



## **World Trade Center-Related Health Conditions and Medically Associated Health Conditions**

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### **I. Purpose**

*World Trade Center Related Health Conditions and Medically Associated Health Conditions* provides information for Clinical Center of Excellence (CCE) and Nationwide Provider Network (NPN) physicians about the determination and certification of categories of health conditions covered by the World Trade Center (WTC) Health Program.

### **II. Categories of Health Conditions in the WTC Health Program**

The WTC Health Program recognizes two general categories of health conditions which require a determination by a CCE or NPN physician, and subsequent certification by the Administrator, to qualify for treatment coverage.

#### **A. WTC-Related Health Condition**

##### **1. Definition**

The first category of health conditions are those included on the List of WTC-Related Health Conditions ("List"). Health conditions included on the List are known as "WTC-related health conditions."

##### **2. Determination and Certification Procedures**

The James Zadroga 9/11 Health and Compensation Act of 2010 ("Act")<sup>1</sup> authorizes treatment for enrolled responders and survivors whose health conditions are certified by the WTC Health Program as a WTC-related health condition. For a health condition

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<sup>1</sup> Pub. L. 111-347, codified at 42 U.S.C. §§ 300mm to 300mm-61.

to be certified, a CCE or NPN physician must first make a determination that the individual's exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks ("9/11 exposure"), is substantially likely to be a significant factor in "aggravating, contributing to, or causing" that health condition.<sup>2</sup> The physician's determination is transmitted to the Administrator of the WTC Health Program; if the Administrator finds that the condition is included in the List of WTC-Related Health Conditions<sup>3</sup> and concurs that the 9/11 exposure is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition, then the Administrator will certify the individual's health condition as eligible for treatment coverage by the WTC Health Program.<sup>4</sup>

### **3. WTC-Related Health Condition Diagnosis-Related Grouping**

Each WTC-related health condition includes a primary diagnosis codes and one or more secondary diagnosis codes.<sup>5</sup> The set of codes is known to the WTC Health Program as a WTC-related health condition "care suite."<sup>6</sup>

The WTC Health Program has determined that certain secondary diagnosis codes can be grouped with the diagnosis of a WTC-related health condition. These secondary diagnoses are those which share a similar pathophysiology or risk profile with the primary WTC-related health condition and routinely accompany the occurrence of the primary WTC-related health condition. A care suite is a set of primary and secondary codes which facilitates the routine and effective medical treatment of an individual with a certified WTC-related health condition.

For a list of care suite codes for each WTC-related health condition or more information on whether a specific diagnosis is included in a particular WTC-related health condition care suite, refer to the WTC Health Program Code Book or consult the Director, WTC Health Program Medical Benefits.

#### **B. Health Condition Medically Associated with a WTC-Related Health Condition**

The Act also provides that a physician can make a determination that a health condition not on the List of WTC-Related Health Conditions (nor included in a WTC-related primary health condition care suite) is medically associated with a certified WTC-related health condition.<sup>7</sup>

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<sup>2</sup> 42 U.S.C. § 300mm-22(b)(1)(A).

<sup>3</sup> 42 C.F.R. § 88.1.

<sup>4</sup> 42 U.S.C. § 300mm-22(b)(1)(B)(ii).

<sup>5</sup> International Classification of Diseases, Ninth Revision (see <http://www.cdc.gov/nchs/icd/icd9.htm>).

<sup>6</sup> The WTC Health Program based the WTC-related health condition care suites (in part) on the HHS Center for Medicare and Medicaid Services' Medicare Severity Diagnosis Related Groups. See <http://www.cms.gov/Medicare/Coding/ICD10/ICD-10-MS-DRG-Conversion-Project.html>, <http://www.ntis.gov/products/grouper.aspx> and <http://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/AcuteInpatientPPS/FY-2013-IPPS-Final-Rule-Home-Page-Items/FY2013-Final-Rule-Tables.html>

The second category of health conditions is those diagnoses which meet the definition of a health condition medically associated with a WTC-related health condition. The WTC Health Program defines a health condition medically associated with a World Trade Center (WTC)-related health condition in two ways: as (1) “a health condition that results from *treatment* of a WTC-related health condition” or (2) a health condition that “results from *progression* of a WTC-related health condition.”<sup>8</sup>

### III. Certifying a Health Condition as Medically Associated with a WTC-Related Health Condition

#### A. Verify that the WTC-Related Health Condition Is Certified

A CCE or NPN physician making a determination that a health condition is *medically associated* with a WTC-related health condition, must verify that the primary WTC-related health condition has been certified by the Administrator. If the primary WTC-related health condition has not been certified, the CCE or NPN physician must seek and obtain certification of the WTC-related health condition—only then can another health condition be considered by the WTC Health Program as medically associated.

#### B. Ascertain if a Medically Associated Health Condition Results from *Treatment* of a Certified WTC-Related Health Condition

The WTC Health Program requires that the CCE or NPN physician provide a detailed explanation in the WTC-3 Certification Request form (including medical records as appropriate) that the health condition under consideration resulted from treatment of the WTC-related health condition.

The WTC Health Program will review the CCE or NPN physician’s explanation to determine if: (1) the medically associated condition was the direct result of treatment; and (2) the relationship between the medically associated health condition and the treatment of WTC-related health condition has been previously described in the peer-reviewed, medical literature.

1. **Direct Result of Treatment.** The CCE or NPN physician must demonstrate by means of a detailed narrative (including medical records when appropriate) that the health condition is a direct result of medical treatment of the WTC-related health condition, i.e., occurred in the absence of intervening medical events, and that the impact of the medically associated health condition is very serious to the patient and resource intensive to the WTC Health Program.

**Note:** CCE and NPN physicians are encouraged to consult with the Director, WTC Health Program Medical Benefits, about medically associated health conditions

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<sup>7</sup> 42 U.S.C. § 300mm-22(b) states that “[I]f a physician at a Clinical Center of Excellence determines pursuant to subsection (a) that the enrolled WTC responder has a health condition described in subsection(a)(1)(A) that is not in the list in subsection (a)(3) but which is medically associated with a WTC-related health condition—(i) the physician shall promptly transmit such determination to the WTC Program Administrator and provide the Administrator with the facts supporting such determination; and (ii) the Administrator shall make a determination under subparagraph (B) with respect to such physician determination.”

<sup>8</sup> 42 C.F.R. § 88.1 (Definitions).

that result from treatment of a WTC-related health condition as certification will depend on the particular medical facts of each case.

2. **Previously Published in Peer-Reviewed Literature.** The CCE or NPN physician must demonstrate in the narrative that the medical association resulting from treatment of a health condition on the List was previously published in the peer-reviewed medical literature.

**C. Ascertain if a Medically Associated Health Condition Results from *Progression* of a Certified WTC-Related Health Condition**

The WTC Health Program requires that the CCE or NPN physician provide a detailed explanation in the WTC-3 Certification Request form (including medical records as appropriate) that the medically associated health condition resulted from progression of the WTC-related health condition.

The WTC Health Program will review the CCE or NPN physician's explanation to determine if the medically associated condition was: (1) the direct result of progression of the WTC-related health condition; and (2) that the medically associated condition has been previously published in the peer-reviewed medical literature.

1. **Direct Result of Progression.** The CCE or NPN physician must demonstrate by means of a detailed narrative (including medical records when appropriate) that the health condition is a direct progression of the WTC-related health condition, i.e., occurred in the absence of intervening medical events, and that the impact of the medically associated health condition is very serious to the patient and resource intensive to the WTC Health Program.

**Note:** CCE and NPN physicians are encouraged to consult with the Director, WTC Health Program Medical Benefits, about medically associated health conditions that are the result of progression of a WTC-related health condition as certification will depend on the particular medical facts of each case.

2. **Previously Published in Peer-Reviewed Literature.** The CCE or NPN physician must demonstrate by means of a detailed explanation (including medical records when appropriate) that the medical association resulting from progression of a health condition on the List was previously published in the peer-reviewed medical literature.