

From: [Faye Vlieger](#)
To: [Steven.Markowitz](#)
Cc: [DOL Energy Advisory Board Information](#); [einvlieger`](#)
Subject: Unintended Consequences
Date: Tuesday, December 03, 2019 10:45:50 PM

Dr. Markowitz:

As you are aware during my tenure on ABTSWH we discussed that the workers were not aware of the rationale of a recommended decision until it arrived in the mail.

The change to that situation was included in the recent Procedure Manual updates whereby the Claims Examiner would provide a copy of the Industrial Hygienist's report to the claimant prior to the decision. This concept was extended to providing the Industrial Hygienist's report and requesting the attending physician to opine on the causal relationship of the claimed condition to chemical exposures.

In theory this procedure seems logical and would not pose any delays, or problems in claims processing.

However, requiring the step of a well rationalized medical opinion from an already overburdened attending physician is resulting in delays in claims processing because:

1.?? The attending physician is not the appropriate specialty to opine on the subject, and refuses to, or declines to comment. Very few attending physicians are trained in occupational medicine, or the DOL provided Industrial Hygienist report.

2.?? The physician is not provided a basis to understand the request, nor adequate information on the situation to make an informed decision. The gaps in the information sent to the physician such as the claimant's working conditions, and work history with the toxins listed in the Industrial Hygienist place the burden on the attending physician to fill in the blanks. They are not equipped to do this.

3.?? The claim is delayed by the reasons in items 1 and 2 and not sent to the Contract Medical Consultant for an opinion in a timely manner.

An example of this is a claim for skin cancer which was removed by an orthopedic surgeon as an incidental finding. The Claims Examiner is requiring an opinion or refusal to comment by the the surgeon on the skin cancer before sending the claim to the Contract Medical Consultant. This type of situation increases the claim processing time by months.

It is hubris to presume that every attending physician has the time, training, or talent to respond to the US Department of Labor's letters concerning the causal relationship of an occupational exposure and a claimed conditions.

In order to improve the claims process a telephone call from the Claims Examiner to the attending physician asking if they are willing to opine on the question at hand before the letter requesting the medical opinion

would decrease the claims processing time by 2 months or more.

Thank you for your time,

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