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THE ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1200

HEALTH AFFAIRS

MAR 5, 1997

**MEMORANDUM FOR:** ASSISTANT SECRETARY OF THE ARMY (M&RA)  
ASSISTANT SECRETARY OF THE NAVY (M&RA)  
ASSISTANT SECRETARY OF THE AIR FORCE (MRAI&E)

**SUBJECT:** Policy for Billing Occupational Health or Workers' Compensation Cases for Department of Defense Employees in Military Treatment Facilities

This memorandum clarifies our billing policy for occupational health or workers' compensation cases in military treatment facilities. Emergency medical care (including initial treatment after on-the-job injury or illness) provided Department of Defense (DoD) employees injured on the job, whether appropriated or nonappropriated fund, will not be billed. Nonemergent or follow-up occupational health or workers' compensation care for nonappropriated fund employees will be billed to the employer at the interagency rate.

I recognize that appropriated fund DoD employees are governed by the Federal Employees Compensation Act (FECA), nonappropriated fund employees are governed by the Longshore and Harbor Workers' Compensation Act, and that military treatment facilities are legally authorized to collect from nonappropriated fund instrumentalities for all occupational health or workers' compensation care. However, due to the potential impact of this action on service morale, welfare and recreation programs, I am establishing this policy to forego collections for emergency medical care. I am taking this action under the authority of 10 U.S.C. 1074 (c) to establish, by regulation, the limited entitlement to emergency medical care.

The point of contact is LCDR Pat Kelly at (703) 681-8910 or [pkelly@ha.osd.mil](mailto:pkelly@ha.osd.mil).

Stephen C. Joseph, M.D., M.P.H.

cc:  
Surgeon General of the Army  
Surgeon General of the Navy  
Surgeon General of the Air Force

**HA POLICY 97-035**

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