



STATE OF CONNECTICUT
INSURANCE DEPARTMENT

BULLETIN NO. HC-47
August 8, 1991

TO: ALL INSURANCE COMPANIES AND HEALTH CARE CENTERS
LICENSED TO WRITE HEALTH CARE COVERAGE IN CONNECTICUT

RE: TEMPOROMANDIBULAR JOINT DISORDERS

This Department has reviewed numerous complaints from consumers who were denied benefits under the medical expense portion of their respective health insurance policies for treatment of Temporomandibular Joint Dysfunction (TMJ).

We wish to bring to the attention of all health insurers and health care centers with policies in force in Connecticut, a recent decision of the United States Court of Appeals for the Second Circuit, Masella v. Blue Cross & Blue Shield of Connecticut, Inc., No. 90-7992 (6/19/91) (1991 WESTLAW 105219) (2nd Cir. 1991). The Court affirmed the decision of a U.S. District Court for the District of Connecticut which found that the non-surgical treatment of TMJ was "medical" rather than "dental" in nature, and, therefore, did not fall within the insurer's policy exclusion for dental care and treatment. In reaching this conclusion, the Court stressed "the nature of the procedure performed rather than ...the title of the one who performs it and that services performed by a dentist are not necessarily excluded from coverage." (Id., slip opinion at p. 22).

In the absence of unusual factual circumstances, as a result of this decision by the Second Circuit, we expect that unless there is a specific policy or contractual exclusion for treatment of TMJ, any treatment of TMJ, whether surgical or non-surgical, will be deemed to be medical in nature and therefore not subject to the standard policy exclusion for dental care and treatment. With respect to past claims for benefits, we expect that all insurers and health care centers will review any claims which were denied for the treatment of TMJ for the purpose of correcting improper denials.

A handwritten signature in cursive script, reading "Robert R. Googins".

ROBERT R. GOOGINS
Insurance Commissioner