

## § 10.826

## 20 CFR Ch. I (4-1-07 Edition)

the six-month period immediately preceding the order of exclusion.

(b) Notwithstanding any exclusion of a physician, hospital, or provider of medical services or supplies under this subpart, OWCP shall not refuse an employee reimbursement for any otherwise reimbursable medical treatment, service or supply if:

(1) Such treatment, service or supply was rendered in an emergency by an excluded physician; or

(2) The employee could not reasonably have been expected to have known of such exclusion.

(c) An employee who is notified that his or her attending physician has been excluded shall have a new right to select a qualified physician.

### § 10.826 How can an excluded provider be reinstated?

(a) If a physician, hospital, or provider of medical services or supplies has been automatically excluded pursuant to § 10.816, the provider excluded will automatically be reinstated upon notice to OWCP that the conviction or exclusion which formed the basis of the automatic exclusion has been reversed or withdrawn. However, an automatic reinstatement shall not preclude OWCP from instituting exclusion proceedings based upon the underlying facts of the matter.

(b) A physician, hospital, or provider of medical services or supplies excluded from participation as a result of an order issued pursuant to this subpart may apply for reinstatement one year after the entry of the order of exclusion, unless the order expressly provides for a shorter period. An application for reinstatement shall be addressed to the Director for Federal Employees' Compensation, and shall contain a concise statement of the basis for the application. The application should be accompanied by supporting documents and affidavits.

(c) A request for reinstatement may be accompanied by a request for oral argument. Oral argument will be allowed only in unusual circumstances where it will materially aid the decision process.

(d) The Director for Federal Employees' Compensation shall order reinstatement only in instances where such

reinstatement is clearly consistent with the goal of this subpart to protect the FECA program against fraud and abuse. To satisfy this requirement the provider must provide reasonable assurances that the basis for the exclusion will not be repeated.

## PART 25—Compensation for Disability and Death of Noncitizen Federal Employees Outside the United States

### Subpart A—General Provisions

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- 25.1 How are claims of Federal employees who are neither citizens nor residents adjudicated?
- 25.2 In general, what is the Director's policy regarding such claims?
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- 25.6 How does OWCP adjudicate claims of non-citizen residents of possessions?

### Subpart B—The Special Schedule of Compensation

- 25.100 How is compensation for disability paid?
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- 25.102 What general provisions does OWCP apply to the Special Schedule?

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- 25.200 How is the Special Schedule applied for employees in the Republic of the Philippines?
- 25.201 How is the Special Schedule applied for employees in Australia?
- 25.202 How is the Special Schedule applied for Japanese seamen?
- 25.203 How is the Special Schedule applied to non-resident aliens in the Territory of Guam?

AUTHORITY: 5 U.S.C. 301, 8137, 8145 and 8149; 1946 Reorganization Plan No. 2, sec. 3, 3 CFR 1943-1948 Comp., p. 1064; 60 Stat. 1095; Reorganization Plan No. 19 of 1950, sec. 1, 3 CFR 1943-1953 Comp., p. 1010; 64 Stat. 1271; Secretary's Order 5-96, 62 FR 107.

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