Health Conditions Medically Associated with World Trade Center-Related Health Conditions

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I. Purpose

Health Conditions Medically Associated with World Trade Center-Related Health Conditions provides information for Clinical Center of Excellence (CCE) and Nationwide Provider Network (NPN) physicians about the determination and certification of health conditions found to be medically associated with a certified WTC-related health condition and therefore eligible for coverage 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: WTC-related health conditions and health conditions medical associated with WTC-related health conditions.

A. WTC-Related Health Condition

1. Definition

A WTC-related health condition is an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, based on an examination by a medical professional with expertise in treating or diagnosing the health conditions in the list of conditions, is substantially likely to be a significant factor in aggravating, contributing to,

or causing the illness or health condition or a mental health condition.[1] WTC-related health conditions are described in the List of WTC-Related Health Conditions ("List") specified in 42 C.F.R. § 88.1[2]

2. Determination and Certification Procedures

The James Zadroga 9/11 Health and Compensation Act of 2010 ("Act")[3] 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 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.[4] 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[5] 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.[6]

3. WTC-Related Health Condition Diagnosis and Treatment – "Care Suites"

Each WTC-related health condition includes a primary diagnosis code and one or more secondary diagnosis codes.[7] The set of codes is known within the WTC Health Program as a WTC-related health condition "care suite."[8]

The 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. The WTC Health Program has determined that certain secondary diagnosis codes can be grouped with the primary diagnosis of a WTC-related health condition in a care suite and that all conditions within a care suite will be considered part of the certified WTC-related health condition eligible for treatment. Utilizing a care suite set of primary and secondary codes facilitates the

[1] 42 C.F.R. § 88.1.

[2] Additions to the list of WTC-related health conditions are made pursuant to procedures specified in 42 U.S.C. § 300mm-22(a)(6) and 42 C.F.R. § 88.17.

[3] Pub. L. 111-347, codified at 42 U.S.C. §§ 300mm to 300mm-61.

[4] 42 U.S.C. § 300mm-22(b)(1)(A).

[5] 42 C.F.R. § 88.1.

[6] 42 U.S.C. § 300mm-22(b)(1)(B)(ii).

[7] International Classification of Diseases, Ninth Revision. *See* http://www.cdc.gov/nchs/icd/icd9.htm.

[8] The WTC Health Program based the WTC-related health condition care suites (in part) on the HHS Center for Medicare & 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.

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

1. 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 health condition care suite) is medically associated with a certified WTC-related health condition.[9]

2. The WTC Health Program defines a health condition medically associated with a World Trade Center (WTC)-related health condition as a condition that either: (1) "results from *treatment* of a WTC-related health condition" or (2) "results from *progression* of a WTC-related health condition."[10]

Note: The WTC Health Program Administrator interprets the phrase 'results from' to mean that the relationship linking the medically associated health condition with the WTC-related health condition occurs without the influence of an intermediary health condition or event, and that the linkage has been well-established by published, peer-reviewed scientific literature.

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

In order for the WTC Program Administrator to certify a health condition as medically associated with a WTC-related health condition, a CCE or NPN physician must first make a determination that the health condition is medically associated with a certified WTC-related health condition. The WTC Health Program will check to make sure that the physician's determination includes the following elements.

A. Verification that the Underlying 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 underlying primary WTC-related health condition has been certified by the Administrator. If the primary WTC-related health condition has not been certified, then the CCE or NPN physician must seek and obtain certification of the underlying WTC-related health condition. The WTC Health Program will only consider health conditions for certification as medically associated health conditions where

[9] 42 U.S.C. § 300mm-22(b)(2)(A) 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's determination."

[10] 42 C.F.R. § 88.1 (Definitions) (emphasis added).

there is an underlying WTC-related health condition listed as certified in the Program member file.

B. Determination that the Medically Associated Health Condition Results from either *Treatment* or *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 health condition under consideration as medically associated results from either treatment or progression of the underlying certified WTC-related health condition.

1. Establishing that the Medically Associated Health Condition "Results From" Treatment of a Certified WTC-Related Health Condition

The WTC Health Program will review the CCE or NPN physician's explanation to determine if: (i) the relationship linking the medically associated health condition with the WTC-related health condition occurs without the influence of an intermediary health condition or event; and (ii) the linkage between the certified WTC-related health condition and the medically associated health condition resulting from treatment of the certified WTC-related health condition has been well-established by published, peer-reviewed scientific literature.

(i) "Results From" of Treatment. The CCE or NPN physician must demonstrate by means of a detailed narrative (including medical records when appropriate) that the health condition "results from" medical treatment of the underlying certified WTC-related health condition without the influence of an intermediary health condition or event.

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

(ii) Previously Published in Peer-Reviewed Literature. The CCE or NPN physician must demonstrate that the medical association between the underlying [certified WTC-related] health condition and the medically associated health condition resulting from treatment of the underlying [certified WTC-related] health condition has been established in previously published, peer-reviewed, scientific literature. The establishment of this medical association in the literature must be documented in the member file, whether included as part of the physician's narrative or otherwise captured by Program staff.

2. Establishing that the Medically Associated Health Condition "Results From" Progression of a Certified WTC-Related Health Condition

The WTC Health Program will review the CCE or NPN physician's explanation to determine if: (i) the relationship linking the medically associated health condition with the WTC-related health condition occurs without the influence of an intermediary

health condition or event; and (ii) the linkage between the certified WTC-related health condition and the medically associated health condition resulting from treatment of the certified WTC-related health condition has been well-established by published, peer-reviewed scientific literature.

(i) **"Results From" Progression.** The CCE or NPN physician must demonstrate by means of a detailed narrative (including medical records when appropriate) that that the health condition "results from" progression of the underlying certified WTC-related health condition without the influence of an intermediary health condition or event.

> **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 certified WTC-related health condition as certification will depend on the particular medical facts of each case.

(ii) **Previously Published in Peer-Reviewed Literature.** The CCE or NPN physician must demonstrate that the medical association between the underlying [certified WTC-related] health condition and the medically associated health condition resulting from progression of the underlying [certified WTC-related] health condition has been established in previously published peer-reviewed, scientific, literature. The establishment of this medical association in the literature must be documented in the member file, whether included as part of the physician's narrative or otherwise captured by Program staff.

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