

Congress of the United States
Washington, DC 20515

May 2, 2019

The Honorable Alexander Acosta
United States Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Acosta:

We represent large constituencies who are currently receiving benefits from the Energy Employees Occupational Illness Compensation Program (EEOICPA). The Department recently promulgated regulations that raise concerns regarding the direction of the program and the impact of any programmatic changes on current and future beneficiaries, as well as home health providers.

The EEOICPA provides essential services to some of our nation's most vulnerable citizens – former atomic and energy workers. These individuals put their health on the line to work in programs critical to our nation's defense and energy capabilities and have since developed serious illnesses as a result of occupational exposure to radiation and toxic chemicals. Their care is of the utmost importance, as is their right to choose and access quality health care providers.

The changes to the EEOICPA that went into effect on April 9, 2019 outline changes to 72 provisions within the EEOICPA. We also understand that the Department recently issued a Request for Information (RFI) seeking nationwide home health care services for the Office of Workers' Compensation's Division of Energy Employees Occupational Illness Compensation's (DEEOIC) covered employees.

To better understand the changes that the Department is implementing, or may consider implementing to the EEOICPA, as well as how these changes might impact beneficiaries and providers, we request your response to the following questions:

1. Our understanding is that there were nearly 500 comments submitted raising concerns about the Department's April 9, 2019, program changes. How many of the comments did the Department act on? Please provide a summary of the comments the Department received and the comments the Department chose to act on in the finale rules.
2. Has the Department studied whether the changes to the administration of the EEOICPA and the manner in which care and treatment plans are reviewed and approved, with supplemental requirements of pre-authorization, including additional forms to an already cumbersome process, will cause significant delays? Further, has the Department studied

whether changes to the administration of the EEOICPA will cause providers to either leave this health care sector or stop providing certain services to beneficiaries? Is the Department certain that access to quality care will not be hindered as a result of the new rules?

3. Has the Department engaged in listening sessions in our communities to ensure our constituents are receiving and will continue to receive the benefits they are entitled to under the April 9, 2019, changes?
4. Has action ever been taken to reduce the number of benefits eligible beneficiaries receive? How does the Department decide if a benefit is covered or not?
5. Has the Department changed its policy on covering physical therapy services?
6. Can you clarify if the intention of the RFI is to have one home health care provider for the EEOICPA, or if the goal is to contract with one organization to oversee and interface with all providers?
7. The RFI language seems to suggest an interest by the Department to require Medicare certification for home providers. Is this the Department's intent? Will the Department require CMS certification for providers to be enrolled and provide care to beneficiaries?
8. What is the timeline for any future changes to the EEOICPA, and how are you involving and notifying the beneficiaries and providers about these steps?

We thank you in advance for your answers to our questions. We look forward to working with the Department ensure that a beneficiary's fundamental right to make individual choices about their health care is upheld and that beneficiaries continue to receive access to quality health care and financial compensation through the EEOICPA as Congress intended.

Sincerely,



Scott Tipton
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Ruben Gallego
Member of Congress