

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. 151199-001

US Health and Life Insurance Company

Respondent

Issued and entered
this 5th day of January 2016
by Randall S. Gregg
Special Deputy Director

ORDER

I. PROCEDURAL BACKGROUND

On December 8, 2015, ██████████, on behalf of her minor son ██████████ (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.* After a preliminary review of the material received, the Director accepted the request on December 15, 2015.

The Petitioner receives health benefits through a group plan that is underwritten by US Health and Life Insurance Company (USHL). The Director notified USHL of the external review request and asked for the information it used to make its final adverse determination. USHL provided additional information on December 8, 2015.

This case presents an issue of contractual interpretation. The Director reviews contractual issues pursuant to MCL 550.1911(7). This matter does not require a medical opinion from an independent review organization.

II. FACTUAL BACKGROUND

The Petitioner is ██████ years-old and has autism and other disabling medical conditions. In June 2015, he required a course of dental care. His dentist recommended that the dental work be performed under general anesthesia at a hospital outpatient facility. The Petitioner has dental coverage through Delta Dental Plan which, it appears, would provide coverage for the dental work. (This does not appear to involve the Petitioner's Delta Dental coverage.)

The Petitioner's parents requested that USHL provide coverage for the outpatient facility charges and anesthesia. USHL denied the request for coverage.

The Petitioner appealed USHL's benefit determination through its internal grievance process. At the conclusion of that process, USHL issued a final adverse determination dated October 8, 2015, affirming its decision. The Petitioner now seeks a review of that final adverse determination from the Director.

III. ISSUE

Did USHL correctly deny coverage for the facility charges and anesthesia care related to the Petitioner's dental treatment?

IV. ANALYSIS

Petitioner's Argument

In a June 3, 2015 letter, the Petitioner's pediatric dentist wrote:

[Petitioner] was examined at my pediatric dentist office on 1/12/2015. Due to the extent of dental treatment needed, the inability to obtain bitewing x-rays, the patient's acute situational anxiety and autism, it was determined, with the parents' consent, that dental treatment under general anesthesia would be the best and safest alternative. [Petitioner's] dental treatment will be completed under general anesthesia at the [REDACTED] outpatient surgery facility.

As stated in their written policy, the American Academy of Pediatric Dentistry (AAPD) "advocates, when indicated, hospitalization and equal access to operating room facilities for dental care of infants, children, adolescents, and persons with special health care needs... Pediatric dentists are, by virtue of training and experience, qualified to recognize the indications for such as approach and to render such care."

"General anesthesia is indicated for:

1. patients who cannot cooperate due to a lack of psychological or emotional maturity and/or mental, physical, or medical disability;
2. patients for whom local anesthesia is ineffective because of acute infection, anatomic variations, or allergy;
3. the extremely uncooperative, fearful anxious, or uncommunicative child or adolescent;
4. patients requiring significant surgical procedures;
5. patients for whom the use of general anesthesia may protect the developing psyche and/or reduce medical risk;
6. patients requiring immediate, comprehensive oral/dental care."

Numbers 1 and 3 above specifically apply to [Petitioner].

The Petitioner's mother, in the request for external review, stated:

Patient is █ years old. He needs dental treatment under anesthesia. His diagnosis include Autism, ADHD, Anxiety, Developmental Delay, Reactive Airway Disease and Sleep Disorder.

We are requesting his medical plan to cover ONLY the outpatient facility and anesthesia charges.

Respondent's Argument

In its final adverse determination, USHL stated that coverage was denied because "under the terms of the policy surgical benefits are not payable for dental surgery unless due to accidental bodily injury."

Director's Review

The Petitioner's USHL certificate of coverage, page 23, provides that "surgical benefits are not payable for dental surgery (unless due to accidental bodily injury)." No information provided for this review indicates that the Petitioner's dental surgery involved treatment of an accidental injury.

The Director finds that USHL denial of coverage for the Petitioner's facility and anesthesia charges is consistent with the provisions of his USHL certificate of coverage.

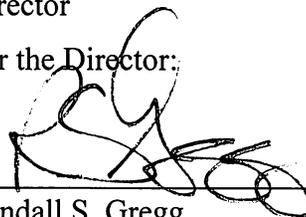
V. ORDER

The Director upholds US Health and Life Insurance Company's October 8, 2015 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.

Patrick M. McPharlin
Director

For the Director:



Randall S. Gregg
Special Deputy Director