



Defense Logistics Agency **INSTRUCTION**

DLAI 6055.05
Effective March 13, 2015

DS-O

SUBJECT: Private Sector Occupational Health Service Delivery

References: (a) Part 1910 of title 29, Code of Federal Regulations

(b) Department of Defense (DoD) Instruction 6055.05, "Occupational and Environmental Health (OEH)," November 11, 2008

(c) Part 293, Subpart E, and 339 of title 5, Code of Federal Regulations

(d) DoD Instruction 1400.25, "DoD Civilian Personnel Management," December 1, 1996

(e) Subpart 24.1 and 37.4 and Part 52 of title 48, Code of Federal Regulation

1. **PURPOSE:** This Instruction establishes policy, responsibilities and procedures when obtaining private sector clinical occupational health services for medical surveillance and medical qualification determinations.

2. **APPLICABILITY:** This Instruction applies to all Defense Logistics Agency (DLA) activities, .

3. **DEFINITIONS:** See Glossary.

4. **POLICY:** It is DLA policy to:

a. Obtain occupational health services efficiently and cost effectively, including through the private sector.

b. Utilize occupational health medical surveillance to avoid or reduce adverse impacts from potential or actual hazardous workplace exposures.

c. Determine whether applicants or employees meet position medical qualification requirements.

d. Assure that occupational health services are provided by licensed, qualified individuals.

5. RESPONSIBILITIES: See Enclosure 1.

6. PROCEDURES: See Enclosure 2.

7. INFORMATION REQUIREMENTS:

a. Current, unencumbered professional licenses of occupational health service providers for each jurisdiction in which services are delivered.

b. Proof of indemnification for the Government of any liability producing act or omission by occupational health service providers.

8. INTERNAL CONTROLS: Field Activities will coordinate on all occupational health service contracts with DS-O for oversight and review.

9. RELEASABILITY. Unlimited: This instruction is approved for public release and is available on the Internet from the DLA Issuances Internet Website.

10. EFFECTIVE DATE. This Instruction:

a. Is effective on March 13, 2015.

b. Must be reissued, cancelled, or certified current within 5 years of its publication in accordance with DLAI 5025.01, DLA Issuance Program. If not, it will expire effective March 13, 2025 and be removed from the DLA Issuances Website.

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Enclosures

Enclosure 1 – Responsibilities

Enclosure 2 – Procedures
Glossary

TABLE OF CONTENTS

ENCLOSURE 1: RESPONSIBILITIES.....4

ENCLOSURE 2: PROCEDURES.....6

GLOSSARY: ABBREVIATIONS AND ACRONYMS.....8

ENCLOSURE 1

RESPONSIBILITIES

1. OCCUPATIONAL SAFETY AND HEALTH (DS-O) under the authority, direction, and control of the DS-D, will:

a. Provide guidance on obtaining private sector clinical occupational health services for:

(1) Medical surveillance

(2) Medical qualification determinations

b. Review occupational health care services contracts with physicians, nurse practitioners, and other health care providers.

2. PLFA COMMANDERS AND DIRECTORS AND J/D CODE DIRECTORS must ensure:

a. Delivery of occupational health medical surveillance services for occupational health medical surveillance program(s), at no cost to the employee, as deemed appropriate and guided by:

(1) Workplace assessments, such as industrial hygiene surveys and job hazard analyses, completed in accordance with Part 1910 of Title 29, Code of Federal Regulations (Reference (a)), and DoD Instruction 6055.05 (Reference (b)), to identify actual and potential hazardous exposures to individual employees or to employees in a similar exposed group (SEG).

(2) Enrollment of employees into appropriate SEG(s) based on workplace assessments, work location, or work duties.

(3) Enrollment of employees into appropriate occupational health medical surveillance program(s) based on SEG, or as guided by workplace assessment(s), work location, or work duties.

b. Delivery of occupational health medical qualification determination services, at no cost to the employee, as deemed appropriate through a review of position requirements, according to Part 339 of Title 5, Code of Federal Regulations, (Reference (c)), and DoD Instruction 1400.25 (Reference (d)).

c. Delivery of occupational health services from contracted private sector occupational health providers if occupational health services are not available through:

(1) Intra-agency agreement(s) with other DoD components.

(2) Interagency agreement(s) with other federal agencies.

(3) Direct delivery from employed occupational health personnel.

d. Copies of occupational health service contracts with private sector physicians, nurse practitioners, and other health care providers are forwarded for oversight to Occupational Safety and Health (DS-O).

3. HUMAN RESOURCES DIRECTOR (J1) must ensure:

a. Inclusion of position medical and physical requirements in applicant and employee position descriptions according to Reference (c). Medical requirements for a position are based on a determination that a certain level of fitness or health status is required for successful performance; physical requirements describe job-related physical abilities which are considered essential for successful performance.

b. Completion of Parts B and E of the U.S. Office of Personnel Management Certificate of Medical Examination, Optional Form 178, for applicants to, and employees encumbering, positions with medical requirements prior to receiving (Part B), and following receipt of (Part E) occupational health medical qualification determination services, according to Reference (c).

4. CONTRACTING OFFICER (CO) must:

a. Obtain evidence of insurability concerning medical liability insurance from the apparent successful offeror for occupational health, prior to contract award.

b. Obtain evidence of insurance for occupational health, demonstrating the required coverage prior to commencement of performance.

c. Obtain evidence of unencumbered professional license(s) in the jurisdiction(s) where the contracted occupational health services are to be delivered for all persons delivering professional services from the apparent successful offeror, prior to commencement of performance.

d. Insert Federal Acquisition Regulation (FAR) contract clauses for all solicitations and contracts for occupational health service in accordance with Reference (e):

(1) 48 CFR 52.237-7, Indemnification and Medical Liability Insurance

(2) 48 CFR 52.224-1, Privacy Act Notification

(3) 48 CFR 52.224-2, Privacy Act

e. Include the Indemnification and Medical Liability Insurance clause, if necessary, in bilateral purchase orders for occupational health service awarded under the procedures in Reference (e).

ENCLOSURE 2

PROCEDURES

OCCUCPATIONAL HEALTH CONTRACTS

1. AUTHORITY. DLA may enter into occupational health service contracts with physicians, nurse practitioners, and other health care providers under authority of 10 U.S.C. § 2304 and 41 § U.S.C. 253.

2. CONTENT. Each solicitation and contract will:

a. State that the contract is a nonpersonal occupational health service contract under which the contractor is an independent contractor, according to Reference (e).

b. State that DLA may evaluate the quality of professional and administrative services provided, but retains no control over the medical, professional aspects of services rendered (e.g., professional judgments, diagnosis for specific medical treatment).

c. Require that the contractor indemnify the Government for any liability producing act or omission by the contractor, its employees, and agents occurring during contract performance.

d. Require that the contractor maintain medical liability insurance, in a coverage amount acceptable to the CO, which is not less than the amount normally prevailing within the local community for the medical specialty concerned – occupational health.

e. State that the contractor is required to ensure that its subcontracts for provisions of occupational health services, contain the requirements of the FAR clauses according to Reference (e), including the maintenance of medical liability insurance.

f. Indicate the locations, work or clinic space, where occupational health services may be delivered by the contractor, its employees, and agents. At those location(s) controlled by DLA, require that only contracted occupational health services be delivered by the contractor, its employees, and agents and specifically prohibit delivery of non-contracted services.

g. Indicate that occupational health records generated under contract are owned by the federal government, according to Reference (e). Include records system management instructions for the duration of the contract and for records management transition at the end of the contract.

h. Require compliance individual privacy protection, according to Reference (e).

i. Require unencumbered professional license(s) in all jurisdiction(s) where the contracted occupational health services are to be delivered for all persons delivering professional services. Unless defined otherwise by the pertinent licensing authority, the jurisdiction in which services are delivered is determined by the patient/employee location, not the occupational health provider location.

j. Require reporting, through locally identified procedures, knowledge of any threats to the DLA mission detected in the course of fulfilling the contract.

GLOSSARY

ABBREVIATIONS AND ACRONYMS

CO	Contracting Officer
FAR	Federal Acquisition Regulation
SEG	similarly exposed group