

# NIOSH Advisory Board Presentation



Frank Crawford, HP  
Division of Energy Employees  
Occupational Illness Compensation  
Department of Labor  
July 2013

# Enactment of EEOICPA

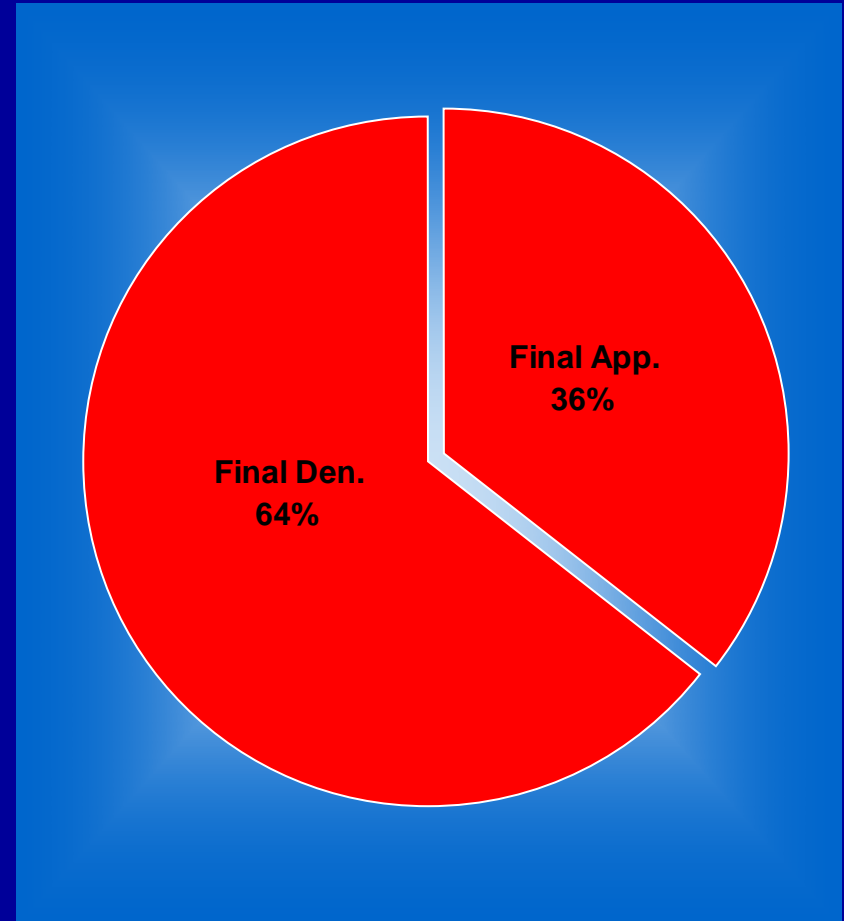
- **Enacted October 2000**
  - Part B, mandatory federal entitlement, by DOL
  - Part D, state workers comp. assistance, by DOE
- **Amendments October 2004**
  - Abolished Part D, created federal Part E, transferred to DOL
- **163,912 cases filed, over \$9.5 billion total compensation paid to date**
- **Agencies: Labor, Energy, HHS, Justice**
- **DOL locations**
  - DC, Jacksonville, Cleveland, Denver, and Seattle

# NIOSH Referral Case Status

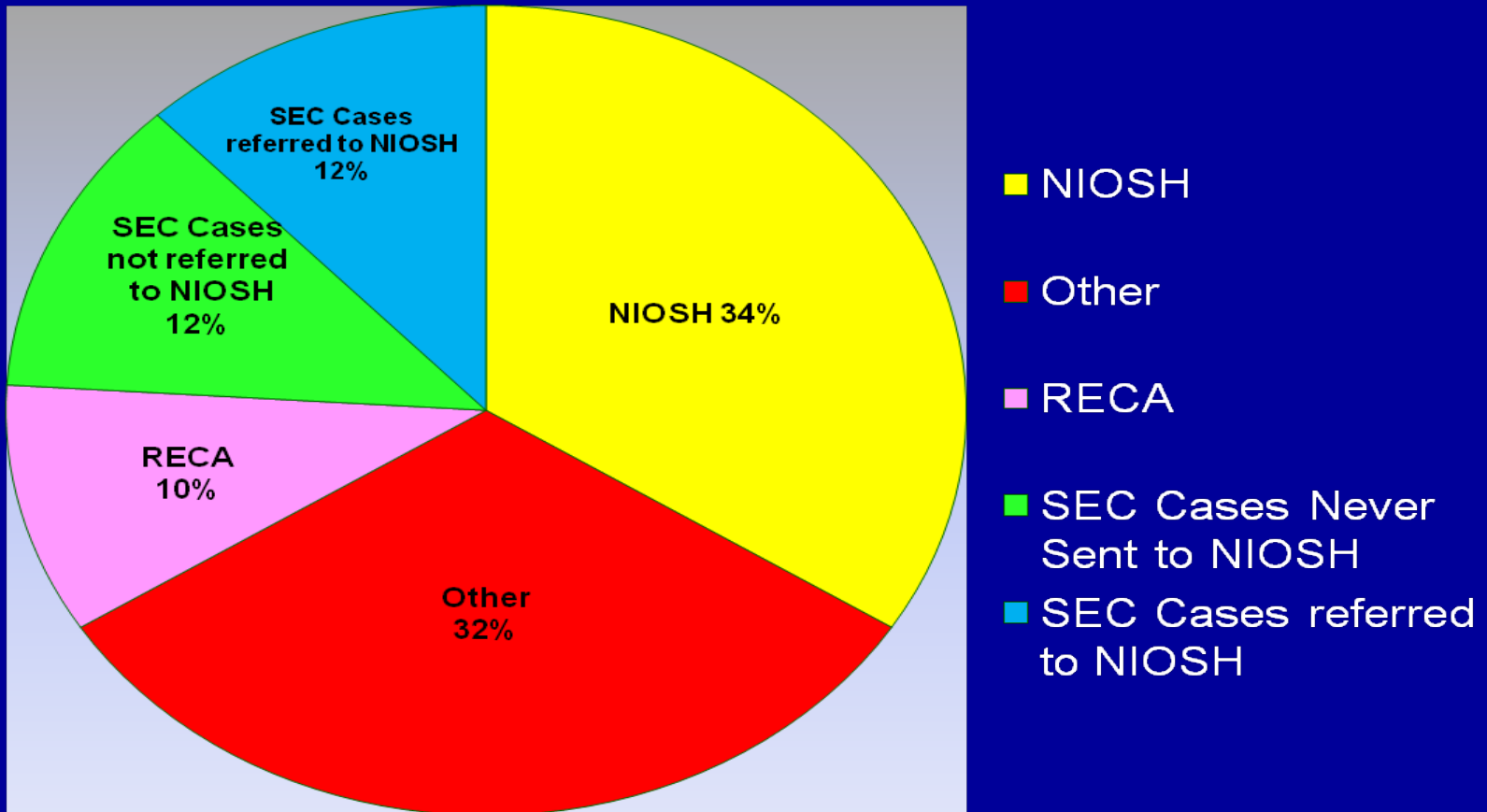
- **40,108 Cases Referred to NIOSH for Dose Reconstruction**
- **37,917 Cases Returned by NIOSH**
  - 32,139 with Dose Reconstruction
  - 5,778 without Dose Reconstruction
- **2,191 Cases Currently at NIOSH**

# NIOSH Dose Reconstruction Case Status

- **32,139 Cases returned by NIOSH w/ a Dose Reconstruction (DR)**
- **26,141 Cases w/ DR and a Final Decision**
  - **9,293 Final Approvals (POC 50% or Greater)**
  - **16,848 Final Denials (POC less than 50%)**



# Part B Cases Filed



Data as of June 25, 2013

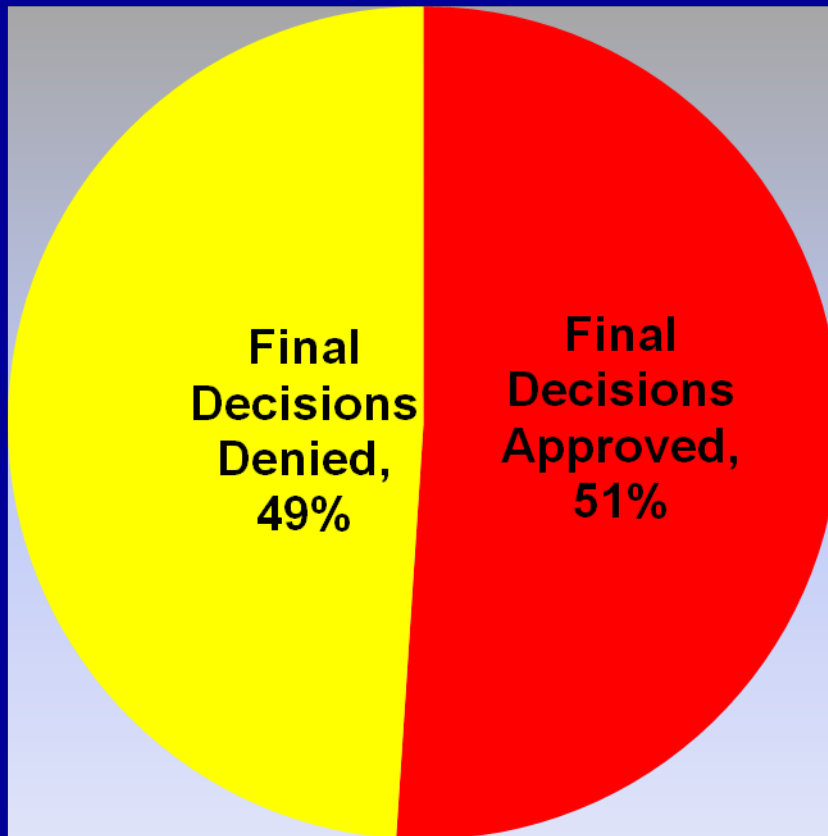
# Part B Cancer Cases with Final Decision to Accept

- Accepted DR Cases – 8,623
  - 12,219 Payees
  - \$ 1.28 Billion paid compensation
- Accepted SEC Cases – 19,363
  - 32,159 Payees
  - \$2.89 Billion paid compensation
- Cases Accepted Based on SEC Status and POC > 50% - 633
  - 770 Payees
  - \$94.9 Million paid compensation
- Totals: All Accepted SEC and DR Cases – 28,619
  - 45,148 Payees
  - \$4.26 Billion paid compensation

# Top Four Worksites

- The top 4 worksites generating new Part B EEOICPA cases this quarter:
  - Hanford
  - Savannah River Site
  - Metals and Controls Corporation
  - Los Alamos National Laboratory

# EEOICPA Part B Cases Final Decisions



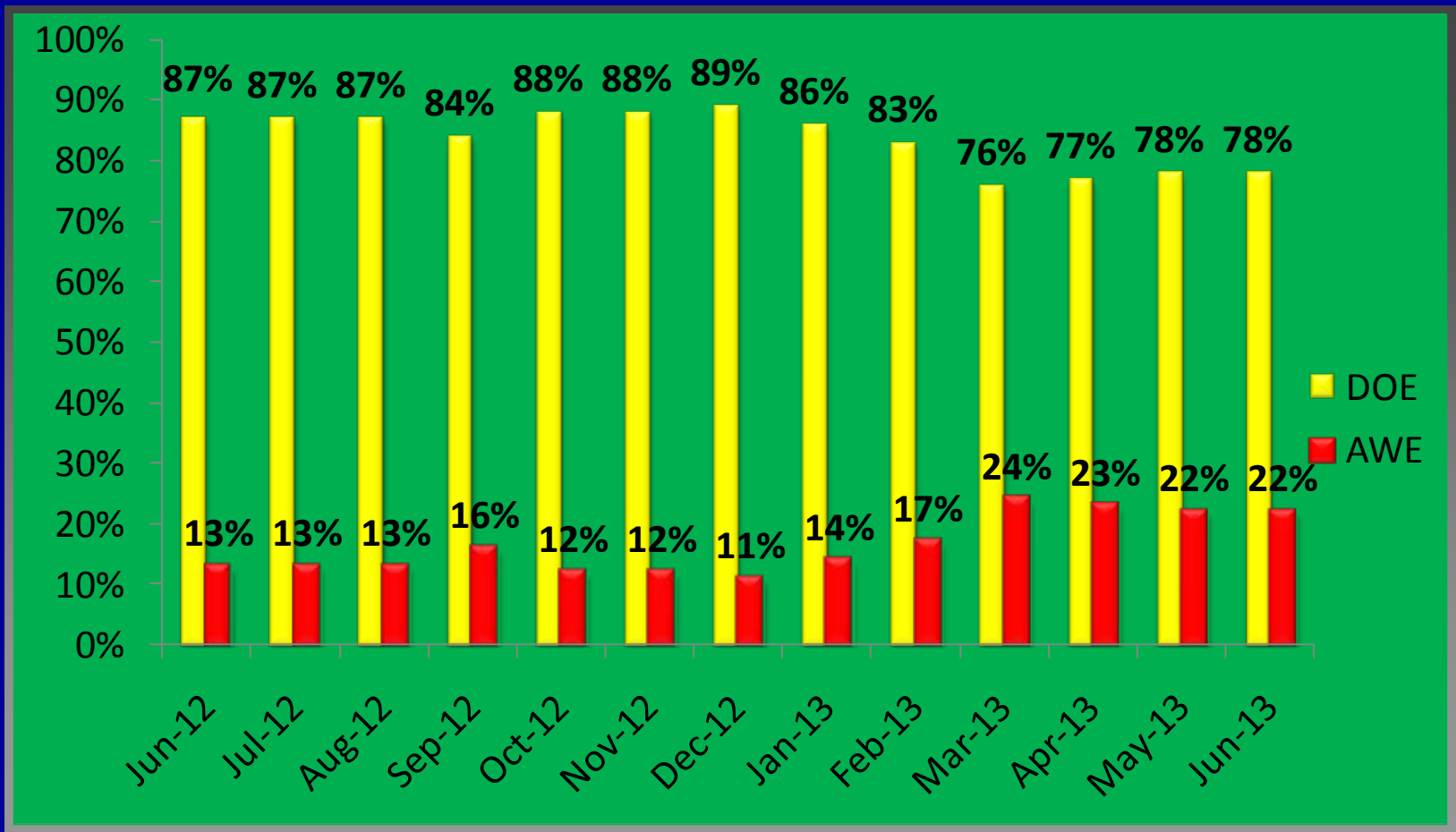
■ Final Decisions Approved  
41,408

■ Final Decisions Denied  
39,703

Data as of June 30, 2013



# Percentage of New Cases DOE vs. AWE



Data as of June 25, 2013

# DEEOIC Outreach Events

- In response to new SECs DEEOIC conducts:
  - Town hall meetings and traveling resource centers
  - In cases of small SECs press releases are issued
- Hosting informational meetings regarding medical benefits provided under the EEOICPA:
  - In some cases, held in conjunction with SEC town hall meetings

# Joint Outreach Task Group (JOTG)

- **Members:**
  - DEEOIC
    - Department of Energy
    - Department of Energy Former Workers Program
  - National Institute of Occupational Safety and Health (NIOSH)
    - Ombudsman for NIOSH
    - Ombudsman for EEOICPA
- **Monthly conference calls with all members**
- **Future JOTG meeting tentatively scheduled for September in California. More details to come.**

# DEEOIC Outreach Events: FY 2013

| <u>Facility/Location</u>  | <u>Meeting</u>   | <u>Date</u> | <u>Attendance</u>                   | <u>New Claims Filed</u> |
|---|--|-------------|-------------------------------------|-------------------------|
| Hanford Engineer Works  | SEC  | 10/23/2012  | 187                                 | 16                      |
| Clarksville Modification Center (Fort Campbell)                       | SEC  | 11/8/2012   | 53                                  | 2                       |
| Oak Ridge National Laboratory (X-10)                                  | SEC and Medical Benefits Meetings for Physicians and HHC Providers | 2/13/2013   | 115 (SEC)<br>186 (Medical Benefits) | N/A<br>(no TRC held)    |
| Fermi National Accelerator Laboratory and Argonne National Laboratory | SEC and Medical Benefits Meetings for Claimants                    | 2/13/2013   | 115 (SEC)<br>186 (Medical Benefits) | N/A<br>(no TRC held)    |

# DEEOIC Outreach Events: FY 2013

| <u>Facility/Location</u>       | <u>Meeting</u>   | <u>Date</u>             | <u>Attendance</u>                   | <u>New Claims Filed</u> |
|--------------------------------|--|-------------------------|-------------------------------------|-------------------------|
| Los Alamos National Laboratory | SEC Town Hall and Medical Benefits   | 2/20/2013               | 163 (SEC)<br>108 (Medical Benefits) | 12                      |
| Knoxville, TN                  | Medical Benefits Meeting for Physicians and HHC Providers                              | 5/21/2013-<br>5/22/2013 | 55                                  | N/A                     |
| Hanford                        | Town Hall for claimants and Medical Benefits Meetings for Physicians and HHC Providers | 6/5/2013-<br>6/6/2013   | 190                                 | 3                       |

# DEEOIC Outreach Events: FY 2013

| <u>Facility</u>                                       | <u>Meeting</u>  | <u>Date</u>             | <u>Attendance</u>  | <u>New Claims Filed</u> |
|---|---|-------------------------|--|-------------------------|
| Sante Fe,<br>Albuquerque and<br>Grants<br>New, Mexico | Four (4) Medical<br>Benefits Meetings<br>for claimants one<br>(1) meeting for<br>physicians and<br>one (1) for HHC<br>providers | 6/18/2013-<br>6/21/2013 | 407 (Town hall)<br>55 (Physicians<br>and HHC<br>Providers) | 14                      |
| Bolingbrook, IL<br>JOTG                               | JOTG  | 6/19/2013               | 135  | 3                       |

# Future Outreach Events: FY 2013

Portsmouth, OH July 17-18, 2013

Medical Benefits Roundtable

Claimants, Physicians and Home Healthcare  
Providers are invited

# SEC Petition Site Discussions

## ABRWH Agenda March 2013

|   | Rocky Flats          | Baker Brothers        | Pantex               |
|---|----------------------|-----------------------|----------------------|
| <b>Cases (Claims)<br/>Part B &amp; E</b>            | <b>6,452 (8,138)</b> | <b>13 (16)</b>        | <b>2,045 (2,714)</b> |
| <b>Cases Returned<br/>by NIOSH w/ DR</b>            | <b>1,547</b>         | <b>4</b>              | <b>493</b>           |
| <b>Final Decisions<br/>(Part B)</b>                 | <b>3,618</b>         | <b>9</b>              | <b>1,291</b>         |
| <b>Part B<br/>Approvals</b>                         | <b>1,618</b>         | <b>1</b>              | <b>787</b>           |
| <b>Part E<br/>Approvals</b>                         | <b>3,579</b>         | <b>1</b>              | <b>558</b>           |
| <b>Total Comp. &amp;<br/>Medical Bills<br/>Paid</b> | <b>\$154 Million</b> | <b>\$277 Thousand</b> | <b>\$128 Million</b> |

Data as of June 30, 2013



# SEC Petition Site Discussions

## ABRWH Agenda March 2013

|   | <b>Feed Materials<br/>Production<br/>Center</b> | <b>Idaho National<br/>Laboratory</b> | <b>Brookhaven<br/>National Laboratory</b> |
|---|---|--------------------------------------|---|
| <b>Cases (Claims)<br/>Part B &amp; E</b>            | <b>4,226 (5,621)</b>                            | <b>4,828 (6,809)</b>                 | <b>2,043 (2,757)</b>                      |
| <b>Cases Returned<br/>by NIOSH w/ DR</b>            | <b>1,232</b>                                    | <b>1,445</b>                         | <b>279</b>                                |
| <b>Final Decisions<br/>(Part B)</b>                 | <b>2388</b>                                     | <b>3010</b>                          | <b>1,244</b>                              |
| <b>Part B<br/>Approvals</b>                         | <b>994</b>                                      | <b>799</b>                           | <b>978</b>                                |
| <b>Part E<br/>Approvals</b>                         | <b>898</b>                                      | <b>882</b>                           | <b>765</b>                                |
| <b>Total Comp. &amp;<br/>Medical Bills<br/>Paid</b> | <b>\$182 Million</b>                            | <b>\$150 Million</b>                 | <b>\$147 Million</b>                      |

Data as of July 7, 2013

# **NIOSH Advisory Board Presentation**

Handout Slides

July 2013

# Employee Eligibility

| <b>Employed By</b>                        | <b>Part B</b> | <b>Part E</b> |
|---|---------------|---------------|
| <b>DOE Contractors and Subcontractors</b> | <b>Yes</b>    | <b>Yes</b>    |
| <b>DOE Federal Employees</b>              | <b>Yes</b>    | <b>No</b>     |
| <b>AWE Employees</b>                      | <b>Yes</b>    | <b>No</b>     |
| <b>Beryllium Vendors</b>                  | <b>Yes</b>    | <b>No</b>     |
| <b>RECA</b>                               | <b>Yes</b>    | <b>Yes</b>    |

# Covered Conditions

| <b>Condition</b>                               | <b>Part B</b>                  | <b>Part E</b> |
|--|--------------------------------|---------------|
| <b>CBD</b>                                     | <b>Yes</b>                     | <b>Yes</b>    |
| <b>Beryllium Sensitivity</b>                   | <b>Medical Monitoring Only</b> | <b>Yes</b>    |
| <b>Chronic Silicosis</b>                       | <b>Yes</b>                     | <b>Yes</b>    |
| <b>Cancer</b>                                  | <b>Yes</b>                     | <b>Yes</b>    |
| <b>Any condition related to toxic exposure</b> | <b>No</b>                      | <b>Yes</b>    |

# Survivor Definition

| Type  | Part B | Part E |
|---|--------|--------|
| Spouse at time of death   | Yes    | Yes    |
| Children - under age 18; under age 23 if full-time student; or any age if medically incapable of self-support | Yes    | Yes    |
| Adult Children  | Yes    | No     |

# Benefits

| <b>Part B</b>                            | <b>Part E</b>  |
|--|--|
| <b>\$150,000 Employee + Survivor</b>     | <b>Impairment \$2,500 per % (Employee)</b>             |
| <b>\$50,000 RECA Employee + Survivor</b> | <b>Wage Loss \$10,000-\$15,000 per year (Employee)</b> |
|  | <b>\$125,000 Survivor</b>                              |
| <b>\$400,000 CAP for B+E combined</b>    |  |