

The complaint

Mr M has complained that AXA PPP Healthcare Limited ('AXA') has unfairly declined a claim.

What happened

Mr M has a private medical insurance policy, underwritten by AXA.

He made a claim following oral surgery for wisdom tooth extraction. But AXA said the claim wasn't covered as preventative treatment was excluded under the policy. And the medical evidence shows the extraction was suggested to avoid damage to an adjoining tooth.

Mr M complained and unhappy with AXA's response, referred his complaint to the Financial Ombudsman Service.

Our investigator looked into the complaint and didn't think AXA had unfairly declined the claim as the terms did exclude preventative treatment.

Mr M disagreed and in summary, has made the following comments:

- He was originally referred for extraction through the NHS but he decided to use his insurance policy.
- The extraction wasn't exclusively to prevent harm to the other tooth. The wisdom tooth needed to be extracted due to problems with the gum stretching.
- The extraction was necessary and Mr M thinks he also has cover under the dental cashback section as the surgeon who carried out the extraction is a dentist.

And so the case has been passed to me for a final decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I don't think this complaint should be upheld. I'll explain why.

- The relevant rules and industry guidelines say an insurer should handle claims promptly and fairly. And shouldn't unreasonably reject a claim.
- I have carefully considered everything Mr M has said in detail but my decision will focus on what I consider to be key.
- The policy says: "*We do not pay for preventative treatment...*". And also says: "*Like most health insurers, we only cover treatment that is medically necessary. We do not cover treatment that is not medically necessary, or that can be considered a personal*

choice.”

- The referral letter from Mr M’s dentist says: *“Advised that probably should consider extraction of LR8 as the danger of getting caries on distal root of LR7 which could then lead to loss of this tooth too.”*
- Having considered the referral letter, I am satisfied that Mr M’s surgery was reasonably considered to be preventative treatment and is therefore excluded under the policy terms.
- The optional dental cashback benefit says: *“...we will pay toward your dentist’s fees...that you have paid directly to a dentist or dental hygienist.”*
- Mr M was referred by his dentist to an oral surgeon, who is a specialist. The cashback benefit applies to *‘your dentist’s’* fees so even though the specialist is a dentist, he wasn’t Mr M’s usual dentist. I don’t think the optional dental cashback includes surgery by specialists. So I don’t think the optional dental cashback applies here.
- Although Mr M says he was originally referred for extraction through the NHS and his extraction wasn’t exclusively to prevent harm to the other tooth, the medical evidence from the time of the claim is the most relevant evidence here which AXA relied on. Mr M was advised to have the extraction for preventative purposes and there is no evidence detailing what the concerns with the extracted tooth were. So I am not satisfied that the preventative steps were an additional reason as suggested by Mr M. The evidence suggests the effect on the adjoining tooth was the main reason for the extraction.
- Mr M has said the extraction was necessary. Even if that is the case, the policy is clear that it excludes preventative treatment. So that means treatment might be necessary, but it won’t necessarily be covered under the policy terms and it can be specifically excluded. It isn’t unusual for insurers to exclude specific treatment, even if it is necessary. Insurance policies aren’t designed to cover all risks and an insurer can choose to decide what it is willing to provide cover for.

My final decision

For the reasons set out above, I don’t uphold this complaint.

Under the rules of the Financial Ombudsman Service, I’m required to ask Mr M to accept or reject my decision before 15 December 2023.

Shamaila Hussain
Ombudsman