

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. 150408-001

Guardian Life Insurance Company of America  
Respondent

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Issued and entered  
this 14<sup>th</sup> day of December 2015  
by Randall S. Gregg  
Special Deputy Director

**ORDER**

**I. PROCEDURAL BACKGROUND**

On October 19, 2015, ██████████, DDS, 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 request was incomplete and was not accepted for review. Additional information was provided on November 11, 2015. The Director accepted the case for review on November 16, 2015.

The Petitioner has dental coverage through a group plan underwritten by Guardian Life Insurance Company of America (Guardian). The Director notified Guardian of the external review request and asked for the information it used to make its final adverse determination. Guardian furnished the information on November 6, 2015. To address the medical issues in the case, the Director assigned it to an independent medical review organization which provided its analysis and recommendation on December 3, 2015.

**II. FACTUAL BACKGROUND**

The Petitioner had existing restorations on teeth #18, 19, 30 and 31. Her dentist recommended core buildups and crowns on all four teeth. The Petitioner requested that Guardian provide coverage for the services.

On July 21, 2015 she had core buildups and crowns placed on each tooth. On August 31, 2015, Guardian approved coverage for the crowns but denied coverage for the core buildups.

The Petitioner appealed the denial of coverage through Guardian's internal appeal process. At the conclusion of that process, Guardian affirmed its decision in a final adverse determination issued October 15, 2015. The Petitioner now seeks the Director's review of that final adverse determination.

### III. ISSUE

Did Guardian correctly deny coverage for the crown buildups on teeth 18, 19, 30 and 31?

### IV. ANALYSIS

#### Respondent's Argument

In its final adverse determination to the Petitioner, Guardian wrote:

On 9/21/15 your grievance for the predetermination for D2950 [crown buildups] was received.

Coverage for these services were denied.

For the following teeth and/or quadrants: 30, 31, 18, 19

- This tooth appears to have sufficient tooth structure remaining to provide adequate support and retention for an inlay, onlay or crown.

In a November 18, 2015 letter submitted for the external review, Guardian also stated:

Two separate claims reviews have been performed on these procedures. Based on review of the clinical information provided, in both reviews the consultants advised that these teeth appear to have sufficient tooth structure remaining to provide adequate support and retention for crowns. According to the terms of the plan Guardian issued benefit predetermination denials on 8/31/2015 and 10/8/2015.

#### Petitioner's Argument

On the request for external review form, the Petitioner's authorized representative wrote:

Guardian dental insurance is denying crown build ups (D2950) for teeth #18, 19, 30 and 31. However, they have preauthorized all crowns on these teeth.

The Petitioner's authorized representative also noted on the claims form that the existing restorations are over 10 years old and are fractured and leaking.

Director's Review

Under the terms of the certificate Guardian covers dentally (medically) necessary crown buildups as "major restorative services." The coverage is described on page 35 of the certificate:

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 crown buildups on teeth 18, 19, 30 and 31 were 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 who has been in active clinical practice for more than 15 years and is familiar with the medical management of patient's with the Petitioner's condition. The IRO report included the following analysis and recommendation:

[C]rown buildups for teeth #18, 19, 30 and 31 are not medically/dentally necessary for treatment of the member's condition

\* \* \*

[T]he radiographs provided for review include 2 bitewing x-rays dated 12/3/14, which appear to use the same images for both sides even though they are labeled as being opposite sides, which is confirmed as there is a tooth missing in the upper arch that is not demonstrated in these x-rays....[T]he radiographs dated 7/10/14 appear to show existing crowns on teeth #18 and 19 and moderate sized amalgam restorations on teeth #30 and 31....[T]he crowns on teeth #18 and 19 do not demonstrate any recurrent caries in the x-rays submitted....[T]he radiographs do not demonstrate any significant caries on either the existing two surfaces MO restoration of tooth #30 or the existing occlusal amalgam restoration of tooth #31. No clinical notes were provided for review. The narrative submitted in the case file states "existing restorations over 10 years old fractured leaking."

[W]ith existing restorations not shown to be excessive in size and no evidence of recurrent caries, the medical necessity for the requested crown buildups has not been [established]. Standard of care would provide that upon removal of existing crowns, any recurrent caries would need to be removed. However...there are no caries visible on radiograph of teeth #18 and 19 and no notation quantifying the extent of the recurrent decay, other than the statement that "restoration leaking"...[T]he need for crown buildup rather than merely filler to replace the missing tooth structure has not been established based upon the information provided for review.

Pursuant to the information set forth above and available documentation...the crown buildups for teeth #18, 19, 30 and 31 are not medically/dentally necessary for treatment of the member's condition. [Citations 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 recommendation is based on experience, expertise, and professional judgment. Furthermore, it is not contrary to any provision of the certificate of coverage. MCL 550.1911(15).

The Director, discerning no reason why the IRO's recommendation should be rejected, finds that the crown buildups on teeth # 18, 19, 30 and 31 are not dentally necessary and are therefore not covered benefits.

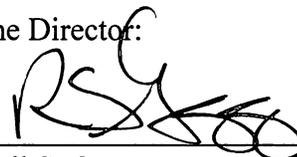
#### V. ORDER

The Director upholds Guardian Life Insurance Company of America's October 15, 2015, final adverse determination. Guardian is not required to provide coverage for the Petitioner's crown buildups on teeth #18, 19, 30 and 31.

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:



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Randall S. Gregg  
Special Deputy Director