
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 81-222 - November 2, 1983

Board of Trustees: 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 the facts and circumstances of this dispute concerning health coverage for biofeedback therapy and hereby render their opinion on the matter,

Background Facts

The Employee's spouse has undergone biofeedback training for the treatment of her headaches. Her illness has been variously described as vascular headache, non-classical migraine headache and muscular contraction headache. The charges relative to the Employee's spouse's biofeedback training have been denied by the Employer based on the provisions of Q&A 81-42.

Dispute

Is the Employer responsible for payment of charges for biofeedback training for the treatment of the Employee's spouse's headaches.

Positions of the Parties

Employee's Position: The Employer is responsible for payment of charges insurance by the patient for biofeedback therapy as a means to treat her headaches. The Employee contends that since has spouse was under the treatment of a specialist for her headaches aid because the biofeedback therapy was prescribed for an illness or injury which falls within his area of medical competence, the charges should be paid,

Employer's Position: The charges for the biofeedback therapy the Employee's spouse underwent were properly denied in accordance with the provisions of Q&A 81-42.

Pertinent Provisions

Article III A (11) (a) 24 of the Employer's Benefit Plan provides;

(a) In addition to the specific exclusions otherwise contained in this Plan, benefits are also not provided for the following:

24. Charges for treatment with new technological medical devices and therapy which are experimental in nature.

Question and Answer 81-42

Subject: Biofeedback Therapy

References: Amended 1950 and 1974 Benefit Plans and Trusts Article III, Sections A (7) (f) and a (11) 24.

Question: Are benefits provided for biofeedback,therapy?

Answer: No

Discussion

Under Article III A 11 (a) 24 of the Employer's Benefit Plan, charges for treatment with new technological medical devices and therapy which are experimental in nature are excluded from coverage. According to Q&A 81-42, biofeedback therapy is a non-covered benefit.

The Trustees note that, subsequent to the dates on which the biofeedback therapy was administered the Employee's spouse, and subsequent to the publication of Q&A 81-42, Medicare changed its rules and regulations pertaining to biofeedback therapy. Medicare now recognizes biofeedback therapy if certain conditions are met. However, even if these changes in Medicare policy had been in effect at the time this dispute arose, coverage still would not have been provided as the criteria established in the revised Medicare policy would not be met in this case.

A Funds' physician consultant has reviewed the available information regarding the Employee's spouse's biofeedback training and has determined that Q&A 81-42 was correctly applied to this case. The Employer therefore is not responsible for payment of the charges relative to the Employee's spouse's biofeedback therapy.

Opinion of the Trustees

The Trustees are of the opinion that the Employer is not responsible for providing benefits for the Employee's spouse's biofeedback therapy.