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Indexed as:
T.P.M.M. (Re)

IN THE MATTER OF an appeal by T.P.M.M.
AICAC File No.: AC-00-66

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[2000] M.A.I.C.A.C.D. No. 43

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Manitoba Automobile Injury Compensation Appeal Commission
J.F.R. Taylor, Q.C. (Chairperson), Y. Tavares, and
C.C. Settle, Q.C.

Heard: November 24, 2000.
Decision: November 30, 2000.
(11 paras.)

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Issues(s):

Whether tooth wear, related to bruxism, caused by MVA.

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Relevant Sections:

Section 136(1) of the MPIC Act and Sections 5 and 9 of
Manitoba Regulation No. 40/94.

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Appearances:

Manitoba Public Insurance Corporation ('MPIC') represented by
Keith Addison.

The appellant, T.P.M.M., appeared on her own behalf.

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MAIC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE
PERSONAL HEALTH INFORMATION OF INDIVIDUALS BY REMOVING
PERSONAL IDENTIFIERS AND OTHER IDENTIFYING INFORMATION.

Reasons For Decision

[para1] The issue in this appeal is simply stated: Was
MPIC justified in denying the Appellant the cost of installing
new crowns on her teeth numbers 11 and 21?

[para2] T.P.M.M. was involved in a motor vehicle accident
on January 30th, 1995. She was a passenger in a vehicle that
was struck by another making an unsafe left turn. She
sustained a Whiplash Associated Disorder resulting in back
spasms with pain and stiffness, particularly around the
cervical area.

[para3] Her dentist, Dr. J. Bassegy, reports that while her dental history up until the time of her accident was very ordinary, he had observed an increase in occlusal wear since that date. The cause of the wear is bruxism-that is, an involuntary grinding together of the teeth, usually occurring at night. In particular, there was markedly accelerated wear on the teeth numbers 11 and 21. Dr. Bassegy prescribed an occlusal guard or splint for T.P.M.M. to wear at night. As well, he repaired T.P.M.M.'s incisal edges twice with resin, but this only appears to have produced a temporary solution and his recommendation was for the placement of crowns on the anterior teeth that would, as he puts it, "restore things back to normal anatomy and function".

[para4] A claim by T.P.M.M. for reimbursement for the expenses that would result from the installation of the crowns was referred to MPIC's dental consultant, Dr. Mazurat.

[para5] Dr. Mazurat's initial opinion, rendered on November 1st, 1999, reads as follows:

Since the current/symptoms are patient-initiated and not attributable to trauma from the MVA, and other factors may be contributing to stress and parafunction, I cannot see approving coverage for crowns.

[para6] T.P.M.M. applied for an internal review and, in an accompanying letter, she noted that

.....my dentist...strongly agrees that the condition of my front teeth were [sic] initiated by trauma received by the accident on January 30th, 1995. In 1995 the dentist examined my front teeth due to them being tender and although no sign of damage was evident at that time he had concerns about them for the future. (There was a letter that was sent to MPI in 1995 regarding this issue.)

[para7] A subsequent letter from Dr. Bassegy of January 25th, 2000, points out that

[T.P.M.M.] has complaints of neck and back muscular pain from the accident. It is a well-known fact that muscle spasms greatly increase the amount of TMJ problems. In [T.P.M.M.'s] case, this is showing up as accelerated wear of her upper incisors.....Restorations in the form of resins on her anterior teeth...are only a temporary solution. I feel that a long-term solution would be that of crowns.

[para8] MPIC's Internal Review Officer, to whom T.P.M.M. had appealed, referred the matter to Dr. Mazurat again. This time, Dr. Mazurat's opinion reads, in part, as follows:

The etiology of bruxism can be multifactorial and stress as an aftermath of an MVA could be a problem/cause. However, it is very difficult to determine what role the MVA played in increasing bruxism and also whether the signs now visible are due to increased bruxism, or just an accumulation of long-term wear, which is very common. However, bruxism by definition refers to nocturnal grinding and, if the patient wears a splint, then this should be controlled to reduce tooth wear. In summary, the symptoms of tooth wear may be related to bruxism. The bruxism may be partially related to stress contributed by the MVA.....We could consider some coverage for an occlusal nite guard, however we should not cover crowns because the assumption that the current problem is largely due to the MVA is unfounded.

[para9] As a result of Dr. Mazurat's last opinion, MPIC's Internal Review Officer denied the claim for the cost of new crowns but allowed the claim for the cost of the occlusal guard. Her decision letter includes the statement, "The necessity for crowns, which may be a sound treatment, is unrelated to the motor vehicle accident. The bruxism existed before the motor vehicle accident." With the greatest of respect, this last statement has no basis in any of the evidence on file - quite the contrary.

[para10] Dr. Mazurat tells us that the wear on T.P.M.M.'s teeth currently under review is due to bruxism; he also tells us that the bruxism may be partially related to stress contributed by the motor vehicle accident. It is hard for this Commission to see the logic in accepting responsibility for the occlusal guard (presumably, to prevent bruxism caused by stress related to the motor vehicle accident) and yet deny responsibility for the damage caused to those two teeth by that very same bruxism. We find that she is entitled to reimbursement for the cost of the occlusal guard, for the cost of the resin fillings provided by Dr. Bassegy to the teeth in question, and for the cost of installing the two new crowns recommended by Dr. Bassegy, in accordance with the existing fee schedule.

[para11] To the extent, if any, that T.P.M.M. has already expended the monies referred to above, she will be entitled to interest thereon from the date of her expenditure to the date of reimbursement, calculated at the statutory rate.

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