NAME: **SS#:**

Bakers Union and FELRA Health and Welfare Fund

EMPLOYER:	Safeway	**LOCAL:**	118
DATE OF HIRE:	July 1, 2010	**STATUS:**	Full Time
PLAN:	1		

ISSUE: Hospital/Medical – Excess of Usual and Customary Rate (UCR) #M18/101-4348

FUND RULE:
"**Hospital and Medical Benefits**
Important! You must use a participating [CIGNA] provider in order to be covered. Services performed by non-[CIGNA] providers will not be paid under the Fund, with limited exceptions."
(Bakers Union and FELRA Health and Welfare Fund SPD, July 2016, Page 94)

"**General Exclusions**
39. Services or supplies which are in excess of the Cigna Healthcare PPO allowed amount or in excess of the amount approved by CARE Programs."
(Bakers Union and FELRA Health and Welfare Fund SPD, Page 117, #39)

SUMMARY:

Date(s) of Service:	July 8, 2017 through July 9, 2017
Claim(s) Received:	October 5, 2017
Claim(s) Paid:	October 16, 2017
Appeal Received:	January 16, 2018

The **participant** is appealing for additional payment of claims for surgical services rendered in the emergency room. The participant states, "After sustaining significant injuries to my right finger with a foreign body embedded in it, I required emergency surgery. I sought emergency care at Inova Fairfax Hospital which is an in-network facility with Cigna. Dr. Amer Saba, a hand specialist in reconstructive surgery, was the plastic surgeon on-call in the emergency room at the time and therefore was the one to perform the surgery. It was the hospital that called Dr. Saba in to do the treatment. At no time did I have a choice in care."

Fund records indicate Elite Plastic Surgery, LLC (Dr. Amer Saba, an out-of-network provider) submitted claims for surgical services with the diagnoses "Crushing injury of finger, injury of digital nerve of finger, and other specified injury of blood vessel of finger." The claims were processed as out-of-network claims and paid up to the limits of the Plan. The provider's charges are in excess of the Fund's UCRs for these services.

Note: The Board of Trustees determined at a meeting held in 2006 that the Fund will pay the lower of the billed amount minus the average PPO discount, or the Usual and Customary Rate (UCR), if available, for claims for emergency services incurred with providers outside of the PPO network.

ACTION: **Approved** ☐ **Denied** ☐ **Tabled** ☐
COMMENTS: