



EEOICPA CIRCULAR NO. 23-01

DATE: January 23, 2023

Subject: DEEOIC NDC Exclusion List

This circular provides notice that the Division of Energy Employees Occupational Illness Compensation (DEEOIC) has instituted a National Drug Code (NDC) exclusion list for certain medications, medical supplies, and durable medical equipment (DME) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

42 U.S.C. § 7384t states that the United States shall furnish, to an individual receiving medical benefits under this section for an illness, the services, appliances, and supplies prescribed or recommended by a qualified physician for that illness, which the President considers likely to cure, give relief, or reduce the degree or the period of that illness. The Office of Workers' Compensation Programs' (OWCP) Division of Administrative Operations (DAO) conducts an ongoing examination of medications, medical supplies, and DME to determine their efficacy and safety in treating diagnosed medical conditions.

The DAO clinical staff will evaluate and submit to the DEEOIC the medications, medical supplies, and DME products recommended for exclusion. The medical bill processing staff within the DEEOIC Branch of Medical Benefits (BMB) will submit the clinical recommendation to the DEEOIC Division Deputy Director or their designee. Any decision to exclude a medication must be certified in a memorandum signed by the DEEOIC Division Deputy Director or their designee. The BMB Branch Chief will add the name of the item, corresponding NDC, and effective date of exclusion to the list of products for which the DEEOIC will not pay. This list will be posted on the DEEOIC's public website (also known as the DEEOIC National Drug Code (NDC) Exclusion List).

The DEEOIC will not authorize or reimburse pharmacies, medical providers, or claimants for items on the NDC exclusion list, unless an exception is granted.

To ensure consideration of the medical circumstances of each individual claimant, the DEEOIC subscribes to an exception process, published in the *Federal (EEOICPA) Procedure Manual*, that permits a claimant to request consideration of medications excluded from authorization or reimbursement. To support such a request, the claimant must furnish an opinion, from a qualified physician, that provides a compelling, well-rationalized justification for the use of an excluded item as medically necessary to treat an illness accepted under the EEOICPA.

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Occupational Illness Compensation

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