

HON. RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

E.S., by and through her parents, R.S. and J.S.,  
and JODI STERNOFF, both on their own  
behalf, and on behalf of all similarly situated  
individuals,

Plaintiffs,

v.

REGENCE BLUESHIELD; and CAMBIA  
HEALTH SOLUTIONS, INC., f/k/a THE  
REGENCE GROUP,

Defendants.

NO. 2:17-cv-1609-RAJ

**DECLARATION OF RICK  
SPOONEMORE IN SUPPORT OF  
PLAINTIFFS' OPPOSITION TO  
DEFENDANTS' MOTION TO  
DISMISS PLAINTIFFS' SECOND  
AMENDED COMPLAINT**

**Noted for Consideration:  
June 17, 2022**

I, Rick Spoonemore, declare under penalty of perjury and in accordance with the laws of the United States and State of Washington that:

1. I am a partner at Sirianni Youtz Spoonemore Hamburger and am one of the attorneys for plaintiffs in this action.

2. In 2021, Plaintiffs retained Frank Lin, M.D. as an expert witness in this matter. Dr. Lin opined that diagnostic evaluations are typically covered by health insurers, even when the health plan at issue excludes treatment for hearing loss. Dr. Lin explained that the reason for such coverage is that medical doctors, rather than audiologists, typically make such diagnoses, which are then covered as diagnostic

1 medical evaluations. Dr. Lin suggested that the term “routine hearing examination” is  
 2 targeted at the ongoing evaluations conducted by audiologists, after a diagnostic  
 3 medical evaluation is completed.

4 3. Based upon Dr. Lin’s information, Plaintiffs’ counsel contacted various  
 5 providers and confirmed Dr. Lin’s perspective. We also reviewed the claims information  
 6 obtained from Regence regarding coverage for E.S.’s treatment for her hearing loss over  
 7 time. As shown in *Exhibit A*, evaluations by E.S.’s otolaryngologist, Kathleen Sie, M.D.  
 8 (*see Exh. B*), were covered by Regence. Dr. Sie medically cleared E.S. for hearing aids after  
 9 one such evaluation. *Exh. C*. And as Regence was informed by E.S.’s treatment team at  
 10 Seattle Children’s, Dr. Sie completed a preliminary medical evaluation for E.S.,  
 11 concluding that the most appropriate device to support her hearing was not a cochlear  
 12 implant but, rather, an “auditory osseointegrated implant system.” *Exh. D*. This evidence  
 13 supports Plaintiffs’ allegations that Regence *covers* diagnostic hearing evaluations.

14 **4. Exhibits**

15 Exhibit	Description	Date
16 A	Claim Inquiry re E.S. by Kathleen Sie, M.D.	
17 B	Seattle Children’s Hospital website listing for Kathleen Sie, 18 M.D.	
19 C	Prescription card, medically cleared for hearing aid, signed 20 by Kathleen Sie, M.D.	5/27/2011
21 D	Audiology Final Report signed by Brianne M. Scappini, 22 Au.D., CCC-A	7/7/2011

1 DATED: June 2, 2022, at Seattle, Washington.

2  
3 /s/ Rick Spoonemore

4 Rick Spoonemore (WSBA #21833)  
5 SIRIANNI YOUTZ SPOONEMORE HAMBURGER PLLC  
6 3101 Western Avenue, Suite 350  
7 Seattle, WA 98121  
8 Tel. (206) 223-0303; Fax (206) 223-0303  
9 Email: rspoonemore@sylaw.com  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

- **Brad S. Daniels**  
[brad.daniels@stoel.com](mailto:brad.daniels@stoel.com), [janna.leasy@stoel.com](mailto:janna.leasy@stoel.com)
- **Eleanor Hamburger**  
[ehamburger@sylaw.com](mailto:ehamburger@sylaw.com), [matt@sylaw.com](mailto:matt@sylaw.com), [theresa@sylaw.com](mailto:theresa@sylaw.com), [stacy@sylaw.com](mailto:stacy@sylaw.com)
- **Maren Roxanne Norton**  
[maren.norton@stoel.com](mailto:maren.norton@stoel.com), [docketclerk@stoel.com](mailto:docketclerk@stoel.com), [heidi.wilder@stoel.com](mailto:heidi.wilder@stoel.com),  
[malaika.thompson@stoel.com](mailto:malaika.thompson@stoel.com)
- **Richard E. Spoonemore**  
[rspoonemore@sylaw.com](mailto:rspoonemore@sylaw.com), [matt@sylaw.com](mailto:matt@sylaw.com), [rspoonemore@hotmail.com](mailto:rspoonemore@hotmail.com),  
[theresa@sylaw.com](mailto:theresa@sylaw.com), [stacy@sylaw.com](mailto:stacy@sylaw.com)
- **John F. Waldo**  
[johnfwaldo@hotmail.com](mailto:johnfwaldo@hotmail.com)

I further certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

- (No manual recipients)

DATED: June 3, 2022, at Seattle, Washington.

/s/ Richard E. Spoonemore  
Richard E. Spoonemore (WSBA #21833)

# Exhibit A

Facets - Claims Inquiry + ITS - All

File Filters Extensions Actions View Transfer Window Help

Offline Tasks Get Next

Subscriber/Family: [REDACTED] Claims Inquiry + ITS - All

Search Parameters: Subscriber ID/Sfx: [REDACTED] Provider ID: 03 N/A Service Dates: From To ITS Subscriber ID: N/A Rows: 33

Member	Provider	Begin	Charges	Paid Amount	Status	Paid Date	Claim ID
[REDACTED]	SIE, KATHLEEN C.	08/11/2017	\$54.00	\$30.14	02 - Accepted; Batch Complete	08/25/2017	E42000946100
[REDACTED]	SEATTLE CHILDRENS HOSPITAL	08/11/2017	\$125.00	\$0.00	02 - Accepted; Batch Complete	09/29/2017	E42256703800
[REDACTED]	ITS PPO DOCTOR WA, X	07/13/2017	\$9,000.00	\$3,929.48	02 - Accepted; Batch Complete	07/31/2017	T21464799100
[REDACTED]	ITS PPO HOSPITAL WA	07/13/2017	\$238,019.25	\$0.00	01 - Adjusted; Processed	08/11/2017	T21467090800
[REDACTED]	ITS PPO HOSPITAL WA	07/13/2017	\$228,019.25	\$0.00	02 - Accepted; Batch Complete	09/11/2017	T21467090800
[REDACTED]	ITS NON PAR DOCTOR WA, X	07/13/2017	\$10,528.00	\$1,331.59	01 - Adjusted; Processed	08/16/2017	T21472810800

Accum Limits Claim Information Claim Related Ref No Clinical Edits COB Disallow Amounts EDI Information Hospital Information HRA Information ITS Claim Details ITS Line Item Details ITS Other Pat

From	To	POS	TOS	Procedure	Diagnosis	Charges	Units
07/13/2017	07/13/2017		7H		Q172	\$790.40	7
07/13/2017	07/13/2017		7H	J7030	Q172	\$766.00	2
07/13/2017	07/13/2017		7H		Q172	\$15,670.31	44
07/13/2017	07/13/2017		7H	A4344	Q172	\$137.28	1
07/13/2017	07/13/2017		8HA	H3690	Q172	\$1,567.00	1

Consd Chg	\$1,567.00	Deductible	\$0.00	Discount Amount	\$0.00
Allowed Units	0	Copay	\$0.00	Supplemental Discount	\$0.00
Allowed	\$0.00	Coinsurance	\$0.00	COB Adjustment	\$0.00
Cons Allowed	\$1,567.00	Cons Benefit	\$1,567.00		
Benefit	\$0.00	Disallow	\$1,567.00	Withhold	\$0.00
HRA Paid	\$0.00			Patient Liability Disallow	\$1,567.00
FSA Paid	\$0.00			Total Patient Liability	\$1,567.00
Provider Specialty					
Procedure	Aud osseo dev, int/ext comp				
Add'l Modifiers					
National Drug Code		NDC Units			
Diagnosis	Microtia				
Add Diagnosis 1					
Add Diagnosis 2					
Add Diagnosis 3					
Add Diagnosis 4					
Add Diagnosis 5					
Add Diagnosis 6					
Add Diagnosis 7					
Type of Service	8HA Hearing Aid*				
Place of Service					
Referral ID		Referral	Not Required		
Preauth ID	002488555	Preauth	Required		
Preauth Chg.		Neg Amt	\$0.00	Price	\$0.00
GWID Number					
837 Sequence Number	5				
Network Indicator	In Network				
Line of Business	Primary				
Medical Utilization Edit					
Value Based Benefit Rule					
EOB Explanation					

Related Information Find EDI Display

Ready... Last Login 11/16/2017 12:22:47 pm 1600255 facmbp00 csw-cmb-dpt-01 CAP NUM QVR

## **Exhibit B**

⚠ **COVID-19:** [Vaccine Information](#), [Testing Information](#), [Visitor Information and What to Expect](#)

i Learn about progress on health equity and anti-racism efforts in [Seattle Children's second quarterly report](#).



Kathleen Sie, MD



[Otolaryngology](#), [Craniofacial Center](#), [Childhood Communication Center](#), [Facial Reanimation](#)

On staff since July 1992

**Children's Title:** Division Chief, Otolaryngology Head and Neck Surgery; Director, Childhood Communication Center

**Academic Title:** Professor

**Foundation Title:** Richard and Francine Loeb Endowed Chair in Childhood Communication Research

**Research Center:** [Center for Clinical and Translational Research](#)



"Helping children to communicate more effectively helps them in their socialization, self-confidence and language and cognitive development. With changes in medicine and technology, families and children have many choices today that were not available even 10 years ago. I consider it the ultimate privilege to help take care of children. I enjoy talking with the kids and their families in the clinic setting to help them understand their medical issues and challenges and to present them with treatment options, and I enjoy following through with whichever choices the family makes. In addition to taking the best possible care of each patient, I believe, the way that we make things better for children is through research."

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### Biography

Kathleen C.Y. Sie, MD, is director of the Childhood Communication Center at Seattle Childrens Hospital and professor in the Department of Otolaryngology at the University of Washington School of Medicine. She developed the Childhood Communication Center in 2002 to optimize the multidisciplinary care available to children with complex communication needs.

She also participates in the Craniofacial Center. She earned her MD from the University of Michigan Medical School, completed a residency in otolaryngology and a fellowship in auditory research at the University of Washington and completed a clinical fellowship in pediatric otolaryngology at Childrens Hospital Boston and Harvard Medical School. Her clinical efforts are focused on communication issues of childhood. She directs the Hearing Loss Clinic and co-directs the Cochlear Implant Program.

Sie performed the first cochlear implant at Seattle Childrens in 1994, and performed all of Childrens cochlear implants until 2005. She also works with speech language pathologists in the evaluation and management of children with velopharyngeal insufficiency (VPI), and she works with colleagues to perform complex auricular reconstruction using autologous tissue and on prosthetic management of microtia. Her research efforts have focused on surgical outcomes in VPI management and epidemiological studies on pediatric cochlear implantation.

### Patient Testimonials

Alice  
Seattle, WA  
12.10.13

We are so thankful for Dr. Sie and her experience and knowledge in not only Otolaryngology but other conditions related to hearing loss. When our daughter went in for eustacian tube surgery, within minutes she noticed her facial features and recommended that we draw blood for a specific genetic test. Unbelievably, she was spot on and we found out the cause of our daughter's hearing loss, which is now helping us manage her care holistically in the best way possible. We had heard so much about Dr. Sie that we pushed to have her do the eustacian tube surgery without even meeting her. It was the best decision. Thank you Dr. Sie - we are so thankful for your proactiveness to helping us get the best care for our daughter.

Stacey  
Kenmore, WA  
01.02.13

Dr. Sie is very knowledgeable and friendly. I have a high level of confidence in the care she provides my son. She has great "bedside manner" and can communicate well with children and parents too.

Denise  
Arlington, WA  
02.10.11

Dr. Sie has seen our daughter Allyson regarding hearing problems she has had since birth. Dr. Sie has always been so professional and so good with Allyson - she instilled a high level of confidence in both my Husband and myself and we feel blessed to have had our daughter under her care.

#### Awards and Honors

AWARD NAME	AWARD DESCRIPTION	AWARDED BY	AWARD YEAR
SEATTLE'S TOP DOCTOR - 2019		Seattle Magazine	2019
SEATTLE'S TOP DOCTOR - 2018		Seattle Magazine	2018
SEATTLE MAGAZINE TOP DOCTOR - 2015		Seattle Magazine	2015

AWARD NAME	AWARD DESCRIPTION	AWARDED BY	AWARD YEAR
University of Washington Department of Otolaryngology Head and Neck Surgery Resident Teaching Award			2014
SEATTLE MAGAZINE TOP DOCTOR - 2014		Seattle Magazine	2014
Seattle Magazine Top Doctor - 2013		Seattle Magazine	2013
Seattle's Top Doc		Seattle Met Magazine	2013
Seattle Magazine Top Doctor - 2012	Seattle Magazine Top Doctor - 2012	Seattle Magazine	2012
Charles Ferguson Award for Clinical Research, Second Prize	For "Validation of a VPI-specific Quality of Life Instrument"	American Society of Pediatric Otolaryngology	2012
U.S. News Top Doctor		U.S. News and World Report	2012
Charles Ferguson Award for Clinical Research, Third Prize	Consensus in developing a VPI Video Instruction Tool	American Society of Pediatric Otolaryngology	2012

## Publications

### Other Publications

- Purcell PL | Iwata AJ | Phillips GS | Paladin AM | Sie KC | Horn DL

Bony cochlear nerve canal stenosis and speech discrimination in pediatric unilateral hearing loss.

*The Laryngoscope*, 2015 April 15

- Luquetti DV | Saltzman BS | Sie KC | Birgfeld CB | Leroux DG | Evans KN | Smartt JM Jr | Tieu DD | Dudley DJ | Heike CL  
Interrater reliability of a phenotypic assessment tool for the ear morphology in microtia.  
PMC3664118 *American journal of medical genetics. Part A*, 2013 June : 161A(6)1264-72
- Iwata AJ, Dunnell J, Norton SJ, Sie KC  
Prenatal Diagnosis of SLC26A4 Mutation and Delayed Onset of Hearing Loss.  
23325706 *Otolaryngology--head and neck surgery : official journal of American Academy of Otolaryngology-Head and Neck Surgery*, 2013 Jan. 16
- Skirko JR, Weaver EM, Perkins J, Kinter S, Sie KC  
Modification and evaluation of a Velopharyngeal Insufficiency Quality-of-Life instrument.  
23069823 *Archives of otolaryngology--head & neck surgery*, 2012 Oct. : 138(10)929-35
- Tieu DD, Gerber ME, Milczuk HA, Parikh SR, Perkins JA, Yoon PJ, Sie KC  
Generation of consensus in the application of a rating scale to nasendoscopic assessment of velopharyngeal function.  
23069822 *Archives of otolaryngology--head & neck surgery*, 2012 Oct. : 138(10)923-8
- Lam DJ | Chiu LL | Sie KC | Perkins JA  
Impact of Cleft Width in Clefts of Secondary Palate on the Risk of Velopharyngeal Insufficiency.  
*Archives of facial plastic surgery*, 2012 April 16
- Lam DJ, Chiu LL, Sie KC, Perkins JA  
Impact of Cleft Width in Clefts of Secondary Palate on the Risk of Velopharyngeal Insufficiency.  
22508897 *Archives of facial plastic surgery*, 2012 April 16
- Parhizkar N, Saltzman B, Grote K, Starr J, Cunningham M, Perkins J, Sie K  
Nasopharyngeal airway for management of airway obstruction in infants with micrognathia.  
20815716 *The Cleft palate-craniofacial journal : official publication of the American Cleft Palate-Craniofacial Association*, 2011 July : 48(4)478-82
- Patrick DL, Edwards TC, Skalicky AM, Schick B, Topolski TD, Kushalnagar P, Leng M, O'Neill-Kemp AM, Sie KS  
Validation of a quality-of-life measure for deaf or hard of hearing youth.  
21493349 *Otolaryngology--head and neck surgery : official journal of American Academy of Otolaryngology-Head and Neck Surgery*, 2011 July : 145(1)137-45
- Evans KN, Sie KC, Hopper RA, Glass RP, Hing AV, Cunningham ML  
Robin sequence: from diagnosis to development of an effective management plan.  
21464188 *Pediatrics*, 2011 May : 127(5)936-48 PMID:PMC3387866

- Cushing SL, Swanson RL, Sie KC  
Prevention of auricular deformity in children with diastrophic dysplasia.  
21414669 *International journal of pediatric otorhinolaryngology*, 2011 March 15
- Misono S, Sie KC, Weiss NS, Huang ML, Boeckh M, Norton SJ, Yueh B  
Congenital cytomegalovirus infection in pediatric hearing loss.  
21242546 *Archives of otolaryngology--head & neck surgery*, 2011 Jan. : 137(1)47-53  
PMCID:PMC3164953
- Misono S | Sie KC | Weiss NS | Huang ML | Boeckh M | Norton SJ | Yueh B  
Congenital cytomegalovirus infection in pediatric hearing loss.  
PMC3164953 *Archives of otolaryngology--head and neck surgery*, 2011 Jan. : 137(1)47-53
- Rogers DJ, Sie KC, Manning SC  
Epiglottitis due to nontypeable *Haemophilus influenzae* in a vaccinated child.  
20018387 *International journal of pediatric otorhinolaryngology*, 2010 Feb. : 218-20
- Chen EY, Inglis AF, Ou H, Perkins JA, Sie KC, Chiara J, Manning SC  
Endoscopic electrocauterization of pyriform fossa sinus tracts as definitive treatment.  
19481267 *International journal of pediatric otorhinolaryngology*, 2009 Aug. : 1151-6
- Chen EY, Paladin A, Phillips G, Raske M, Vega L, Peterson D, Sie KC  
Semicircular canal dehiscence in the pediatric population.  
19091428 *International journal of pediatric otorhinolaryngology*, 2009 Feb. : 321-7
- Sie KC, Starr JR, Bloom DC, Cunningham M, de Serres LM, Drake AF, Elluru RG, Haddad J Jr, Hartnick C, Macarthur C, Milczuk HA, Muntz HR, Perkins JA, Senders C, Smith ME, Tollefson T, Willging JP, Zdanski CJ  
Multicenter interrater and intrarater reliability in the endoscopic evaluation of velopharyngeal insufficiency.  
18645127 *Archives of otolaryngology--head & neck surgery*, 2008 July : 757-63
- Paladin AM, Phillips GS, Raske ME, Sie KC  
Labyrinthine dehiscence in a child.  
18066541 *Pediatric radiology*, 2008 March : 348-50
- Sie KC, Chen EY  
Management of velopharyngeal insufficiency: development of a protocol and modifications of sphincter pharyngoplasty.  
17516340 *Facial plastic surgery : FPS*, 2007 May : 128-39
- McCullough BJ, Adams JC, Shilling DJ, Feeney MP, Sie KC, Tempel BL  
3p-- syndrome defines a hearing loss locus in 3p25.3.  
17208398 *Hearing research*, 2007 Feb. : 51-60
- Perkins JA, Inglis AF, Sie KC, Manning SC

Recurrent thyroglossal duct cysts: a 25-year experience and a new method for management.

17165669 *The Annals of otology, rhinology, and laryngology*, 2006 Nov. : 850-6

- Yoon PJ, Starr JR, Perkins JA, Bloom D, Sie KC

Interrater and intrarater reliability in the evaluation of velopharyngeal insufficiency within a single institution.

16982971 *Archives of otolaryngology--head & neck surgery*, 2006 Sept. : 947-51

- Lam DJ, Starr JR, Perkins JA, Lewis CW, Eblen LE, Dunlap J, Sie KC

A comparison of nasendoscopy and multiview videofluoroscopy in assessing velopharyngeal insufficiency.

16500434 *Otolaryngology--head and neck surgery : official journal of American Academy of Otolaryngology-Head and Neck Surgery*, 2006 March : 394-402

- Perkins JA, Lewis CW, Gruss JS, Eblen LE, Sie KC

Furlow palatoplasty for management of velopharyngeal insufficiency: a prospective study of 148 consecutive patients.

15988249 *Plastic and reconstructive surgery*, 2005 July : 72-80; discussion 81-4

- Stern RE, Yueh B, Lewis C, Norton S, Sie KC

Recent epidemiology of pediatric cochlear implantation in the United States: disparity among children of different ethnicity and socioeconomic status.

15630380 *The Laryngoscope*, 2005 Jan. : 125-31

- Lewis CW, Carron JD, Perkins JA, Sie KC, Feudtner C

Tracheotomy in pediatric patients: a national perspective.

12759264 *Archives of otolaryngology--head & neck surgery*, 2003 May : 523-9

- Sie KC, Gruss JS

Results with Furlow palatoplasty in the management of velopharyngeal insufficiency.

12045602 *Plastic and reconstructive surgery*, 2002 June : 2588-9; author reply 2590-1

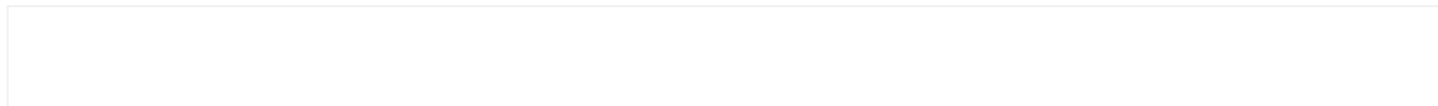
- Eblen LE, Sie KC

Perceptual and instrumental assessment of velopharyngeal insufficiency.

12045603 *Plastic and reconstructive surgery*, 2002 June : 2589-90; author reply 2590-1

[Show More](#)

[Presentations](#)



PRESENTATIONS TITLE	EVENT	LOCATION	DATE
Outcomes in children with Robin Sequence: Does facial phenotype matter?	ACPA		2011
Perceptions of quality of life among youth who are deaf or hard of hearing	International Society for Quality of Life Research	London	2010

### Research Funding

GRANT TITLE	GRANTOR	AMOUNT	AWARD
Hearing Loss and Quality of Life of Children and Youth	NIDCD, NIH Kathleen Sie, MD		Jan. 2011
Clinical vestibular assessment in children with deafness	Hear See Hope Foundation	\$40,000.00	Jan. 2011
Role of congenital CMV in pediatric hearing loss	Gustavus and Louise Pfeiffer Research Foundation	\$75,000.00	Jan. 2011

### Overview

#### **BOARD CERTIFICATION(S)**

Otolaryngology

Complex Pediatric Otolaryngology

#### **MEDICAL/PROFESSIONAL SCHOOL**

University of Michigan Medical School, Ann Arbor, MI

University of Washington School of Medicine, Seattle, WA

## **CLINICAL INTERESTS**

Hearing Loss, Cochlear Implant, Chronic ear disease and cholesteatoma; Ear anomalies: microtia and atresia, prominent ears, malformed ears; Cleft Palate, Velopharyngeal Insufficiency.

Research Interests: Cochlear implantation in children and Velopharyngeal Insufficiency.

## **RESEARCH DESCRIPTION**

Clinical research in childhood communication

## **RESEARCH FOCUS AREA**

Translational research, observational studies, investigator-initiated interventional studies, Therapeutic Trials

### Contact Information

#### **PRIMARY OFFICE**

#### **Seattle Children's - Otolaryngology-ENT**

4800 Sand Point Way NE

OA.9.220

Seattle, WA 98105

Tel: **206-987-2105**

4800 Sand Point Way NE,  
PO Box 5371  
Seattle, WA 98105

**206-987-2000**

**866-987-2000 (toll-free)**

**206-987-0391 (TTY)**



Seattle Children's complies with applicable federal and other civil rights laws and does not discriminate, exclude people or treat them differently based on race, color, religion (creed), sex, gender identity or expression, sexual orientation, national origin (ancestry), age, disability, or any other status protected by applicable federal, state or local law. Financial assistance for medically necessary services is based on family income and hospital resources and is provided to children under age 21 whose primary residence is in Washington, Alaska, Montana or Idaho.

# Exhibit C

Z2111990400240.003

1144573

DOB [REDACTED] HAR 907597 ENC 92399838 5/27/2011

PCP: LONGO, MARIE-CHRISTINE  
REF: LONGO, MARIE-CHRISTINE

PATIENT WT 3.5 kg DRUG ALLERGIES NKA

R

MEDICALLY CLEARED  
FOR HEARING AID

*Softbank Bahia*

DR. J. G. [Signature] DEA NO. FG 0532475

DR. [Signature] Substitution Permitted

DATE 5/27/11 TIME 1:50 PM REILLS

44033 (11/1)

## **Exhibit D**

JUN/28/2012/THU 12:41 PM OIC

FAX No. 360 360 586-2018

P. 005/025

## Audiology

\* Final Report \*

Document Type: Audiology  
 Document Date: 07 July 2011 14:14  
 Document Status: Auth (Verified)  
 Document Title/Subject: Copy of pre-authorization letter to Regence  
 Performed By/Author: Scappini AUD, Brianne M on 07 July 2011 14:14  
 Verified By: Scappini AUD, Brianne M on 07 July 2011 14:14  
 Encounter info: 18034945, VM Downtown, Clinic, 07/07/2011 - 07/07/2011

## \* Final Report \*

## Virginia Mason Medical Center

July 7, 2011

Regence

Attn: Pre-Determination Department

Re: Patient; [REDACTED]

ID#: [REDACTED]

**Pre-Determination of benefits for an auditory osseointegrated implant system**

I am writing this letter of pre-determination on behalf of our patient, [REDACTED]. Dr. Kathleen Sie, M.D. of Children's Hospital otolaryngology department has completed her preliminary medical evaluation for [REDACTED]. Dr. Sie is recommending an auditory osseointegrated implant system to restore [REDACTED] hearing in her right ear due to her congenital microtia, in that ear, causing her unilateral conductive hearing loss (dx code 389.05). I am writing to determine what benefits Regence will provide for the implant system and related services. Please review for medical necessity as well as contract benefit exclusions, limitations, pre-existing conditions or riders on the policy that may affect benefits.

The condition of unilateral conductive hearing loss (dx code 389.05) is easily identifiable by the medical profession. Treatment with an auditory osseointegrated implant system is universally understood and is an acceptable and frequent practice. An auditory osseointegrated implant system is not a hearing aid - [REDACTED] is incapable of receiving adequate benefit from such a product because of the lack of an ear canal on her right side. An auditory osseointegrated implant system is designed specifically for patients who cannot benefit from hearing aids due to congenital or acquired outer or middle ear disorders, or because they have only one functioning cochlea. Medicare allows benefits for an auditory osseointegrated implant and does not consider it to be a hearing aid. It is a Class II DME prosthetic device as classified and approved by the FDA. (Hearing aids, in contrast are a Class I medical device.)

An auditory osseointegrated implant system normally consists of: (1) a titanium fixture that is surgically implanted into the temporal bone just behind the ear, and which becomes integrated into the bone, (2) a skin-penetrating abutment, and (3) a sound processor that connects to the abutment to complete the system. Due to this child's age, surgery (1 and 2) is not performed; instead the sound processor (3) is attached to a softband that is worn

Printed by: Scappini AUD, Brianne M  
 Printed on: 05/10/2012 8:28

Page 1 of 2  
 (Continued)

JUN/28/2012/THU 12:42 PM OIC

FAX No. 360 360 586-2018

P. 006/025

**Audiology****\* Final Report \***

around the child's head. The sound processor transduces sound into vibration that is sent through the bone tissue directly stimulating the cochlea. This replaces an abnormally functioning outer and/or middle ear system and directly stimulates the auditory nerve fibers.

The following is a list of the CPT codes involved with this request:

<u>CPT Code</u>	<u>Description</u>
L8692	Auditory Osseointegrated Processor and Kit

If you have further questions regarding this request for pre-authorization of benefits, please contact me at the phone number listed above. I look forward to your prompt written reply, detailing the finding of your review.

Sincerely,

Brianne M. Scappini, Au.D., CCC-A  
Audiologist

**Completed Action List:**

- \* Perform by Scappini AUD, Brianne M on 07 July 2011 14:14
- \* Sign by Scappini AUD, Brianne M on 07 July 2011 14:14
- \* Verify by Scappini AUD, Brianne M on 07 July 2011 14:14

Printed by: Scappini AUD, Brianne M  
Printed on: 05/10/2012 8:28

Page 2 of 2  
(End of Report)