




NOTICE OF RESCISSION
U.S. DEPARTMENT OF LABOR
Office of Federal Contract Compliance Programs

Number 301

Date: APR 25 2012

ADM Notice/Rescission

- 1 **SUBJECT**: Notice of Rescission
2. **PURPOSE**. To rescind Directive 293, *Coverage of Health Care Providers and Insurers*, issued December 16, 2010.
- 3 **BACKGROUND**: Directive 293 restates existing OFCCP policy for determining whether health care providers and insurers are covered contractors or subcontractors based on their relationship with federal health care programs. As noted in the Directive, OFCCP found that changes in the health care industry and recent case decisions warranted issuance of such guidance, and obsolete directives needed to be rescinded. Directive 293 stated that OFCCP uses a case-by-case approach in making coverage determinations because of the wide-array of relationships health care providers and insurers may have with the federal government. However, recent legislation and related developments in pending litigation warrant rescission of Directive 293 at this time. OFCCP will continue to use a case-by-case approach to make coverage determinations in keeping with its regulatory principles applicable to contract and subcontract relationships and OFCCP case law. This rescission should not be interpreted as reinstating prior Directive Numbers 189 and 262.
4. **EFFECTIVE DATE**. This Notice is effective immediately
5. **OBSOLETE DATA**. This Notice of Rescission applies to Directive 293 and all other previously issued directives on coverage of health care providers and insurers including Directive 262, *Coverage of Health Care Providers Based on their Relationship with Participants in the Federal Employees Health Benefits Program* (March 17, 2003) and Directive 189, *Health Care Entities that Receive Medicare and/or Medicaid* (December 16, 1993).
6. **DISTRIBUTION**. A, B (both hard copy **and** electronically); C (hard copy only).
- 7 **EXPIRATION DATE**. None.



PATRICIA A. SHIU
Director, Office of Federal Contract Compliance
Programs

4/25/2012

DATE