

U.S. Department of Labor

Office of Workers' Compensation Programs
Division of Energy Employees Occupational
Illness Compensation
Washington, DC 20210



Date: March 29, 2019

MEMORANDUM FOR: RACHEL P. LEITON
Director
Division of Energy Employees Occupational Illness Compensation
Office of Workers' Compensation Programs

THROUGH: JOHN VANCE
Chief, Branch of Policy
Division of Energy Employees Occupational Illness Compensation
Office of Workers' Compensation Programs

FROM: CHRISTOPHER R. ARMSTRONG, MD, MPH, FACPM, FAsMA
Medical Director
Division of Energy Employees Occupational Illness Compensation
Office of Workers' Compensation Programs

A handwritten signature in blue ink, appearing to read "C. Armstrong", is written over the "FROM:" section.

SUBJECT: Audit of Fourth Quarter (CY 2018) Contract Medical Consultant
(CMC) Reports

I conducted an audit of contract medical consultant (CMC) reports completed during the fourth quarter of Calendar Year 2018 to ensure that appropriate medical specialists are being assigned to advise the Government, and that the reports we receive are well-reasoned, complete, and responsive to the needs of our claims examiners. My audit included a review of 48 randomly selected CMC reports for five distinct services: causation file reviews, clarification of diagnosis, impairment ratings, second opinions, and supplemental file reviews. I used a checklist to assess the reports for adherence to contract requirements and program policies promulgated in the *Procedure Manual* and the *Physician's Reference Manual*. The audit included 12 causation file reviews, four clarification of diagnosis reports, 13 impairment ratings, eight second opinions, and 11 supplemental file reviews.

Three of the 48 reports clearly exceeded expectations, 33 met expectations, and 12 need improvement. The reports by [REDACTED] were thorough, well reasoned, informative, and helpful. [REDACTED] each prepared two of the 12 reports that need improvement.

Six of the reports were not consistent with the evidence in the file, and seven lacked the required conflict of interest statement. The CMC failed to answer one or more of the questions posed by

the claims examiner in four of the reports. Three reports lacked a review of systems and a complete physical examination. Two lacked a clinical history and two demonstrated inappropriate use of the tables in *AMA Guides™ to the Evaluation of Permanent Impairment, Fifth Edition*. One CMC based his whole person impairment (WPI) rating on the WPI rating assigned by another CMC, and one CMC's WPI rating included a diagnosis that had not been accepted by the Office of Workers' Compensation Programs. Several of the reports demonstrated more than one deficiency. Eight of the 12 reports may have resulted in an inappropriate determination.

Follow-Up Action Plan

Charles Bogino, the Contracting Officer's Technical Representative (COR), will notify QTC of the reports assessed as exceeding expectations and the deficiencies in the reports assessed as needing improvement. QTC will be given the opportunity to respond, in writing, to each deficiency.