

PART C – DECISION UNDER APPEAL

(State the reconsideration decision)

The decision under appeal is the Ministry's Reconsideration Decision dated June 2, 2009, which held that the Appellant is not eligible for a dental supplement to pay the cost of a crown that was provided by his dentist. The Ministry found that the crown was not provided at the rate set out for the service in the Schedule of Fee Allowances and it was provided without the pre-authorization of the minister as required in the legislation. The Ministry found that the crown provided, porcelain/ceramic/polymer glass fused to a metal base, is not in accordance with the type of crown authorized for that tooth. In addition, the Ministry determined that information was not provided that the Appellant's dental condition precluded the provision of restorative services set out in the Schedule of Fee Allowances-Dentist nor that one of the circumstances listed under the EAPWDR Schedule C, Section 4.1(2)(b) exists.

PART D – RELEVANT LEGISLATION

(State the relevant Legislation considered)

Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Section 63
Employment and Assistance for Persons with Disabilities Regulation (EAPWDR) Schedule C, Section 4.1

PART E – SUMMARY OF FACTS

Please set out the facts as determined by the panel, based on the evidence at the hearing. Please note that subsection 22(4) of the Employment and Assistance Act states that, in a hearing referred to in subsection (3), a panel may admit as evidence only:

- (a) the information and records that were before the minister when the decision was being made, and
- (b) oral or written testimony in support of the information and records referred to in paragraph (a).

Information before the Ministry at Reconsideration included:

- a statement from a dentist listing procedures performed and the balance owing, dated April 28, 2009
- the Appellant's Request for Reconsideration dated May 14, 2009
- a Blue Cross Crown and Bridge Case Profile Sheet, dated Nov. 24, 2008
- a Standard Dental Claim Form, with attachments, dated November 8, 2008
- a Blue Cross Dental Pre-authorization Remittance Statement dated December 9, 2008
- a CaresNet Claim Details form dated June. 2, 2009

With his Notice of Appeal the Appellant submitted a copy of a note written by a physician, dated June 9, 2009, stating that he "requires a crown (this has been done) because he has a mental condition which would make it impossible to assume responsibility for a removable prosthetic". The Panel admitted this note under Section 22(4) of the Employment and Assistance Act as evidence in support of information and records before the Ministry at Reconsideration

On November 18, 2008, the Appellant's dentist submitted a request for pre-authorization of a crown for tooth number 46 to Pacific Blue Cross (PBC)..

On November 24, PBC requested additional information from the dentist.

On December 8, 2008, PBC denied the request.

On December 9, 2008, the dentist provided the crown.

The Appellant's dentist made a notation on the November 24, 2008 PBC form that tooth 46 required a "full coverage restoration".

The Ministry's Reconsideration Decision states that denial of this request is based on information that the crown was not provided at the rate set out in the fee schedule, and it was provided without pre-authorization. Under the fee schedule, only full cast metal crowns will be considered on teeth ending in numbers 6, 7 and 8. The tooth in question is number 46. The Appellant's dentist provided a porcelain/ceramic/polymer glass crown, fused to a metal base. On December 8, 2008, PBC denied the request submitted by the Appellant's dentist. On December 9, 2008, the dentist provided the crown. In addition, the Ministry found that the Appellant's request did not provide sufficient information to demonstrate that his condition precludes the provision of restorative services, as required in the EAPWDR Schedule C, Section 4.1(2).

The Ministry did not make a submission further to the Reconsideration Decision.

PART F – REASONS FOR PANEL DECISION

(State the reasons for the panel decision)

The issue in this appeal is the reasonableness of the Ministry's decision to deny the Appellant's request for a Dental Supplement to cover the cost of a crown provided for tooth number 46.

The Employment and Assistance for Persons with Disabilities Regulation, Schedule C, Section 4.1, Crown and Bridgework supplement reads:

4.1 (1) In this section, crown and bridgework means a dental service

(a) that is provided by a dentist,

(b) that is set out in the Schedule of Fee Allowances – Crown and Bridgework, that is effective January 1, 2007 and is on file with the office of the deputy minister,

(c) that is provided at the rate set out for the service in that Schedule, and

(d) for which a person has received the pre-authorization of the minister.

(2) A health supplement may be paid under section 63.1 of this regulation for crown and bridgework but only if the minister is of the opinion that the person has a dental condition that cannot be corrected through the provision of basic dental services because

(a) the dental condition precludes the provision of the restorative services set out under the Restorative Services section of the Schedule of Fee Allowances – Dentist, and

(b) one of the following circumstances exists:

(i) the dental condition precludes the use of a removable prosthetic;

(ii) the person has a physical impairment that makes it impossible for him or her to place a removable prosthetic;

(iii) the person has an allergic reaction or other intolerance to the composition or materials used in a removable prosthetic;

(iv) the person has a mental condition that makes it impossible for him or her to assume responsibility for a removable prosthetic.

(3) The minister must also be satisfied that a health supplement for crown and bridgework will be adequate to correct the dental condition.

(4) A health supplement for crown and bridgework may not be provided in respect of the same tooth more than once in any period of 60 calendar months.

The Appellant argues that the crown was required in this case and his mental condition makes it impossible for him to assume responsibility for a removable prosthetic.

The Ministry argues that no pre-authorization had been obtained as required by the legislation and the tooth in question, number 46, may only, under the legislation, be fitted with a solid metal crown, not the type provided by the Appellant's dentist.

The dentist did not supply the information requested to establish that restorative services were precluded. The Appellant submitted a doctor's note at Appeal that established that one of the circumstances listed in Section 4.1(2)(b) of Schedule C, EAPWDR had been met. The crown provided was not of the type specified in the legislation, a full cast metal crown. In addition, the insurance provider had in fact denied the request the day before the crown was provided. The Panel finds that no pre-authorization had been obtained before the crown was provided, as required by the legislation. Accordingly, the Panel finds that as not all of the criteria of Section 4.1 were met, the Ministry's decision is reasonably supported by the evidence and therefore the Panel confirms the Ministry's decision.