MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

PART I: GENERAL INFORMATION

Type of Requestor: (x) HCP ( ) IE ( ) IC	**Response Timely Filed?** ( ) Yes (x) No
Requestor's Name and Address Valley Regional Medical Center C/O Hollaway & Gumbert 3701 Kirby Dr., Suite 1288 Houston, TX 7709-3926	MDR Tracking No.: M4-05-0051-01 TWCC No.: Injured Employee's Name:
Respondent's Name and Address TML INTERGOVERNMENTAL RISK POOL 1821 RUTHERFORD LN STE 100 AUSTIN TX 78754-5163 Austin Commission Representative Box 19	Date of Injury: Employer's Name: Cameron County Housing Authority Insurance Carrier's No.: 900000932

PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
8/26/03	**8/29/03**	**Inpatient Hospitalization**	**$38,326.21**	**$0.00**

PART III: REQUESTOR'S POSITION SUMMARY

Carrier failed to pay per TWCC Rule 134.401 Acute Care Inpatient Hospital Fee Guideline and SOAH decision 453-03-1233.M4. Per TWCC Rule 134.401(c)(6) and SOAH decision 453-03-1233.M4, claim pays @ 75% of total charges as charges exceed $40,000.00 stop-loss threshold. Carrier further failed to audit according to TWCC Rule 134.401(c)(6)(A)(v).

PART IV: RESPONDENT'S POSITION SUMMARY

This is a medical fee dispute arising from an inpatient hospital surgical admission, dates of service 8/26/03 through 8/29/03. Requestor billed a total of $68,538.95. The Requestor asserts it is entitled to reimbursement in the amount of $51,404.21, which is 75% of the total charges. Requestor has not shown entitlement to this alternative, exceptional method of calculating reimbursement and has not otherwise properly calculated the audited charges.

Medical bills in excess of $40,000 do not automatically qualify for stop-loss reimbursement. Rather, the per diem rate is the default and preferred method of reimbursement that must be employed unless the hospital justified use of the stop-loss method in a particular case. SOAH Docket No. 453-03-0910.M4. The stop-loss methodology may be allowed, but only if the $40,000 threshold of "audited charges" is exceeded and then only "on a case-by-case" bais. Id.

Here, the initial $40,000 threshold of "audited charges" may have been exceeded, but Requestor has not proven entitlement to any exception to the preferred per diem method. Such proof requires Requestor to show the services provided were unusually extensive and unusually costly for the subject admission. Requestor has failed to sustain the burden of proving that exception. In the absence of or insufficiency of such evidence, the preferred/default method of reimbursement is the per diem method.

PART V: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

This dispute relates to inpatient services provided in hospital setting with reimbursement subject to the provisions of Rule 134.401 (Acute Care Inpatient Hospital Fee Guideline). The hospital has requested reimbursement according to the stop-loss method contained in that rule. Rule 134.401(c)(6) establishes that the stop-loss method is to be used for "unusually costly services." The explanation that follows this paragraph indicates that in order to determine if "unusually costly services" were provided, the admission must not only exceed $40,000 in total audited charges, but also involve "unusually extensive services."

After reviewing the documentation provided by both parties, it does **not** appear that this particular admission involved "unusually extensive services." Accordingly, the stop-loss method does not apply and the reimbursement is to be based on the per diem plus carve-out methodology described in the same rule.

The total length of stay for this admission was 3 days (consisting of 3 days for surgical). Accordingly, the standard per diem amount due for this admission is equal to $3,354 (3 times $1,118). In addition, the hospital is entitled to additional reimbursement for (implantables/MRIs/CAT Scans/pharmaceuticals) as follows:

No documentation was provided by the requestor on the cost of the implantables.

The Requestor billed the Respondent $68,538.95 and received payments totaling $13,078.99. Considering the reimbursement amount calculated in accordance with the provisions of rule 134.401(c) compared with the amount previously paid by the insurance carrier, we find that no additional reimbursement is due for these services.

PART VI: COMMISSION DECISION

Based upon the review of the disputed healthcare services, the Medical Review Division has determined that the requestor is **not** entitled to additional reimbursement.

Findings and Decision by:

	Gail A. Anderson	03/24/05
Authorized Signature	Typed Name	Date of Order

PART VII: YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the Decision and has a right to request a hearing. A request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings/Appeals Clerk within 20 (twenty) days of your receipt of this decision (28 Texas Administrative Code § 148.3). This Decision was mailed to the health care provider and placed in the Austin Representatives box on _____. This Decision is deemed received by you five days after it was mailed and the first working day after the date the Decision was placed in the Austin Representative's box (28 Texas Administrative Code § 102.5(d)). A request for a hearing should be sent to: Chief Clerk of Proceedings/Appeals Clerk, P.O. Box 17787, Austin, Texas, 78744 or faxed to (512) 804-4011. A copy of this Decision should be attached to the request.

The party appealing the Division's Decision shall deliver a copy of their written request for a hearing to the opposing party involved in the dispute.

Si prefiere hablar con una persona in español acerca de ésta correspondencia, favor de llamar a 512-804-4812.

PART VIII: INSURANCE CARRIER DELIVERY CERTIFICATION

I hereby verify that I received a copy of this Decision in the Austin Representative's box.

Signature of Insurance Carrier: _____ Date: _____