



Scope of Appeals in the World Trade Center (WTC) Health Program

Last Updated: May 1, 2023

Scope of Appeals for Enrollment or Disenrollment Decisions

In order to file an enrollment or disenrollment appeal, the appeal request **must**:

- Be postmarked within **120 calendar days** of the date on the letter from the Administrator notifying the applicant, disenrolled member, or designated representative of the enrollment denial or disenrollment decision;
- Be made in writing and signed;
- Identify the denied applicant or disenrolled member and designated representative (if applicable);
- Describe the decision being appealed and give reasons why the applicant, disenrolled member, or designated representative believes that the enrollment denial or disenrollment is incorrect and should be reversed; **and**
- Be sent to the WTC Health Program at the address specified in the notice of denial or disenrollment.

The appeal request may include relevant new information not previously considered by the WTC Health Program.

However, even if an enrollment or disenrollment appeal request meets all necessary criteria above, it will be considered outside the scope of the WTC Health Program's appeal process and invalid if:

- It challenges the enrollment criteria established in the James Zadroga 9/11 Health and Compensation Act (Zadroga Act) or the WTC Health Program's regulations; or
- It challenges a WTC Health Program policy that has been established by the Administrator and is applicable to all Program applicants and/or members.

Enrollment criteria in the Zadroga Act are established by law and may only be changed by an act of Congress amending the Act. Enrollment criteria within the WTC Health Program's regulations are established through rulemaking and may only be changed by the Program revising the regulations. Any challenge to enrollment criteria established by law, regulation, or Program policy requires a broader legal, regulatory, or policy action that would be applicable to all WTC Health Program members. This means that the challenge cannot be addressed in the appeal of an individual applicant or member.

An appeal request may, however, challenge the Program's *application* of the enrollment criteria. For example, an appeal request could argue that the Program incorrectly determined the number of hours the individual worked or volunteered during a covered time period.

You may find WTC Health Program regulations and policies at www.cdc.gov/wtc/regulations2.html and www.cdc.gov/wtc/policies.html. An individual wishing to voice concerns or request that the Administrator change a WTC Health Program regulation or policy may write to the Administrator at:

CDC/NIOSH
ATTN: World Trade Center Health Program
400 7th Street SW, Suite 5W
Washington, DC 20024

Changes to the Zadroga Act require an act of Congress.

Scope of Appeals for Certification, Decertification, or Treatment Authorization Decisions

In order to file a certification denial, decertification, or treatment authorization denial appeal, the appeal must:

- Be postmarked within **120 calendar days** of the date on the letter from the Administrator notifying the member of the adverse decision;
- Be made in writing and signed;
- Identify the WTC Health Program member or designated representative (if applicable)
- Describe the decision being appealed and the reasons why it is believed that the member or designated representative believes the decision is incorrect and should be reversed (this basis for the appeal request must be sufficiently detailed and supported by information to permit review); **and**
- Be sent to the WTC Health Program at the address specified in the notice of denial or decertification.

The appeal request may include relevant new information not previously considered by the WTC Health Program. This may include:

- Scientific or medical information correcting errors that may have been submitted to the WTC Health Program by the Center of Clinical Excellence or Nationwide Provider Network;
- Information showing that the WTC Health Program did not correctly follow or apply relevant WTC Health Program policies or procedures; or
- Any information showing that the WTC Health Program's decision was not reasonable given the facts of the case.

However, even if a certification denial, decertification, or treatment authorization denial appeal request meets all necessary criteria above, it will be outside the scope of the WTC Health Program's appeal process and considered invalid if:

- It challenges certification requirements established in the James Zadroga 9/11 Health and Compensation Act (Zadroga Act);
- It challenges the exclusion or absence of a health condition from the List of WTC-Related Health Conditions (List); or
- It challenges a WTC Health Program policy that has been established by the Administrator and is applicable to all Program applicants and/or members, such as the Program's *Minimum Latency & Types or Categories of Cancer*.

Certification criteria in the Zadroga Act are established by law and may only be changed by an act of Congress amending the Act. Certification criteria within the WTC Health Program's regulations are established through rulemaking and may only be changed by the Program revising the regulations. Any challenge to certification criteria established by law, regulation, or Program policy requires a broader legal, regulatory, or policy action that would be applicable to all WTC Health Program members. This means that the challenge cannot be addressed in the appeal of an individual member.

An appeal request may, however, challenge the Program's *application* of the certification criteria. For example, an appeal request could argue that the Program incorrectly determined the dates of exposure and diagnosis for an individual whose cancer was denied based on latency requirements.



Scope of Appeals in the World Trade Center (WTC) Health Program

Last Updated: July 5, 2019

An individual wishing to voice concerns or request that the Administrator change a Program regulation or policy may write to the Administrator at:

CDC/NIOSH
ATTN: World Trade Center Health Program
400 7th Street SW, Suite 5W
Washington, DC 20024

To learn more about the petition process to add a condition to the List of WTC-Related Health Conditions, visit www.cdc.gov/wtc/petitions.html. The petition process can only be used to request the addition of a health condition to the List. It cannot be used to request that the Program cover a specific health condition medically associated with a certified WTC-related health condition, cover a certain type of treatment, or amend Program regulations or policies.

Changes to the Zadroga Act require an act of Congress.

You may find WTC Health Program regulations and policies at www.cdc.gov/wtc/regulations2.html and www.cdc.gov/wtc/policies.html. More information on certification criteria is available at www.cdc.gov/wtc/ppm.html#certification.

Have questions about appeals?

Call the WTC Health Program Call Center at 1-888-982-4748, Monday through Friday from 9 a.m. to 5 p.m. Eastern. The Call Center will refer you to the appeal coordinator who can explain the appeal process and answer any questions you may have.