

From: [Communications, VCF \(CIV\)](#)
To: [Communications, VCF \(CIV\)](#)
Subject: Important Update from WTC Health Program
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Attachments: [image001.png](#)

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Good morning,

This message is sent in coordination with NIOSH, administrator of the WTC Health Program.

Summary of Update

Beginning December 1, 2023, WTC Health Program certification letters may look different for members who are certified for treatment for Obstructive Sleep Apnea (OSA). Rather than always listed as a Medically Associated Condition (MAC), certification letters will now reflect OSA as either a primary condition or a MAC, depending on the member's individual circumstances.

This change does NOT impact VCF awards. OSA has always been evaluated as a unique condition for purposes of calculating non-economic loss, and that will not change as a result of this WTC Health Program update.

Do NOT encourage your clients to seek a change from a current OSA MAC to a primary certification. OSA is covered for treatment by the WTC Health Program regardless of whether it is a primary or MAC certification and there is no reason to seek a change from one to the other. Staff at the CCEs and NPN will not agree to these requests and members should not waste the staff's time and distract them from their important work of delivering care. Similarly, NIOSH will not update certification letters for OSA previously certified as a MAC.

NIOSH will have these changes in place by December 1, 2023, with the first certification letters that include OSA as a primary certification going out approximately two weeks later. This change should be invisible to members as the care for OSA will be the same under either certification.

Background Information

The Zadroga Act requires the member to have another certified aerodigestive condition before OSA can be certified. Early system limitations required all OSA be processed as a MAC in order to enforce the statutory requirement that another aerodigestive condition be certified prior to certification of OSA. NIOSH recently completed an administrative update that creates a new Care Suite for OSA. This means OSA can now be certified as a primary certification where applicable.

Questions and Answers

Q1: Will only newly submitted primary sleep apnea certification requests be processed and certified as a primary condition?

A1: Yes. The new categorization will only be used for those certification requests for primary sleep apnea submitted after this change (December 1, 2023). All existing certifications for OSA will

remain unchanged.

Q2: Will some members still have OSA certified as a MAC?

A2: Yes. Members can still be certified with sleep apnea as a medically associated condition if the member's sleep apnea meets the WTC Health Program's regulatory definition of being a medically associated condition. The definition of a MAC is: "progression of a certified WTC-related condition or side effect of treatment of a certified WTC-related condition." This administrative update does not take away the possibility for OSA to be certified as an associated condition, but instead opens up the possibility for it to be processed and certified as a primary condition.

Q3: Will NIOSH switch a member's previously certified associated condition of OSA to a primary condition?

A3: No. Previously certified associated conditions of sleep apnea will not be recategorized, even if they technically don't meet the regulatory definition. Previously certified sleep apnea will remain as an associated condition in the NIOSH system.

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