

**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. 152802-001**

**Guardian Life Insurance Company of America**  
**Respondent**

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Issued and entered  
this 10<sup>th</sup> day of May 2016  
by Randall S. Gregg  
Special Deputy Director

**ORDER**

**I. PROCEDURAL BACKGROUND**

On March 22, 2016, ██████████ (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 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 March 11, 2016. After a preliminary review of the material submitted, the Director accepted the request on March 29, 2016.

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 April 29, 2016.

**II. FACTUAL BACKGROUND**

On December 31, 2015, the Petitioner had a crown build up (core filling procedure code D2950) on tooth #18. Guardian denied coverage for the procedure. The Petitioner appealed the denial through Guardian's internal appeals process. At the conclusion of that process, Guardian affirmed its decision in a final adverse determination dated March 2, 2016. The Petitioner now seeks the Director's review of that final adverse determination.

**III. ISSUE**

Did Guardian correctly deny coverage for the crown build up on tooth #18?

#### IV. ANALYSIS

##### Respondent's Argument

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

##### Petitioner's Argument

On the claim form submitted to Guardian, the Petitioner's dentist wrote:

Due to the extensive amount of decay present on #18, a full core build-up was required to properly restore the tooth, the decay was quite deep, too and hopefully, will not require endodontic therapy. A full coverage crown or a bridge would be the next step. There was decay present on all tooth surfaces.

##### Director's Review

The Guardian dental policy provides coverage for crown buildups as “major restorative services” when they are dentally necessary. The Guardian policy (page 78) describes the available coverage:

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....

\* \* \*

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 #18 was medically (dentally) 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 in active practice and is certified by the American Board of Oral and Maxillofacial Surgery. The reviewer's report included the following analysis and recommendation:

The American Dental Association (ADA) says code D2950 – Core Buildup, Including Any Pins, “refers to building up of the anatomical crown when a restorative crown will be placed, whether or not pins will be used.” While a description of exactly what portion of the anatomical crown needs to be built up is not included in the ADA definition, it is believed that significant tooth structure must be missing for a buildup to be appropriate. Documenting radiographs are essential and intraoral photographs can very helpful, too.

When more than one-half of the coronal tooth structure on a full-crown tooth preparation is absent and there is not a two to three millimeter collar of sound tooth structure remaining around the gingival portion of the tooth preparation, building up the tooth structure with well-retained buildup material is desirable. The buildup is used to increase tooth strength and crown retention. Many factors influence whether teeth planned for crowns or fixed prosthesis abutments need to be built up. Teeth may now be treated more conservatively

with minimal fillers because of the greater strength of current cements, including hybrid ionomers and resins. Teeth planned as fixed prosthesis abutments require more remaining tooth structure and greater buildup strength than those designed for single full crowns.

The enrollee's condition at the time services were rendered was that she was in need of a sound abutment for a bridge. The radiograph submitted for review is a periapical with a limited view. It is not labeled but appeared to show tooth #18 and an edentulous space medially to it. It is not clear if tooth #20 is present or missing. It appears that the radiograph in this case is post treatment. The limited documentation submitted for review does not support a diagnosis with regard to tooth #18, the need for any procedures, or the amount of tooth structure remaining with examination notes. Therefore, based on the limited submitted documentation and current dental literature, the crown buildup on tooth #18 is not medically necessary for this enrollee.

The IRO reviewer recommended that Guardian's coverage denial 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 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 buildup on tooth #18 was not dentally necessary and is therefore not a covered benefit.

#### V. ORDER

The Director upholds Guardian Life Insurance Company of America's March 2, 2016, final adverse determination. Guardian is not required to provide coverage for the Petitioner's crown build up on tooth #18.

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