

# **Automobile Injury Compensation Appeal Commission**

**IN THE MATTER OF an Appeal by [the Appellant]  
AICAC File No.: AC-00-66**

**PANEL:** Mr. J. F. Reeh Taylor, Q.C., Chairman  
Ms. Yvonne Tavares  
Mr. Colon C. Settle, Q.C.

**APPEARANCES:** The Appellant, [text deleted], appeared on her own behalf; Manitoba Public Insurance Corporation ('MPIC') was represented by Mr. Keith Addison.

**HEARING DATE:** November 24<sup>th</sup>, 2000

**ISSUE:** Whether tooth wear, related to bruxism, caused by MVA.

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

**AICAC NOTE: THIS DECISION HAS BEEN EDITED TO PROTECT THE APPELLANT'S PRIVACY AND TO KEEP PERSONAL INFORMATION CONFIDENTIAL. REFERENCES TO THE APPELLANT'S PERSONAL HEALTH INFORMATION AND OTHER PERSONAL IDENTIFYING INFORMATION HAVE BEEN REMOVED.**

## **Reasons For Decision**

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?

[The Appellant] was involved in a motor vehicle accident on January 30<sup>th</sup>, 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.

Her dentist, [text deleted], 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. [Appellant’s dentist] prescribed an occlusal guard or splint for [the Appellant] to wear at night. As well, he repaired [the Appellant’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”.

A claim by [the Appellant] for reimbursement for the expenses that would result from the installation of the crowns was referred to MPIC’s dental consultant, [text deleted].

[MPIC’s dentist’s] initial opinion, rendered on November 1<sup>st</sup>, 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.

[The Appellant] 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 30<sup>th</sup>, 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.)

A subsequent letter from [Appellant’s dentist] of January 25<sup>th</sup>, 2000, points out that

[The Appellant] 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 [the Appellant’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.

MPIC's Internal Review Officer, to whom [the Appellant] had appealed, referred the matter to [MPIC's dentist] again. This time, [MPIC's dentist'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.

As a result of [MPIC's dentist'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.

[MPIC's dentist] tells us that the wear on [the Appellant'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 [Appellant's dentist] to the teeth in question, and for the cost of installing the two new crowns recommended by [Appellant's dentist], in accordance with the existing fee schedule.

To the extent, if any, that [the Appellant] 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.

Dated at Winnipeg this 30<sup>th</sup> day of November, 2000.

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**J. F. REEH TAYLOR, Q.C.**

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**YVONNE TAVARES**

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**COLON C. SETTLE, Q.C.**