

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES
Before the Director of Insurance and Financial Services

In the matter of:

██████████
Petitioner

v

File No. 153053-001

Guardian Life Insurance Company of America
Respondent

Issued and entered
this 3rd day of May 2016
by Randall S. Gregg
Special Deputy Director

ORDER

I. PROCEDURAL BACKGROUND

On April 4, 2016, ██████████, authorized representative of ██████████ (Petitioner), filed a request with the Director of Insurance and Financial Services for an external review under the Patient's Right to Independent Review Act, MCL 550.1901 *et seq.*

The Petitioner has dental coverage through a group plan underwritten by Guardian Life Insurance Company of America (Guardian). The Director notified Guardian of the external review request and asked for the information used to make its final adverse determination. Guardian furnished the information on April 6, 2016. After a preliminary review of the material submitted, the Director accepted the request on April 11, 2016.

To address the medical issues in the case, the Director assigned it to an independent medical review organization which provided its report on April 25, 2016.

II. FACTUAL BACKGROUND

On January 5, 2016, the Petitioner had crown buildups on teeth #8 and #9. Guardian denied coverage for the services. The Petitioner appealed the denial through Guardian's internal appeals process. At the conclusion of that process, Guardian affirmed its decision in a final adverse determination dated March 19, 2016. The Petitioner now seeks the Director's review of that final adverse determination.

III. ISSUE

Did Guardian correctly deny coverage for the crown buildups on teeth #8 and #9?

IV. ANALYSIS

Respondent's Argument

In its final adverse determination, Guardian stated that it denied coverage because there was "sufficient tooth structure remaining to provide adequate support and retention for an inlay, onlay, or crown"

Petitioner's Argument

On the request for external review form, the Petitioner's authorized representative wrote:

Patient had endodontic treatment done on #8, 9. Cores¹ were placed with subsequent crowns....Normal procedure after endodontic treatment with significant tooth structure remaining is to place a core prior to crown placement for retention and long term restorability.

Director's Review

The Guardian dental policy (page 75) provides coverage for crown buildups as "major restorative services" when they are dentally necessary:

Crowns, inlays, onlays, labial veneers, and crown buildups are covered only when needed because of decay or injury, and only when the tooth cannot be restored with amalgam or composite filling material. Post and cores are only covered when needed due to decay or injury....

* * *

Posts and buildups – only when done in conjunction with a covered unit of crown or bridge and only when necessitated by substantial loss of natural tooth structure.

The question of whether the crown buildups on tooth #8 and #9 were dentally (medically) necessary was presented to an independent review organization (IRO) for analysis as required by section 11(6) of the Patient's Right to Independent Review Act, MCL 550.1911(6).

The IRO reviewer is a dentist who has been in active practice for more than 12 years. The IRO reviewer's report included the following analysis and recommendation:

The member underwent root canals on teeth #8 and 9....[C]rowns on anterior teeth for strength and aesthetics would require reduction of the tooth to 1.5 to 2 mm circumferentially....[T]o access the nerve canal in the tooth to perform root canal treatment, the opening would conservatively be in the range of 3 mm in the center of the tooth....[T]he dental literature and the standard of care strongly support that with root canal access preparation and the tooth being reduced from the outside for crown preparation, without core buildup the strength of the anterior tooth would be severely compromised....[T]he dental literature and standard of care support the necessity for core buildups to support the crowns for teeth #8 and 9 in this case.

1. "Cores" and "crown buildups" are synonymous terms.

Pursuant to the information set forth above and available documentation...the core build-ups performed for teeth #8 and 9 on 1/5/16 were medically/dentally necessary treatment of the member's condition. (Christensen GJ. Building up tooth preparations for full crowns. JADA. 2000;131(4):505-6. Cheung W. A review of the management of endodontically treated teeth: Post, core and the final restoration. JADA. 2005;136:5;611-9.)

The Director is not required to accept the IRO's recommendation. *Ross v Blue Care Network of Michigan*, 480 Mich 153 (2008). However, the recommendation is afforded deference by the Director. In a decision to uphold or reverse an adverse determination, the Director must cite "the principal reason or reasons why the [Director] did not follow the assigned independent review organization's recommendation." MCL 550.1911(16)(b).

The IRO's recommendation is based on experience, expertise, and professional judgment. Furthermore, it is not contrary to any provision of the certificate of coverage. MCL 550.1911(15). The Director, discerning no reason why the IRO's recommendation should be rejected, finds that the crown buildups on tooth #8 and #9 were dentally necessary, and therefore are covered benefits under the terms of the certificate.

V. ORDER

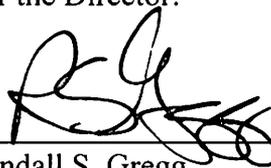
The Director reverses Guardian Life Insurance Company of America's March 19, 2016, final adverse determination. Guardian shall immediately provide coverage for the Petitioner's crown buildups on teeth #8 and #9 and shall, within seven days of providing coverage, furnish the Director with proof it has implemented this order. See MCL 550.1911(17).

To enforce this order, the Petitioner may report any complaint regarding its implementation to the Department of Insurance and Financial Services, Health Care Appeals Section, at this toll free number: (877) 999-6442.

This is a final decision of an administrative agency. Under MCL 550.1915(1), any person aggrieved by this order may seek judicial review no later than 60 days from the date of this order in the circuit court for the Michigan county where the covered person resides or in the circuit court of Ingham County. A copy of the petition for judicial review should be sent to the Department of Insurance and Financial Services, Office of General Counsel, Post Office Box 30220, Lansing, MI 48909-7720.

Patrick M. McPharlin
Director

For the Director:



Randall S. Gregg
Special Deputy Director