

March 1, 1984

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

Re: Opinion of Trustees
Resolution of Dispute
Case No. 81-406

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 your Request for Advisory Opinion concerning the health benefit coverage for cardiac rehabilitation services for your spouse.

According to the information provided, your wife has participated in a hospital outpatient cardiac rehabilitation program, where she received group training and participated in exercises provided and supervised by a registered nurse and an exercise physiologist. Although your wife was referred to this program by her physician, your Employer has denied payment for these services.

Under 1981 Contract Question and Answer #81-14, attached hereto, benefits are provided for cardiac rehabilitation conducted in a hospital outpatient setting under the direct supervision of a physician. The services your wife received were provided by and under the supervision of a registered nurse and exercise physiologist, and not a physician. Although her physician was kept informed of her progress in this program, such involvement does not satisfy the requirement of physician supervision.

The Trustees therefore have determined that your Employer is not responsible for payment of the group training and exercise program your wife participated in since these services were not conducted under a physician's supervision.

Sincerely,

Harrison Combs, Chairman

John J. O'Connell, Trustee

Paul R. Dean, Trustee

Enclosure