

January 25, 1983

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-57

Pursuant to Article IX of the United Mine Workers of America 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed a question concerning coverage of prescription drugs under the Employer's Benefit Plan.

Under Article III. A (4) (a), benefits are provided for insulin and prescription drugs dispensed by a licensed pharmacist and prescribed by a (i) physician for treatment or control of an illness or a nonoccupational accident or (ii) licensed dentist for treatment following the performance of those oral surgical services set forth in (3) (e). Article III. A (4) (b) excludes from coverage "medications dispensed in a hospital (including take-home drugs), skilled nursing facility or physician's office." Although some of the drugs you received required a prescription, they were dispensed in a physician's office and not by a licensed pharmacist. Therefore, your Employer is not responsible for providing benefits for those drugs.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee
