

Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Authorization Request form and Certification/Letter of Medical Necessity for Compounded Drugs (CA-26) and Authorization Request form and Certification/Letter of Medical Necessity for Opioid Medications (CA-27). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

**DATES:** Written comments must be submitted to the office listed in the addresses section below on or before August 22, 2016.

**ADDRESSES:** Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S-3323, Washington, DC 20210, telephone/fax (202) 354-9647, Email [ferguson.yoon@dol.gov](mailto:ferguson.yoon@dol.gov). Please use only one method of transmission for comments (mail or Email).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The Department of Labor (DOL) is requesting an approval of a new information collection. This information collection is essential to the mission of DOL and the Office of Workers' Compensation Programs (OWCP), to monitor and assure the appropriate use of opioids and compounded drugs in treating employment-related injuries under the Federal Employees Compensation Act (FECA), 5 U.S.C. 8101 *et seq.*

The FECA statute grants OWCP discretion to provide an injured employee the "services, appliances, and supplies prescribed or recommended by a qualified physician" which OWCP considers "likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of the monthly compensation." 5 U.S.C. 8103. In other words, OWCP is mandated to provide medical supplies and services—including prescription drugs such as opioids and compounded drugs—that it considers medically necessary. 20 CFR 10.310. The FECA statute and implementing regulations are not primarily focused on managing doctor/patient decisions relating to medication therapy and, with the exception of few limitations on fentanyl (an opioid) and other controlled substances, the FECA program policy on pharmacy benefits has generally been a policy of payment for prescribed medications in accordance with a fee schedule based on a percentage of the average wholesale price (AWP) for drugs identified by a National Drug Code

(NDC). See 20 CFR 10.809. The FECA program does not currently have any limitations on payment for opioids generally or for compounded drugs. The FECA program is establishing a prior authorization policy for opioid and compounded drugs (at this time after first fill) utilizing the pre-authorization authority already contained in its regulations at 20 CFR 10.310(a) and § 10.800(b). In requiring the use of these forms for opioid and compounded drugs, OWCP is implementing a prior-authorization process based on medical necessity.

The forms, Authorization Request Form and Certification/Letter of Medical Necessity for Compounded Drugs (CA-26) and Authorization Request Form and Certification/Letter of Medical Necessity Certification/Letter of Medical Necessity for Opioid Medications (CA-27), require an injured worker's treating physician to answer a number of questions about the prescribed opioids and/or compounded drugs and certify that they are medically necessary to treat the work-related injury. The responses to the questions on the forms are intended to ensure that treating physicians have considered non-opioid and non-compounded drug alternatives, and are only prescribing the most cost effective and medically necessary drugs. The forms will also permit OWCP to more easily track the volume, type, and characteristics of opioids and compounded drugs authorized by the FECA program. The forms will serve as a means for injured workers to continue receiving opioids and compounded drugs only where medically necessary and simultaneously give OWCP greater oversight in monitoring their appropriate use and gather additional data about their use.

**II. Review Focus**

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- enhance the quality, utility and clarity of the information to be collected; and
- minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated,

electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**III. Current Actions**

The Department of Labor seeks the approval of this new information collection in order to carry out its responsibility to meet the statutory requirements of the Federal Employees' Compensation Act.

*Agency:* Office of Workers' Compensation Programs.

*Type of Review:* New Collection (Request for New OMB control Number).

*Title:* Authorization and Certification/Letter of Medical Necessity.

*OMB Number:* 1240-0NEW.

*Agency Number:* CA-26 and CA-27.

*Affected Public:* Individuals or households; Businesses or other for-profit.

*Total Respondents:* 80,000.

*Total Annual Responses:* 65,600.

*Estimated Total Burden Hours:* 40,000.

*Estimated Time per Response:* 30 minutes.

*Frequency:* On occasion.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: June 16, 2016.

**Yoon Ferguson,**

*Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.*

[FR Doc. 2016-14818 Filed 6-21-16; 8:45 am]

**BILLING CODE 4510-CH-P**

**DEPARTMENT OF LABOR**

**Office of Workers' Compensation Programs**

**Advisory Board on Toxic Substances and Worker Health: Subcommittee on Medical Advice re: Weighing Medical Evidence**

**AGENCY:** Office of Workers' Compensation Programs, Labor.

**ACTION:** Announcement of meeting of the Subcommittee on Medical Advice re: Weighing Medical Evidence of the Advisory Board on Toxic Substances and Worker Health (Advisory Board) for the Energy Employees Occupational

## Illness Compensation Program Act (EEOICPA).

**SUMMARY:** The subcommittee will meet via teleconference on July 12, 2016, from 1:00 p.m. to 4:00 p.m. Eastern Time.

*For Press Inquiries Contact:* For press inquiries: Ms. Amanda McClure, Office of Public Affairs, U.S. Department of Labor, Room S-1028, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-4672; email [mccclure.amanda.c@dol.gov](mailto:mccclure.amanda.c@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Advisory Board is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015). The purpose of the Advisory Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency. The Advisory Board sunsets on December 19, 2019. This subcommittee is being assembled to gather data and begin working on advice under Area #2, Medical Advice re: Weighing Medical Evidence.

The Advisory Board operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and its implementing regulations (41 CFR part 102-3).

*Agenda:* The tentative agenda for the Subcommittee on Medical Advice re: Weighing Medical Evidence meeting includes:

- Defining the issues and scope of the subcommittee's topic area: medical advice to claims examiners re: weighing medical evidence;
- Defining data and informational needs (and review) for the topic area;
- Drafting the initial work plan with a timetable.

OWCP transcribes Advisory Board subcommittee meetings. OWCP posts the transcripts on the Advisory Board Web page, <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>, along with written comments and other materials submitted to the subcommittee or presented at subcommittee meetings.

## Public Participation, Submissions, and Access to the Public Record

*Subcommittee meeting:* The subcommittee will meet via teleconference on Tuesday, July 12, 2016, from 1:00 p.m. to 4:00 p.m. Eastern Time. Advisory Board subcommittee meetings are open to the public. The teleconference number and other details for listening to the meeting will be posted on the Advisory Board's Web site no later than 72 hours prior to the meeting. This information will be posted at <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>.

*Requests for special accommodations:* Please submit requests for special accommodations to participate in the subcommittee meeting by email, telephone, or hard copy to Ms. Carrie Rhoads, OWCP, Room S-3524, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 343-5580; email [EnergyAdvisoryBoard@dol.gov](mailto:EnergyAdvisoryBoard@dol.gov).

*Submission of written comments for the record:* You may submit written comments, identified by the subcommittee name and the meeting date of July 12, 2016, by any of the following methods:

- *Electronically:* Send to: [EnergyAdvisoryBoard@dol.gov](mailto:EnergyAdvisoryBoard@dol.gov) (specify in the email subject line, "Subcommittee on Medical Advice re: Weighing Medical Evidence").

- *Mail, express delivery, hand delivery, messenger, or courier service:* Submit one copy to the following address: U.S. Department of Labor, Office of Workers' Compensation Programs, Advisory Board on Toxic Substances and Worker Health, Room S-3522, 200 Constitution Ave. NW., Washington, DC 20210. Due to security-related procedures, receipt of submissions by regular mail may experience significant delays.

Comments must be received by July 5, 2016. OWCP will make available publicly, without change, any written comments, including any personal information that you provide. Therefore, OWCP cautions interested parties against submitting personal information such as Social Security numbers and birthdates.

Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This notice, as well as news releases and other relevant information, are also available on the Advisory Board's Web page at <http://www.dol.gov/owcp/energy/regs/compliance/AdvisoryBoard.htm>.

**FOR FURTHER INFORMATION CONTACT:** You may contact Antonio Rios, Designated

Federal Officer, at [rios.antonio@dol.gov](mailto:rios.antonio@dol.gov), or Carrie Rhoads, Alternate Designated Federal Officer, at [rhoads.carrie@dol.gov](mailto:rhoads.carrie@dol.gov), U.S. Department of Labor, 200 Constitution Avenue NW., Suite S-3524, Washington, DC 20210, telephone (202) 343-5580.

This is not a toll-free number.

Signed at Washington, DC, this 17 day of June 2016.

**Leonard J. Howie III,**

*Director, Office of Workers' Compensation Programs.*

[FR Doc. 2016-14822 Filed 6-21-16; 8:45 am]

**BILLING CODE 4510-24-P**

## DEPARTMENT OF LABOR

### Office of Workers' Compensation Programs

#### Advisory Board on Toxic Substances and Worker Health: Subcommittee on the Site Exposure Matrices (SEM)

**AGENCY:** Office of Workers' Compensation Programs, Department of Labor.

**ACTION:** Announcement of meeting of the Subcommittee on the Site Exposure Matrices of the Advisory Board on Toxic Substances and Worker Health (Advisory Board) for the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

**SUMMARY:** The subcommittee will meet via teleconference on July 11, 2016, from 1:00 p.m. to 3:00 p.m. Eastern Time.

*For Press Inquiries Contact:* For press inquiries: Ms. Amanda McClure, Office of Public Affairs, U.S. Department of Labor, Room S-1028, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-4672; email [mccclure.amanda.c@dol.gov](mailto:mccclure.amanda.c@dol.gov).

**SUPPLEMENTARY INFORMATION:** The Advisory Board is mandated by Section 3687 of EEOICPA. The Secretary of Labor established the Board under this authority and Executive Order 13699 (June 26, 2015). The purpose of the Advisory Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity,