

ABTSWH Case or Data Request

Date of Request: October 19, 2021

1. **Delineation of Requested Data\information:** As specifically as possible, please explain exactly what specific data or case characteristics the Board is requesting (in order to assure the Program provides accurate and timely information) Please complete one form for each unique data or case request and which Board sub-group will be reviewing the information:

1. What is the National Office's Medical Director's role in claims evaluation? Is the entirety of his role described in the EEOICP Procedure Manual?

2. What procedures does the Medical Director follow?

3. How does the Medical Director communicate his input into the claims evaluation process?

4. What triggers a review of an impairment claim by the Medical Director?

5. How many remands of impairment claims have occurred? How many of such remands have involved Dr. Lewis versus other impairment MD evaluations?

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6. What constitutes a "significant exposure" as viewed by the claims examiners, IHs and CMCs in claims evaluation? What evidence is used to make this judgment? What combination of evidence is considered sufficient to say that an exposure is significant?

7. The statute cites that an exposure has to be a "significant factor" in causing contributing to or aggravating a condition. How do "significant factor" and "significant exposure" relate, if at all?

8. Do industrial hygienists (contractor and federal) use certain combination of frequency, intensity, and duration to arrive at a decision about significance of exposure?

9. Are bystander exposures included in determining whether exposure is significant? How do claims examiners, IHs and CMCs identify bystander exposures and include them in their assessment for claims evaluations? An example is security guards.

10. Has the newly revised OHQ provided additional detail that has improved determination of "significance" of exposure?

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11. What is the maximum amount of time that the Board can get to review anticipated PM changes before they are published?

12. How often and what is the process for the PM to be checked for conflicting policies?

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13. Is there a matrix for matching codes to ICD9 and ICD10 to SEC cancers?

14. Please provide a listing of ICD10 codes accepted in adjudicating non-cancerous beryllium-related health effects claims for Part B versus Part E.

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15. Are there specific instances of individuals who worked at facilities but were not considered employees due to their status as students, interns, or summer workers, and subsequently submitted claims? How were these handled? Note we are not requesting information on individuals.

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16. Can treating physicians use the "target organ" list in the NIOSH Pocket Guide as an authoritative source in reports to DOL?

NOTE: all data and case specific information containing claimant personal and health information is protected by the Privacy Act, and any unauthorized release of that information (accidental or otherwise) must immediately be reported to the Designated Federal Official.

17. Could claims examiners' first inquiry with attending physicians be given a specific window of time for a response, and if they do not respond within that time, move the claim forward to the CMC?

2. **Statutory Authority:** The Board's scope is defined in Section 3687(b)(1)(A-D) of the EEOICPA. Please identify the statutory mandate(s) the data or cases being requested fulfill (for convenience you can refer to them as Subsection A, Subsection B etc.):

This falls under:

1. Subsection D "the work of industrial hygienists and staff physicians and consulting physicians of the Department and reports of such hygienists and physicians to ensure quality, objectivity, and consistency," and
2. Subsection E "the claims adjudication process generally, including review of procedure manual changes prior to incorporation into the manual, and claims for medical benefits."

3. **Supporting Rationale:** Please provide an explanation for this information as it relates to the statutory authority identified above:

The Board is requesting information on questions that have been received from the public and that pertain to the mandated tasks of the Board.

4. **Intended Use:** Please advise what the Board is hoping to accomplish or learn from the requested data or cases:

The Board will use the requested information to obtain a better understanding of EEOICP and to use as a basis for discussion of issues within the Board's mandate.

DEEOIC requested the Board look at this topic?

This is a request from the Board's Working Group on Public Comments.



Steven Markowitz, Chair, ABTSWH

10/19/21

Date