Energy Employees
Occupational Illness
Compensation Program

Paducah Gaseous Diffusion Plant
June, 2019
What is the EEOICPA?

- Administered by the Labor Department’s Division of Energy Employees Occupational Illness Compensation (DEEOIC).
- Provides lump-sum compensation and medical benefits to current and former nuclear weapons workers.
- Survivors of qualified workers may also be entitled to benefits.
Agency Administration of the EEOICPA

Department of Labor  
Department of Energy

Department of Health and Human Services  
Department of Justice
Program Eligibility

Part B (enacted 2000)
- Employment
- Medical
- Survivors

Part E (enacted 2004)
# Employee Eligibility

<table>
<thead>
<tr>
<th>Employed By</th>
<th>Part B</th>
<th>Part E</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOE Contractors and Subcontractors</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>DOE Federal Employees</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>AWE Employees (Atomic Weapons Employer)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Beryllium Vendors</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>RECA</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Contractor Employment

- **Contractor** – entity engaged in a contractual business arrangement with DOE to provide services, produce material, or manage operations.

- **DOE Contractors at Paducah:**


* Note: Rights and liabilities pertaining to USEC are governed by the USEC Privatization Act (P.L. 104-134, April 26, 1996). This includes regulatory oversight by the Nuclear Regulatory Commission of that portion of the plant under USEC control.

** Note: In 1988, DOE began its environmental remediation program.
Subcontractor Employment

- Subcontractor – entity engaged in a contractual business arrangement with a DOE contractor to provide a service on-site.

- The mere presence of an employee on the premise of a facility does not confer covered employment.
Required Components for Subcontractor Employment

- The claimed period of employment occurred during the covered time frame as alleged.

- A contract to provide **covered services** existed between the claimed subcontractor and a DOE contractor at the facility or the identified vendor (during the covered time frame).

- The employment activities (work or labor) took place on the premises of the covered facility.
**Survivor Eligibility**

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Spouse</td>
<td>Spouse (death related)</td>
</tr>
<tr>
<td>Children</td>
<td>Children</td>
</tr>
<tr>
<td>Parents</td>
<td>Less than age 18</td>
</tr>
<tr>
<td>Grandchildren</td>
<td>Less than age 23 (full time student)</td>
</tr>
<tr>
<td>Grandparents</td>
<td>Medically incapable of self support</td>
</tr>
</tbody>
</table>
## Benefits

<table>
<thead>
<tr>
<th>Part B</th>
<th>Part E</th>
</tr>
</thead>
<tbody>
<tr>
<td>$150,000 – Employee &amp; Survivor</td>
<td>$2,500 per % Impairment - Employee</td>
</tr>
<tr>
<td>$50,000 RECA – Employee &amp; Survivor</td>
<td>Annual Wage Loss $10,000-$15,000 - Employee</td>
</tr>
<tr>
<td></td>
<td>$125,000 – Survivor (+ lump-sum Wage Loss if eligible)</td>
</tr>
<tr>
<td></td>
<td>$400,000 Lump-sum cap for B &amp; E combined</td>
</tr>
<tr>
<td></td>
<td>Employee Medical Care for Accepted Conditions</td>
</tr>
</tbody>
</table>
Part B: Special Exposure Cohort (SEC)

- Worker Group Designation
  - Presumption – occupational radiation caused cancer

- Employment
  - Worked particular location or specific process
  - Work day requirement – 250 work days

- Specified Cancer
  - 22 cancers named in law
Approved SEC Periods

The statutory SEC classes describe employees for Paducah:

- An Employee that worked before February 1, 1992, and were monitored for radiation exposure with dosimetry badges or had jobs with similar exposures to those monitored.

- If the employee has a specified cancer he/she may receive a presumption that the cancer was related to exposure to radiation.
Specified Cancer List for Workers

- The time period covered employee must also have at least one of the following types of cancer to qualify for compensation under the SEC:
  - Leukemia (other than chronic lymphocytic leukemia), provided the onset was at least 2 years after first exposure
  - Primary or Secondary Lung Cancer. (In situ lung cancer that is discovered during or after a post-mortem exam is excluded.)
  - Primary or Secondary Bone Cancer. This includes myelodysplastic syndrome, myelofibrosis with myeloid metaplasia, essential thrombocytosis or essential thrombocythemia, and primary polycythemia vera (also called polycythemia rubra vera, P. vera, primary polycythemia, proliferative polycythemia, spent-phase polycythemia, or primary erythremia). (Note: Cancer of the hard palate is not bone cancer.)
  - Primary or Secondary Renal Cancers.
The following cancer is included (provided onset was at least 5 years after first exposure):

- **Multiple myeloma**
- **Lymphomas** (other than Hodgkin’s disease). Waldenstrom’s macroglobulinemia is considered to be a type of non-Hodgkin’s lymphoma.
- **Primary cancer of the:**

<table>
<thead>
<tr>
<th>Bile Duct</th>
<th>Brain</th>
<th>Male or Female Breast</th>
<th>Urinary Bladder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colon</td>
<td>Esophagus</td>
<td>Gall Bladder</td>
<td>Liver*</td>
</tr>
<tr>
<td>Ovary</td>
<td>Pancreas</td>
<td>Pharynx</td>
<td>Salivary Gland</td>
</tr>
<tr>
<td>Small Intestine</td>
<td>Stomach</td>
<td>Thyroid</td>
<td></td>
</tr>
</tbody>
</table>

*Liver: Exception if Cirrhosis or Hepatitis B is indicated*
Site Exposure Matrices (SEM)

- Public website which explores toxic substances present at DOE and RECA Section 5 facilities
  - Information in SEM is gathered from a variety of sources
  - Scientifically establishes links between toxic substances / illnesses
Claimant Responsibilities

- File claim
- Collect / Copy / Submit relevant records for review
- Respond to information requests
Office of Workers’ Compensation Programs (OWCP)

Claim Decision Process

**Recommended Decision**
(District Office)
- Preliminary Determination
- Review of written record
- Decision

**Final Decision**
(Final Adjudication Branch)
- Affirm decision or remand
- Claimant rights:
  - Reconsideration
  - Reopen of case
  - District Court
Medical Eligibility

Part B (enacted 2000)
- Cancer
- Covered Beryllium Illnesses
- Chronic Silicosis
- RECA Section 5 Awardees

Part E (enacted 2004)
- Any condition related to toxic substances
Medical Benefits

- Broad coverage for medical treatment costs linked to accepted work-related illnesses:
  - Office visits (including lab and radiology services)
  - Prescriptions
  - Medical travel expenses
  - Equipment (wheelchairs / supplies)
  - Home and vehicle modifications
  - Extended and hospice care
  - Home health care
Program Regulations

What do the regulations do?

- Provide framework for how claims are developed, decided and paid.
- Precursor to EEOICPA Procedure Manual (regulations are less detailed).
- The statute itself is not specific regarding how claims are to be adjudicated – regulations and procedure manual provide detailed processes.

History of final regulations:

- First published: December 26, 2002 (part B)
- Published again: December 29, 2006 (part E)
- Latest publication: February 8, 2019 (effective April 9, 2019)
New Program Regulations

Purpose of the new regulations:

- Regulations had not been updated for over 10 years (despite changes to the procedure manual).
- The update of terms and program determinations regarding the claims process made since the last update of regulations.

Changes made since the last publication that were already included in the procedure manual:

- Non-substantive updates to references.
- Reflects agreement of NIOSH to more visibly assist in the technical review of challenges to dose reconstructions.
- Conflict of interest policy concerning authorized representatives.
- Provides regulatory definition of what is required to change physicians, as outlined in the procedure manual.
Changes in Regulations (since the last publication)

- Conform regulations regarding the processing / payment of medical bills and exclusion of providers of medical services to similar regulations in FECA.

- Standardization process for pre-authorization of home health care services:
  - New requirement for the claimant to complete a simple form asking for the name of their treating physician prior to requesting home health care.

- The remaining steps (including pre-authorization) are not new and are outlined in the procedure manual.
Home Health Care Regulation Change Misperceptions

- The process for pre-authorization is new and burdensome.
  - Process itself is **not** new and has been in place for over a decade.

- Regulation prohibits claimant from changing physicians.
  - **Initial** choice of physician is guaranteed by statute.
  - Requirements to **change to another physician** are described in the procedure manual (credible reason, minimal evidence).

- Regulation requires the DOL to use a Medicare payment system that will reduce home care benefits.
  - DOL is not required to move to a new system, but may in future.
  - Only a portion of the system (pricing of a service when billing for home care is submitted) might be used, but **no reduction in services**.
EEOICPA Program Compensation

- $16.5 Billion Total Compensation
- $6.8 Billion Part B
- $4.8 Billion Part E
- $4.9 Billion Medical

Data as of May 12, 2019
Paducah Gaseous Diffusion Plant Compensation

- 13,247 Cases
- 7,312 Individual Employees
- $952 Million Total Compensation
- $421 Million Part B
- $295 Million Part E
- $236 Million Medical Bills

Data as of May 12, 2019
Claimant Assistance

- **Resource Centers – 11 locations nationwide**
  - Barkley Resource Center (Paducah, KY)
    Toll free number: (270) 534-0599

- **District Offices – 4 locations** (Cleveland, Denver, Jacksonville, Seattle)
  - Jacksonville District Office toll free number: (877) 336-4272

- **DEEOIC web site**
  - General program information
  - SEM website
  - Claimant Resources (Forms, Medical Benefits Information)
  - Medical Provider Resources (Enrollment, Bill Processing)
DOL Resource Centers

- Manage Resource Center Operations
- Guide Claimants through the EEOICPA Process
- Comply with DOL Procedures
- Maintain Highest Level of Customer Service
- Claims Intake
- Conduct Occupational History Interviews
- Provide Medical Bill Payment Assistance
- Maintain Databases
- Conduct Outreach
- Support DEEOIC Special Projects
- Be Responsive to DEEOIC Guidance and Direction
- Communicate Daily with DEEOIC Management
- Ongoing Training for Staff
DOL Resource Center Locations

- Buffalo, NY
- Denver, CO
- Dublin, CA
- Espanola, NM
- Idaho Falls, ID
- Las Vegas, NV
- North Augusta, SC
- Oak Ridge, TN
- Paducah, KY
- Portsmouth, OH
- Richland, WA