

**STATE OF MICHIGAN**  
**DEPARTMENT OF LABOR & ECONOMIC GROWTH**  
**OFFICE OF FINANCIAL AND INSURANCE REGULATION**  
**Before the Commissioner of Financial and Insurance Regulation**

In the matter of

XXXXX

Petitioner

File No. 88437-001

v

Humana Insurance Company  
Respondent

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Issued and entered  
This 12<sup>th</sup> day of May 2008  
by Ken Ross  
Commissioner

**ORDER**

**I**  
**PROCEDURAL BACKGROUND**

On March 12, 2008, XXXXX, authorized representative of XXXXX (Petitioner), filed a request for external review with the Commissioner of Financial and Insurance Regulation under the Patient's Right to Independent Review Act MCL 550.1901 *et seq.* The Commissioner accepted the request on March 19, 2008.

The Commissioner notified Humana Insurance Company (Humana) of the external review and requested the information used in making its adverse determination. Because this case involves medical issues, the Commissioner assigned it to an independent review organization which provided its recommendation to the Commissioner on April 2, 2008.

**II**  
**FACTUAL BACKGROUND**

The Petitioner has requested pre-authorization for a cranial molding orthosis for treatment of his plagiocephaly, right posterior cranial flattening with right frontal bossing.

Humana denied preauthorization for this device since it believes it is excluded in its Benefit Plan Document.

The Petitioner's authorized representative appealed the denial through Humana's internal grievance process. Humana maintained its denial and issued a final adverse determination dated February 29, 2008.

### **III ISSUE**

Is Humana correct in denying preauthorization for the Petitioner's cranial molding orthosis?

### **IV ANALYSIS**

#### **Petitioner's Argument**

The Petitioner's authorized representative says the Petitioner, who was born XXXXX, 2007, has positional plagiocephaly (distortion of the shape of the skull). To treat this condition his doctors have prescribed a cranial molding orthosis which is also known as a cranial molding helmet. This device is medically necessary to treat his plagiocephaly which if left untreated can lead to various medical conditions.

Humana has denied preauthorization because the Petitioner's plan excludes cranial banding. The Petitioner indicates that a cranial molding helmet is different from cranial banding and therefore is not an excluded benefit. Therefore, he believes that this device is medically necessary and a covered benefit under his plan. He believes that Humana is required to preauthorize and pay for this device.

#### **Respondent's Argument**

In its final adverse determination Humana says it denied preauthorization for the Petitioner's cranial molding orthosis due to the specific contractual exclusion listed in the policy.

The Benefit Plan Document states under the Limitations and Exclusions section of the policy that, unless specifically stated otherwise, no benefits will be provided for cranial banding.

Humana argues that because the Petitioner's preauthorization request was for cranial banding it is not eligible for coverage.

#### Commissioner's Analysis

Humana believes that the cranial molding orthosis that has been requested for the Petitioner is cranial banding and therefore excluded in the policy. The Petitioner argues that it is not cranial banding and therefore, the exclusion referred to by Humana does not apply.

In order to answer this question, the Commissioner had the case file reviewed by an independent review organization (IRO). The IRO physician reviewer who is certified by the American Board of Pediatrics reviewed the relevant documentation provided. The reviewer determined that the Petitioner has positional plagiocephaly. The reviewer's report includes the following observations and conclusions:

With the assumption that plagiocephaly has failed to improve with trial of repositioning than a cranial molding orthotic is medically necessary and indicated. [A]cranial molding helmet is different from cranial banding. [U]se of a cranial molding orthotic should be initiated as soon as possible to coincide with the time of most rapid growth of the infant's head. This is a well-documented treatment and not experimental.

The Commissioner is not required in all instances to accept the IRO's recommendation. However, the IRO recommendation is afforded deference by the Commissioner; in a decision to uphold or reverse an adverse determination the Commissioner must cite "the principal reason or reasons why the commissioner 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. The Commissioner can discern no reason why that judgment should be rejected in the present case. Therefore, the Commissioner accepts the findings of the IRO that this device is medically necessary for treatment of his condition.

Therefore, the cranial molding orthosis is a covered benefit for the Petitioner and Humana is required to pre-authorize and pay for it.

**V**  
**ORDER**

Humana Insurance Company's February 29, 2008, final adverse determination is reversed. Humana is required to pre-authorize the Petitioner's cranial molding orthosis within 60 days and provide the Commissioner proof of pre-authorization within seven days after preauthorization is made.

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 sixty days from the date of this Order in the circuit court for the 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 Commissioner of the Office of Financial and Insurance Regulation, Health Plans Division, Post Office Box 30220, Lansing, MI 48909-7720.

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Ken Ross  
Commissioner