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United States Senate

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS WASHINGTON, DC 20510–6250

November 20, 2014

The Honorable Scott S. Dahl Inspector General U.S. Department of Labor Francis Perkins Building 200 Constitution Avenue, NW, Room S-5502 Washington, DC 20210

Dear Mr. Dahl:

I am writing to request that you review the selection of impartial medical examiners and the management and oversight of contracts awarded by the Office of Workers' Compensation Program (OWCP).

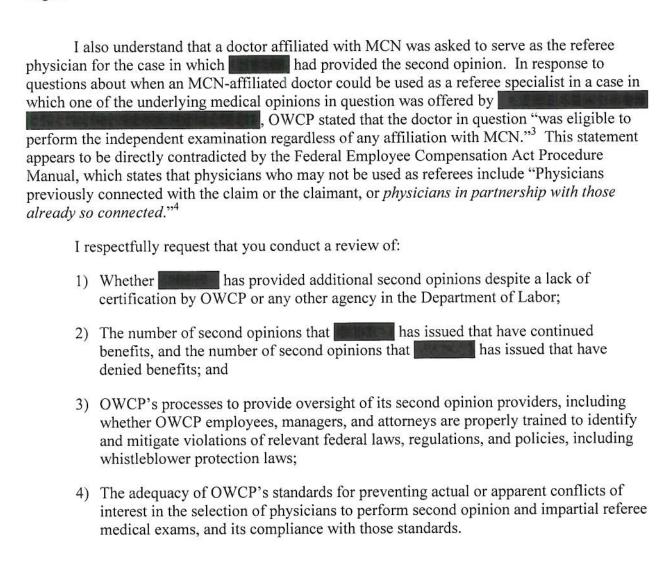
As you know, OWCP administers the four major federal disability compensation programs: the Energy Employees Occupational Illness Compensation Program, the Federal Employees' Compensation Program, the Longshore and Harbor Workers' Compensation Program, and the Coal Mine Workers' Compensation Program. These programs provide wage replacement benefits, medical treatment, vocational rehabilitation and other benefits to certain workers or their dependents who experience work-related injury or occupational disease. Although the worker's attending physician is the primary source of medical evidence for OWCP's programs, OWCP may direct the worker to submit to either a second opinion medical exam or, where the original exam and the second opinion differ, a third examination conducted by an impartial medical referee. ¹

I have recently received information that raises concerns regarding OWCP's management
of contracts for second opinion and impartial medical referee exams. It appears that
of Medical Consultants Network, LLC (MCN),
has performed at least one second opinion medical exam, despite not being certified to perform
this type of exam by OWCP. I understand that MCN holds several contracts with OWCP as a
provider of second opinion medical services, but has never been certified by OWCP or
any other component of the Department of Labor to offer second opinions, as required by federal regulations. ²

^{1 20} CFR 30.410; 20 CFR 30.411.

² See, Second Medical Opinion – Seattle, Washington, Solicitation Number: DOL089RP20579. (online at https://www.fbo.gov/?s=opportunity&mode=form&id=7d3c742b4901914857ecc8ac1619b7f2&tab=core&cview=1) (accessed Nov. 18, 2014); briefing by Department of Labor Office of

The Honorable Scott S. Dahl November 20, 2014 Page 2



Congressional and Intergovernmental Affairs to Subcommittee on Financial and Contracting Oversight (Nov. 7, 2014).

³ Letter from Shelby Hallmark, Director, Office of Workers Compensation Programs to [redacted] (March 4, 2004).

⁴ Federal Employees Compensation Act Procedure Manual Part 3-0500(4)(b)(3)(b).

The Honorable Scott S. Dahl November 20, 2014 Page 3

Thank you for your attention to this matter. Please contract Charlie Moskowitz with the Subcommittee staff at (202) 224-6814 with any questions. Please send any official correspondence relating to this request to Kelsey_Stroud@hsgac.senate.gov.

Sincerely,

Claire McCaskill

Chairman

Subcommittee on Financial and Contracting

Oversight

cc: Ron Johnson

Ranking Member

Subcommittee on Financial and Contracting Oversight