

June 24, 1985

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

Re: Opinion of the Trustees  
Resolution of Dispute  
Case Number 84-041

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 request for Resolution of Dispute concerning benefits for Asellacrin (human growth hormone) under the terms of your Employer Benefit Plan and hereby render their opinion on the matter.

According to Article III A (4)(a) of the Employer Benefit Plan, benefits are provided for insulin and prescription drugs (only those drugs which by Federal or State Law require a prescription) dispensed by a licensed pharmacist and prescribed by a (i) physician for treatment or control of an illness or a non-occupational accident or (ii) licensed dentist for treatment following the performance of those oral surgical services set-forth in (3)(e).

A Funds' medical consultant confirms that the patient's condition is consistent with a diagnosis of partial growth hormone deficiency and that the appropriate treatment of this condition is growth hormone supplementation, just as a condition of hypothyroidism would be treated with thyroid, or diabetes would be treated with insulin. The patient's condition, regardless of its etiology, requires medical treatment, as any other diagnosed medical condition would.

Growth hormone is commercially available from at least two pharmaceutical companies, and is available only by prescription. Because the Asellacrin (human growth hormone) has been prescribed by a physician for the treatment of your son's partial growth hormone deficiency, and since it is a prescription drug which has been dispensed by a licensed pharmacist, your Employer is responsible for payment of charges for the human growth hormone used to treat your son's partial growth hormone deficiency.

Sincerely,

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Joseph P. Connors, Sr., Chairman

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Paul R. Dean, Trustee

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William B. Jordan, Trustee

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William Miller, Trustee

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Donald E. Pierce, Jr., Trustee