any situation where the agency needs additional medical documentation to make an informed management decision.

Privacy and Work-related



- 45 CFR 164 implements the medical privacy protections of the Health Insurance Portability and Accountability Act (HIPAA)
 - Within DoD, these protections are implemented by DoD 6025.18-R, DoD Health Information Privacy Regulation. Generally, these rules govern how covered entities use, safeguard and disclose protected health information (PHI) which is transmitted electronically.
 - Within DoD “Line” commanders are not covered entities.

Privacy and Work-Related



- Privacy Act and HR policies
 - Provide information to support fitness-for-duty
 - Provide information to demonstrate meeting job's medical requirements
- Required by the job
 - Failure to provide
 - Failure to meet job's requirements
 - Adverse administrative action

Health Affairs Policies



- HA Policy 08-002 “Policy for Billing for Care Furnished by Military Treatment Facilities to Federal Employees for On-the-Job Injuries and for Occupational Health”
 - Do not bill for services provided for appropriated funds employees.
 - Service-dependent billing for NAF employees.

Civilian Expeditionary Workforce



- The CEW is a subset of the DoD civilian workforce that is organized, ready, trained, cleared, and equipped to respond urgently to expeditionary requirements.

Preventive Care and Deployment



- ASD HA policy 09-006 “Policy for Decreasing Use of Aspirin (Acetylsalicylic Acid) in Combat Zones”
 - Define medical necessity for ASA use.
 - Risk-benefit assessment.
- Application to statin use?
 - Rhabdomyolysis side-effect of concern
 - Only 20% of athletes tolerated statins.
 - 60 pounds of combat gear for CENTCOM.
 - Elevated CK not always present.
 - Risk-benefit assessment.

Agency Case Study



- Frequently deploys employees to CENTCOM.
- Voluntary deployments but volunteers waning.
- Formal policy needed:
 - Comply with Deployment Health requirements.
 - Assess and track readiness.
 - Track medical evacuations.
 - Additional assessments and resources for redeployed workers.

Agency Case Study



- Deployment equals employment
 - Compliance with medical assessment.
 - Resolve disqualifying medical conditions.
 - Provide access to personal medical information.
- Optimize deployment rotations
 - Equitable
 - Scheduled

Agency Case Study



- Readiness Tracking
 - Content of assessment
 - Frequency of assessment
 - Collection of data
 - Reporting requirements
 - Deployment-health assessments

Agency Case Study



- Deployment-related injury or illness
 - In-theater medical records
 - Medical evacuation tracking
 - Workers' Compensation assistance

Agency Case Study



- Training pre-deployment
 - Access to Employee Assistance Program
 - Access to care for injury or illness
- Pre-deployment logistics
 - Protective equipment
 - Medications

Agency Case Study



- Peer-to-peer program
 - “Self-selected peer” identified pre-deployment
 - Selected peer contacted
 - Selected peer trained on responsibilities and resources
 - Redeployment contact initiated



Questions?