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. 148143-001-SF**

Plan Sponsor

and

Blue Cross Blue Shield of Michigan, Plan Administrator

Respondents

Issued and entered
this 23rd day of June 2015
by Randall S. Gregg
Special Deputy Director

ORDER

I. PROCEDURAL BACKGROUND

On June 2, 2015, (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 request for external review was filed under Public Act No. 495 of 2006, (Act 495) MCL 550.1951 *et seq*. Act 495 requires the Director to provide external reviews to individuals covered by a self-funded health plan established or maintained by a state or local unit of government. The Director's review is performed "as though that person were a covered person under the Patient's Right to Independent Review Act." (MCL 550.1952) The Petitioner's health benefit plan, sponsored by the , is such a governmental self-funded plan. The plan is administered by Blue Cross Blue Shield of Michigan (BCBSM). The plan's benefits are described in BCBSM's *Community Blue Group Benefits Certificate*.

On June 9, 2015 after a preliminary review of the information submitted, the Director accepted the Petitioner's request. The Director notified BCBSM of the appeal and requested the information BCBSM used to make its final adverse determination. BCBSM furnished its response on June 17, 2015.

The issue in this external review can be decided by a contractual analysis. 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

On March 26, 2014, the Petitioner had oral surgery during which a bone graft was performed in preparation for a dental implant. The periodontist charged $1,350.00. BCBSM denied coverage.

The Petitioner appealed BCBSM's denial through its internal grievance process. At the conclusion of that process BCBSM issued a final adverse determination dated May 6, 2015, affirming its decision. The Petitioner now seeks a review of that adverse determination from the Director.

III. Issue

Did BCBSM correctly deny coverage for the Petitioner's March 26, 2014 bone graft?

IV. Analysis

BCBSM's Argument

In its final determination, BCBSM wrote:

> You are covered under the *Community Blue Group Benefits Certificate*. As explained in **Section 4:** pages 4.25 and 4.26; **Coverage for Physician and Other Professional Provider Services:**
>
> **Physician And Other Professional Provider Services That Are Not Payable**
> **The following services are not payable:**
> - Dental care except to treat accidental injuries or multiple extractions or removal of unerupted teeth or alveoplasty when a hospitalized patient has a dental condition that is adversely affecting a medical condition and treatment of the dental condition is expected to improve the medical condition
> - Dental implants and related services, including repair and maintenance of implants and surrounding tissue
>
> In addition, you mentioned the need for the bone graft and dental implant arose from an injury you suffered several years ago. As explained in **Section 5**, on page 5.1: **Emergency Dental Treatment**:

> We pay our approved amount for treatment of accidental injuries. An accidental injury is defined as occurring when an external force to the lower half of the face or jaw damages or breaks sound natural teeth, periodontal structures (gums) or bone.
> We pay for emergency treatment within 24 hours of the accidental injury to relieve pain and discomfort.
> You must complete follow-up treatment within six months of the accidental injury.
>
> We do not pay for:
>
> - Treatment that was previously paid as a result of an accident
> - Dental conditions existing before the accident
> - Dental implants and related services including repair and maintenance of implants and surrounding tissue
>
> While I understand your periodontist suggested the bone graft may be payable under your medical surgical benefit, we must administer benefits in accordance [with] the terms of your group health care plan.

Petitioner's Argument

In an appeal letter to BCBSM dated March 15, 2015, the Petitioner wrote:

> The original claim was submitted to Delta Dental who then rejected a portion of the claim due to the fact that Oral Surgery was performed to include a bone graft.
>
> It was the understanding when the medical procedures were performed that the surgery portion would be covered by our medical insurance (BCBS). The surgery was a bone graft and should be covered under the medical insurance policy.

The Petitioner requests reimbursement of $1,350.00 from BCBSM.

Director's Review

The *Community Blue Group Benefits Certificate* is a medical policy and has very limited coverage for dental care. The certificate limits dental coverage to treatment of accidental injuries, multiple extractions, removal of unerupted teeth, or alveoplasty when a hospitalized patient has a dental condition that is adversely affecting a medical condition. Dental implants and bone grafts are not one of these covered services.

In addition, the Petitioner's bone graft was performed in preparation for a dental implant. The *Community Blue* certificate excludes coverage for dental implants and related services. Therefore, the Director concludes that BCBSM correctly applied the terms of the *Community Blue* certificate when it denied benefits for the Petitioner's March 26, 2014 bone graft.

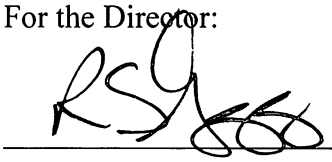
V. ORDER

The Director upholds BCBSM's May 6, 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 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