

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

In the matter of:

██████████

Petitioner

v

Guardian Life Insurance Company of America  
Respondent

File No. 145302-001

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Issued and entered  
this 16<sup>th</sup> day of January 2015  
by Randall S. Gregg  
Special Deputy Director

**ORDER**

**I. PROCEDURAL BACKGROUND**

On December 9, 2014, ██████████, 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 that is 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 submitted its response on December 11, 2014. After a preliminary review of the material submitted, the Director accepted the request on December 16, 2014.

To address the medical issues presented, the Director assigned the case to an independent medical review organization which provided its analysis and recommendation on January 5, 2015.

**II. FACTUAL BACKGROUND**

On August 20, 2014, the Petitioner had a crown buildup (dental procedure code D2950) and a crown (dental procedure code D2740) placed on tooth #31. Guardian provided coverage for the crown but denied coverage for the crown buildup, saying the procedure was not necessary.

The Petitioner appealed the denial through Guardian's internal grievance process. At the

conclusion of that process, Guardian affirmed its decision in a final adverse determination dated October 16, 2014. The Petitioner now seeks a review of that adverse determination from the Director.

### III. ISSUE

Did Guardian correctly deny coverage for the crown buildup on tooth #31?

### IV. ANALYSIS

In its final adverse determination, Guardian denied coverage, saying tooth #31 “appears to have sufficient tooth structure remaining to provide adequate support and retention for an inlay, onlay, or crown.” In a letter dated December 11, 2014, submitted for this external review, Guardian also said:

Two separate claim reviews have been performed on this procedure. Based on review of the clinical information provided, in both reviews the consultants advised that tooth #31 appears to have sufficient tooth structure remaining to provide adequate support and retention for a crown. According to the terms of the plan Guardian processed denials for the crown on 9/19/2014 and 10/16/2014.

In the external review request, the Petitioner’s dentist and authorized representative said:

On 8/20/14 [Petitioner] presented to me with tooth #31. X-ray showed recurrent caries [and] the buccal/lingual walls were undermined. In order to bring tooth to normal form [and] function, a core [and] crown was necessary. Guardian has denied the core buildup stating the tooth “appears” to have sufficient tooth structure. However, a core buildup was necessary with the crown preparation to stabilize tooth #31. I request that this claim be reconsidered [and] payment rendered to [REDACTED]. Thank you.

The Petitioner’s dental benefits are defined in a certificate of group insurance coverage issued by Guardian. Guardian covers dentally necessary crown buildups as “major restorative services.” The coverage is described in the certificate (page 75):

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 covered only 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 buildup on tooth #31 was 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 licensed dentist in active clinical practice who is familiar with the medical management of patients with the Petitioner's condition. The IRO reviewer's report included the following analysis and recommendation:

It is the determination of this reviewer that the D2950 core buildup, including any pins required was considered not medically necessary for the treatment of the enrollee's condition.

**Clinical Rationale for the Decision:**

One image of tooth #31, an analog vertical bitewing showed a large occlusal restoration with no evidence of caries. D2740 crown porcelain/ceramic substrate is clinically indicated by extent of restoration and caries (as reported by provider narrative) that weakened natural tooth structure at buccal and lingual further supported by treatment progress note indicating patient bruxism. There is no evidence to support any clinical indication for D2950 core buildup, including any pins.

Clinical indications for D2740 crown porcelain/ceramic substrate include replacing lost tooth structure while providing strength and protection to the natural tooth. The lost tooth structure evident on the vertical bitewing radiograph was the area of the occlusal restoration along with the recurrent caries. Other conditions cited as indications for a full-veneer crown such as D2740 crown porcelain/ceramic substrate include isthmus width of extant, defective restoration was present by radiographic extent of restoration and provider description of recurrent caries that weakened the buccal and lingual aspects of the natural tooth structure. Clinical indications for a full-veneer crown such as D2740 crown porcelain/ceramic substrate were met.

D2950 core buildup, including any pins required did not meet established clinical criteria.

Clinical indications for D2950 core buildup, including any pins include having more than one-half of the natural tooth clinical crown destroyed by caries, previous restoration(s), or other trauma. This loss of natural tooth structure is often considered equivalent to the loss of two cusps for a molar tooth (such as molar tooth #31), as the core build up is to provide retention and strength for the full-veneer crown procedure when insufficient natural tooth structure is present. However, on September 29, 2014, the provider narrative describes presentation with "recurrent decay" not further described with caries removal resulting in undermined buccal and lingual walls of natural tooth structure. The D2950 core

buildup is not to be used as “a filler to eliminate any undercut.” There was no evidence of sufficient loss of tooth structure to provide indication for D2950 core buildup, including any pins.

\* \* \*

It is the recommendation of this reviewer that the denial issued by Guardian Life Insurance Company of America for the D2950 crown-porcelain/ceramic substrate be upheld. (References omitted.)

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 analysis is based on extensive experience, expertise, and professional judgment. In addition, the IRO’s recommendation is not contrary to any provision of the Petitioner’s certificate of coverage. See MCL 550.1911(15).

The Director, discerning no reason why the IRO’s recommendation should be rejected, finds that the crown buildup on tooth #31 was not medically necessary and is therefore not a benefit under the certificate.

#### V. ORDER

The Director upholds Guardian Life Insurance Company of America’s October 16, 2014, final adverse determination.

This is a final decision of an administrative agency. Under MCL 550.1915, 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.

Annette E. Flood  
Director

For the Director:



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Randall S. Gregg  
Special Deputy Director