

Updating the Federal Workers' Compensation Program to Include PAs

Action Requested: Cosponsor S. 131/H.R. 618 the *Improving Access to Workers' Compensation for Injured Federal Workers Act*. This legislation would modernize the Federal Employees' Compensation Act (FECA) to cover services provided to injured federal workers by physician associates/physician assistants (PAs) and nurse practitioners (NPs). This bipartisan legislation passed the House in the last Congress with an overwhelming bipartisan majority (325 to 83, RCV 233, 117th Congress), and was unanimously reported out of the Education and the Workforce Committee in June 2024.

Currently, federal employees are unable to receive treatment from PAs and NPs through federal workers' compensation following injuries sustained on the job. This overly burdensome and outdated restriction unnecessarily increases costs to both patients and the healthcare system and limits timely access to care for federal employees. If enacted into law, S. 131/H.R. 618 would correct this unreasonable restriction for federal employees while also saving money for the federal government.¹

Background: Currently, U.S. federal and postal workers receive workers' compensation coverage for employment-related injuries and occupational disease(s) through the Federal Employees' Compensation Act (FECA).

The FECA statute defines eligible providers to include “*surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law.*” Medical care provided by PAs and NPs is **not** included in FECA's definition of “*medical, surgical, and hospital services and supplies,*” and as a result, claims signed by PAs and NPs are routinely denied. In one instance, AAPA was informed that federal workers were advised to use hospital emergency rooms for non-emergency care rather than local clinics where PAs were the only healthcare professionals on site, even though emergency care is significantly more expensive than many other options. Outdated restrictions on the ability of PAs and NPs to diagnose and treat injuries and illnesses covered by the Federal Workers' Compensation Program unnecessarily limit patient access to medical care. This legislation does not override or change state scope of practice laws.

Enactment of S. 131/H.R. 618 is necessary to meet the healthcare needs of injured federal workers and is consistent with Congressional action in recent years to ensure services provided by PAs are covered by Medicare and other federal programs in a manner consistent with state law. Recent examples include authorizing PAs and NPs to order and manage home healthcare in 2020 and authorizing PAs to serve as attending providers for hospice patients in 2018. It is well within the education and training of PAs to provide treatment to federal employees who are injured in the course of their work for the government, and it is time to remove this outdated and unnecessary restriction.

The Congressional Budget Office found that this legislation will not increase federal spending and will help ensure injured federal workers return to work sooner after receiving timely access to quality medical care.

AAPA Legislative Recommendation: AAPA recommends Congress support the *Improving Access to Workers' Compensation for Injured Federal Workers Act*, H.R. 618/S. 131, introduced in the House by Reps. Tim Walberg (R-MI) and Joe Courtney (D-CT), and in the Senate by Sens. Sherrod Brown (D-OH) and Susan Collins (R-ME).

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¹ United States. *Congressional Budget Office*. United States, 2022. Web Archive. <https://www.cbo.gov/publication/58077>