



Claims Administration Procedure No. 3

1. **Purpose.** This Claims Administration Procedure No. 4 (“CAP”) describes the eligibility requirements for an Enhancement for a Re-Revision Surgery, specifically when **only the proximal body of a revision femoral stem is removed and replaced**. This CAP is based on recent decisions issued by the Special Masters regarding the eligibility of this category of Re-Revision Surgery claims.

2. **Applicability of CAP to Pending Appeals.** This CAP will be applicable to all remaining and future appeals of Re-Revision Surgery claims. This CAP will also be applicable to the Claims Processor’s review of any future Re-Revision Surgery claims. **Counsel for patients and unrepresented individuals are strongly encouraged to review their pending Re-Revision Surgery appeals to ensure that they are indeed eligible for the claimed Enhancements and withdraw all appeals for Re-Revision Surgery claims that are ineligible as set forth herein. Failure to withdraw ineligible Re-Revision Surgery appeals may result in an assessment as per Section 5.2.6.4 of the Master Settlement Agreement.**

3. **Description.** A Re-Revision Enhancement is eligible under Past Matrix Level I(a) if the surgery was determined to be medically necessary, **required removal of the revision femoral stem component**, and was made necessary by the Qualified Revision Surgery. This Enhancement includes Re-Revision Surgeries that were necessary due to a compensable infection or dislocation.

The Re-Revision Surgery Enhancement, however, is unavailable if only the proximal body of a revision femoral stem is removed and replaced.

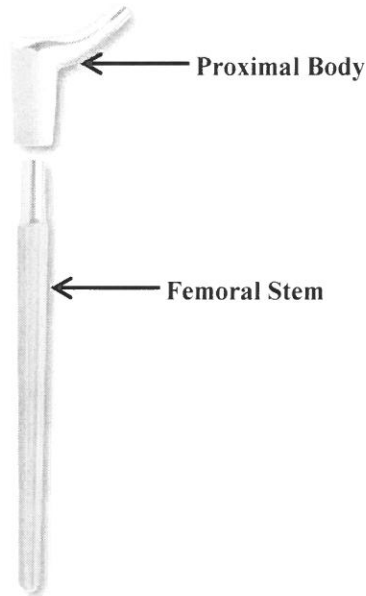


Figure 1 Example of Revision Femoral Stem

Accordingly, patients who underwent a procedure during which only the proximal body of a revision femoral stem was removed and the femoral stem portion remained implanted in the femur are not eligible for a Re-Revision Surgery Enhancement.

4. Examples of Ineligible Re-Revision Surgery Appeals (Proximal Body Only)

In order to guide individuals and Counsel in assessing their claims and pending appeals, below are anonymized examples of Re-Revision Surgery (Proximal Body Only) appeals that the Special Masters have determined to be ineligible:

Description of Ineligible Re-Revision Surgery (Proximal Body Only) Appeals	
1.	Procedure Operative Report: We went in and we felt that the stem had retroverted on us, so the proximal body was removed, we then went with 10 body, corrected it into more of a neutral position. We then took the cup out, and spun the lip of the cup posteriorly. . . The permanent prosthesis was inserted which was a 21 +10 body with a 32 +8 head metal with a 10-degree 32 mm liner with the rim facing posterior.

5. Duration of CAP. This CAP will apply to all processed claims and/or pending appeals after the date as indicated below and shall terminate only upon cancellation or modification by the Claims Administrator.

Dated: November 11, 2016

By: Diane M. Welsh

Hon. Diane M. Welsh (Ret.)
Claims Administrator