

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. 146829-001

Issued and entered
this 17th day of April 2015
by Randall S. Gregg
Special Deputy Director

ORDER

I. PROCEDURAL BACKGROUND

On March 16, 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 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 March 18, 2015. After a preliminary review of the material submitted, the Director accepted the request on March 23, 2015.

To address the medical issues presented, the Director assigned the case to an independent medical review organization which provided its analysis and recommendation on April 8, 2015.

II. FACTUAL BACKGROUND

On December 30, 2014, the Petitioner had a crown buildup on tooth #13 in preparation for subsequent placement of a crown. The crown was placed on January 13, 2015. Guardian provided coverage for the crown but denied coverage for the crown buildup, ruling that 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

February 18, 2015. 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 #13?

IV. ANALYSIS

In its final adverse determination, Guardian denied coverage for the crown buildup on tooth #13 stating, that the tooth “appears to have sufficient tooth structure remaining to provide adequate support and retention for an inlay, onlay, or crown.”

In the request for external review, the Petitioner’s dentist wrote:

Tooth #13 had mesial and distal fractures and decay was present. After removing decay there was not enough coronal structure remaining to substantiate a crown. Therefore, a core buildup was required.

The Petitioner’s certificate of coverage, on page 41, provides:

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 #13 was 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 practice. The reviewer provided this analysis and recommendation:

The core buildup on tooth #13 was not medically necessary for the existing condition of the tooth. In this instance there appears to have been an existing two surface amalgam restoration in place, and there was notation by the provider that there were “mesial and distal fractures that extended deep and required a core buildup to have enough retention for a crown.” In order for a buildup to be considered medically necessary it is commonly held that 50% of the coronal structure must be missing. Fractures noted in the enamel and dentin structure is

not an indication for placement of a composite core, although it is often an indication for a crown....In this instance the provider has stated that there were mesial and distal fractures present, and it was clear on the x-ray that a two surface restoration was present. The amount of compromised structure visualized on the x-ray did not lend support to the contention that a core buildup was necessary, and it appears that there would be greater than 50% of the coronal structure remaining after tooth preparation. The supplied narrative did not indicate that there would be insufficient opposing wall height or retentiveness due to lack of coronal structure. The existence of a two surface existing restoration is not in itself sufficient to show medical necessity for a core buildup. There does not appear to be medical necessity for a core buildup in this circumstance.

The standard of care when determining whether a core buildup is necessary is to determine there is sufficient structure remaining to allow for a properly retained crown. If there is sufficient structure, then the buildup is not dentally necessary. The enrollee has an existing two surface amalgam filling on tooth #13. The literature shows that if at least 50% of the coronal structure is missing then one should consider placement of a core buildup in order to aid in retention of a crown. If there is adequate opposing wall height when a tooth is prepared, then a buildup will not assist in retention of the crown. In the present case, from review of the x-ray, there appears to be sufficient structure remaining such that at least 50% of the coronal structure is present, and there would be adequate support from the remaining opposing walls of the preparation to retain a crown.

* * *

It is the recommendation of this reviewer that the denial issued by Guardian Life Insurance Company for the crown (core) build up on tooth #13 be upheld.

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 #13 was not medically necessary and is therefore not covered under the terms of the certificate.

V. ORDER

The Director upholds Guardian Life Insurance Company of America's February 18, 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.

Annette E. Flood
Director

For the Director:

A handwritten signature in black ink, appearing to read 'RS Gregg', is written over a horizontal line.

Randall S. Gregg
Special Deputy Director



**State of Michigan
Department of Consumer & Industry Services
P.O. Box 30220
Lansing, Michigan 48909-7720**

INDEPENDENT MEDICAL REVIEW

Benefit Inquiry #: 146829-001
Respondent: Guardian Life Insurance Company of America
Complainant: [REDACTED]
Patient: [REDACTED]
Notification Received: [REDACTED]
Documents Received: [REDACTED]; [REDACTED]
Date of Recommendation: [REDACTED]

Documentation of Case:

Permedion is certified by the Michigan Department of Insurance and Financial Services as an Independent Review Organization. Permedion has been selected to review this case regarding the denial of coverage for the crown (core) build up on tooth #13. The health plan has denied coverage on the basis that the service was considered not medically necessary for the treatment of the enrollee's condition.

The following documents were provided for review:

- [REDACTED] corrected letter to Permedion from State of Michigan Department of Insurance and Financial Services (MI DIFS)
- [REDACTED], letter to Permedion from MI DIFS
- [REDACTED], letter to Guardian Life Insurance Company of America (Guardian) from MI DIFS
- [REDACTED], letter to enrollee from MI DIFS
- [REDACTED], email to [REDACTED] from [REDACTED]
- Document entitled: Immediate Notice to Health Carrier of Receipt of an External Review Request
- Document entitled: Health Care-Request for External Review
- [REDACTED], letter to MI DIFS from Guardian
- Medical records: Dental Claim Form

- Medical records: Miscellaneous Dental Consultants
- Medical records: [REDACTED] Family Dental
- [REDACTED] letter to enrollee from Guardian
- Document entitled: Insured Explanation of Benefits-This is Not a Bill [REDACTED]
- [REDACTED], letter to Woodland Family Dental from Guardian
- Document entitled: Provider Explanation of Benefits-This is Not a Bill [REDACTED]
- Print outs beginning with: Talk; Dental (DCDS) Claim
- Document entitled: Insured Explanation of Benefits-This is Not a Bill [REDACTED]
- Document entitled: Provider Explanation of Benefits-This is Not a Bill [REDACTED]
- Document entitled: Insured Predetermination of Benefits-This is Not a Bill [REDACTED]
- Document entitled: Provider Predetermination of Benefits-This is Not a Bill [REDACTED]
- [REDACTED], letter to enrollee from Guardian
- [REDACTED] letter to [REDACTED] Family Dental from Guardian
- [REDACTED] fax cover sheet to Guardian from [REDACTED], DDS; [REDACTED] Family Dental
- Document entitled: Guardian Your Group Insurance Plan Benefits

Synopsis of the Clinical Case:

This case involves a [REDACTED] year old [REDACTED] who is requesting a core buildup for a crown restoration placed on tooth #13. The tooth had an existing two surface restoration that was in need of replacement due to cracks that were developing in the tooth structure. The provider indicated there was a need for a buildup however the claim was denied stating there was sufficient structure to retain a crown or onlay without the additional procedure.

The health plan has denied coverage for the crown (core) build up on tooth #13 on the basis that the service was considered not medically necessary for the treatment of the enrollee's condition.

Reviewer's Decision and Principal Reasons for the Decision:

It is the determination of this reviewer that the crown (core) build up on tooth #13 was not medically necessary for the treatment of the enrollee's condition.

Clinical Rationale for the Decision:

The core buildup on tooth #13 was not medically necessary for the existing condition of the tooth. In this instance there appears to have been an existing two surface amalgam restoration in place, and there was notation by the provider that there were "mesial and distal fractures that extended deep and required a core buildup to have enough retention for a crown." In order for a buildup to be considered medically necessary it is commonly held that 50% of the coronal

structure must be missing. Fractures noted in the enamel and dentin structure is not an indication for placement of a composite core, although it is often an indication for a crown. As stated under CDT code 2950, (3) a buildup “Refers to the building up of coronal structure when there is insufficient retention for a separate extracoronary restorative procedure. A core buildup is not a filler to eliminate any undercut, box form, or concave irregularity in a preparation.” Wiscott (2) has indicated in his text that opposing walls of sufficient height must be present in order to provide adequate retention. Christensen (1) has stated “When one-half or more of the coronal tooth structure is missing, building up the tooth preparations by placing bonded composite is the state of the art.” In this instance the provider has stated that there were mesial and distal fractures present, and it was clear on the x-ray that a two surface restoration was present. The amount of compromised structure visualized on the x-ray did not lend support to the contention that a core buildup was necessary, and it appears that there would be greater than 50% of the coronal structure remaining after tooth preparation. The supplied narrative did not indicate that there would be insufficient opposing wall height or retentiveness due to lack of coronal structure. The existence of a two surface existing restoration is not in itself sufficient to show medical necessity for a core buildup. There does not appear to be medical necessity for a core buildup in this circumstance.

The standard of care when determining whether a core buildup is necessary is to determine there is sufficient structure remaining to allow for a properly retained crown. If there is sufficient structure, then the buildup is not dentally necessary. The enrollee has an existing two surface amalgam filling on tooth #13. The literature shows that if at least 50% of the coronal structure is missing then one should consider placement of a core buildup in order to aid in retention of a crown. If there is adequate opposing wall height when a tooth is prepared, then a buildup will not assist in retention of the crown. In the present case, from review of the x-ray, there appears to be sufficient structure remaining such that at least 50% of the coronal structure is present, and there would be adequate support from the remaining opposing walls of the preparation to retain a crown.

Christensen (1) clearly indicates that the need for a buildup may occur, but this is when less than 50% of the coronal structure remains. The American Dental Association (ADA) (3) descriptor suggests the parameters for considering when a buildup is necessary. Wiscott (2) discusses principles of reciprocal locking of two opposing surfaces for retention of a crown. The present case hinges on the amount of remaining tooth structure needed for retention of a crown, and if there is need for placement of a buildup to replace missing structure. The criteria presented by the literature for core buildup does not appear to be met in the present situation and therefore it was not medically necessary for the treatment of the enrollee’s condition.

Recommendation:

It is the recommendation of this reviewer that the denial issued by Guardian Life Insurance Company for the crown (core) build up on tooth #13 be upheld.

References:

1. Christensen, Gordon J DDS. Frequently encountered errors in tooth preparations for crowns - JADA October 2007 Volume 138, Issue 10, Pages 1373–1375.
2. Wiskott, H.W. Anselm. Fixed Prosthodontics: Principles and Clinics H.W. 2011; 309-311.
3. CDT Codes - American Dental Association 2014.

Conflict of Interest Statement:

This reviewer has no conflict of interest in this case.

This reviewer is licensed in General Dentistry; Member of the Academy of General Dentistry; is licensed in the state of New Jersey; and is in active practice.