May 7, 2018

Mr. Bentley Garner

Dear Mr. Garner:

Re: Request for Coverage

The Board of Trustees of the United Food and Commercial Workers Union Local 1995 and Employers Health and Welfare Fund (the "Fund") has reviewed the December 18, 2017 correspondence from Transcend Legal asking the Fund to eliminate the exclusion of charges for services, supplies and prescription drugs related to treatment leading to or in connection with transsexual surgery, also known as gender reassignment surgery. After careful consideration, the Board of Trustees of the Fund decided to amend the Fund's Rules and Regulation to eliminate the exclusion of services, supplies and prescription drugs leading to or in connection with transsexual surgery, effective March 9, 2018.

Therefore, services, supplies and prescription drugs leading to or in connection with transsexual surgery for treatment of gender dysphoria incurred on or after March 9, 2018 will be covered under the Fund subject to the terms of the Fund, such as other exclusions and limitations, including the Fund's definition of medically necessary (below) and the agreement for administrative services with Blue Cross Blue Shield of Tennessee and its medical policies.

1.19 Medically Necessary. The term "Medically Necessary" means only those services, treatments or supplies provided by a Hospital or Physician or other covered provider that are required to identify or treat a Person's illness or injury and which are:

(a) consistent with the symptoms or diagnosis and treatment of the Person's condition, disease, ailment or injury;

(b) appropriate according to standards of good medical practice;

(c) not solely for the convenience of a Person, Physician, Hospital or other covered provider; and

(d) the most appropriate which can be safely provided to the Person.

The fact that a Physician prescribes, orders, recommends or approves a hospitalization, service, treatment or supply does not, in itself, make it Medically Necessary. The Medical Director of Blue Cross Blue Shield of Tennessee is authorized to determine whether a medical treatment, supply or service is "Medically Necessary" for purposes of Article IV, Comprehensive Medical Expense Benefits.
Prescription drugs for treatment leading to or in connection with transsexual surgery are also subject to the terms of the Fund's agreement with Kroger Prescription Plan and its policies.

Charges incurred for such services, supplies and prescription drugs for such treatment incurred prior to March 9, 2018 remain excluded under the Fund.

Note that the letter from Transcend Legal is not an appeal of a denial of specific claims. The Fund is a self-funded employee welfare benefit plan under the Employee Retirement Income Security Act ("ERISA") and is not subject to state insurance law. As a self-funded employee welfare benefit plan, the Fund is not required to provide coverage for transsexual surgery for treatment of gender dysphoria and is not required to provide coverage in accordance with Blue Cross Blue Shield of Tennessee Medical Policy regarding coverage of gender reassignment surgery.

Please contact the undersigned if you have any questions.

Sincerely,

[Signature]

Teresa Brown
Claims Manager