

July 28, 1981

(Opinion issued in letter form; name and address deleted)

Re: Opinion of Trustees  
Resolution of Dispute  
Case No. 227

This is in reference to your request for an advisory opinion from the Trustees of the UMWA Health and Retirement Funds concerning the provision of benefits for infant formula supply under the Employer's Plan.

Article III, Section A (4) (a) of the Employer's Plan provides that benefits are provided for insulin and prescription drugs prescribed by a physician for treatment or control of an illness or nonoccupational accident. In this case, although the infant formula may have been prescribed by a physician, it does not require a prescription in order to be purchased and it is a food substance, not a drug. Therefore, this formula is not a prescription drug for which benefits are provided.

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Harrison Combs, Chairman

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John J. O'Connell, Trustee

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Paul R. Dean, Trustee