

Dragon, Karen E. (CDC/NIOSH/EID)

From: Frank Tramontano [FTramontano@NYCPBA.org]
Sent: Friday, April 29, 2011 4:10 PM
To: NIOSH Docket Office (CDC)
Subject: NIOSH Docket 226
Attachments: PBA and PBA Funds Submission to NIOSH Docket 226.pdf

NIOSH Docket Office:

On behalf of the Patrolmen's Benevolent Association of the City of New York, Inc., the Health and Welfare Fund of the Patrolmen's Benevolent Association of the City of New York, and the Retiree Health and Welfare Fund of the Patrolmen's Benevolent Association of the City of New York, please see attached submission to NIOSH Docket 226.

Sincerely,

Frank Tramontano

*Patrolmen's
Benevolent
Association*



Of The City Of New York, Incorporated

April 29, 2011

VIA ELECTRONIC MAIL

(nioshdocket@cdc.gov)

Dr. John Howard, Director
NIOSH Docket Office
Robert A. Taft Laboratories
MS-C34
4676 Columbia Parkway
Cincinnati, OH 45226

Re: Request for Information on Implementation of the James Zadroga
9/11 Health and Compensation Act of 2010 (Pub. L. No. 111-347);
Docket Number – NIOSH-226

Dear Director Howard:

I am writing on behalf of the Patrolmen's Benevolent Association of the City of New York, Inc. (the "PBA") and the Health and Welfare Fund of the Patrolmen's Benevolent Association of the City of New York (the "Active Fund") and Retiree Health and Welfare Fund of the Patrolmen's Benevolent Association of the City of New York (the "Retiree Fund") (collectively, the "PBA Funds") concerning two implementation issues regarding Title I under the James Zadroga 9/11 Health and Compensation Act of 2010 (Pub. L. No. 111-347), codified at 42 U.S.C. §§ 300mm to 300mm-61 (the "Zadroga Act"). This letter responds to NIOSH Docket 226, which requests comments on implementing the provisions of the Zadroga Act.

Background on the PBA and PBA Funds

The PBA is a public employee organization and is the duly certified collective bargaining agent for all members of the New York City Police Department (the "Department") holding the rank of police officer. The PBA currently represents approximately 22,000 active police officers.

The PBA Funds provide health and welfare benefits to active police officers, their spouses, and eligible dependents. The Active Fund provides coverage for approximately 22,000 active police officers. Upon retirement from the Department, eligible police officers, their spouses, and eligible dependents are covered by the Retiree Fund. Currently, the Retiree Fund provides coverage for approximately 24,000 retired police officers. The PBA Funds provide coverage for approximately 63,000 covered dependents as well. The PBA Funds are funded by contributions from the City of New York. The PBA Funds provide, among other benefits, prescription drug coverage to eligible participants, subject to the respective plan description.

Coordination of benefit for enrolled WTC responders

The PBA's members that otherwise meet the participation requirement and enroll in the WTC Program would be enrolled as WTC responders. *See* 42 U.S.C. § 300mm-21(a)(2)(B)(ii). For enrolled WTC responders, the Zadroga Act provides pharmaceutical coverage as part of treatment:

Pharmaceutical coverage. With respect to ensuring coverage of medically necessary outpatient prescription drugs, such drugs shall be provided, under arrangements made by the WTC Program Administrator [the "Administrator"], directly through participating Clinical Centers of Excellence or through one or more outside vendors.

Id. § 300mm-22(b)(4)(B); *see also id.* § 300mm-22(b)(4)(A) ("The scope of treatment covered under this subsection includes ... prescription drugs ..."). In addition, section 300mm-41, titled, "Payment of claims," provides that the cost of such benefit shall be paid for by the WTC Program from the World Trade Center Health Program Fund.

As the WTC Program makes arrangements to provide for such prescription drug coverage, the PBA Funds request that as part of the arrangement, the following be considered:

- Coordinating enrollment information with the PBA Funds for those PBA members who are enrolled in the WTC Program, so the PBA Funds and WTC Program can coordinate providing prescription drug benefits to those members.
- Providing the scope of the WTC Program's anticipated prescription drug coverage for enrolled WTC responders.

This information is critical to ensuring that those enrolled in the WTC Program receive covered prescription drugs from the WTC Program's vendors, and that those enrollees who are eligible receive coverage from the PBA Funds for prescription drugs not covered by the WTC Program.

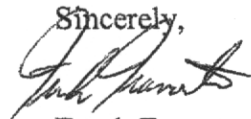
Outreach coordination is vital for successful implementation of the WTC Program

Section 300mm-2, titled, "Education and outreach," provides that the Administrator shall institute an outreach and education program that includes, among other things, dissemination of outreach materials informing all affected populations about the program. The Zadroga Act provides funding for such education and outreach. See 42 U.S.C. § 300mm-61(b)(1). For the last calendar quarter of fiscal year 2011, such available funding is \$500,000. *Id.* § 300mm-61(c)(3)(A). For fiscal year 2012, such available funding is \$2 million, and each subsequent year the available funding will be the amount for the previous fiscal year, increased by CPI. *Id.* § 300mm-61(c)(3)(B)-(C).

As the Zadroga Act itself recognizes, a critical task for the Administrator will be outreach. Here, the PBA and PBA Funds can be instrumental to the Administrator because of their relationship and ability to reach out to PBA members, through directed mailings and/or outreach at meetings. The PBA encourages the Administrator to allocate outreach money to third-parties who are in a unique position, due to their relationship with defined segments of the program-eligible population, to help facilitate the Administrator's educational and outreach duties.

* * *

The PBA and PBA Funds look forward to a productive relationship with the Administrator as he carries out the Zadroga Act's goal of providing medical monitoring and treatment to those first responders who, without regard to their safety, responded on 9/11.

Sincerely,

Frank Tramontano