

MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

PART I: GENERAL INFORMATION

Type of Requestor: (x) HCP () IE () IC	Response Timely Filed? (x) Yes () No
Requestor's Name and Address HCA Spring Branch Medical Center C/O Hollaway & Gumbert 3701 Kirby Drive, Suite 1288 Houston, Texas 77098-3926	MDR Tracking No.: M4-05-2159-01
	TWCC No.:
	Injured Employee's Name:
Respondent's Name and Address Transcontinental Insurance Company C/O Stone Loughlin & Swanson LLP P O Box 30111 Austin, Texas 78755 Box 06	Date of Injury:
	Employer's Name: Star Concrete Pumping Company
	Insurance Carrier's No.: 35502116

PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
12/02/03	12/04/03	Surgical Admission	\$24,917.71	\$1,413.65

PART III: REQUESTOR'S POSITION SUMMARY

"Per Rule 134.401 (c)(6)(A)(v), the only charges that may be deducted from the total bill are those for personal items (i.e., television telephone) and those not related to the compensable injury. Moreover, Rule 134.401 (c)(6)(A)(v) states what the carrier can deduct in the audit. The carrier should not confuse the carve-out items identified in section (c)(4) as items that can be deducted in an audit or paid separately."

PART IV: RESPONDENT'S POSITION SUMMARY

"There is no justification for reimbursement of implants at 75% of Provider's grossly inflated charges. Reimbursement for implants at cost plus ten percent provides reimbursement that is consistent with the Act's statutory standards."

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 additional 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 information 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 operative report indicates that this was a removal of instrumentation and posterior spinal fusion. The operative report also indicates the patient was sent to the recovery room in satisfactory condition.

The carrier made reimbursement based on per diem and carve out of the implantables (2 day stay and cost plus ten percent for the implantables, bringing the total amount of reimbursement to \$5,242.87). However, the invoice indicates the amount billed was \$4,018.65 x 110% is \$4,420.52 plus the 2 day stay \$2,236.00(2 x \$1,118.00) = a total reimbursement of \$6,656.52 - \$5,242.87 already paid by the insurance carrier = \$1,413.65 in additional reimbursement due.

Therefore, based on the facts of this situation, the parties' positions, and the application of the provisions of Rule 134.401(c), we find

that the health care provider is entitled to an additional reimbursement in the amount of \$1,413.65.

PART VI: COMMISSION DECISION

Based upon the review of the disputed healthcare services, the Medical Review Division has determined that the requestor is entitled to additional reimbursement in the amount of \$1,413.65. The Division hereby **ORDERS** the insurance carrier to remit this amount plus all accrued interest due at the time of payment to the Requestor within 20 days of this Order.

Ordered by:

Michael Bucklin

04/28/05

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, 7551 Metro Center Drive, Suite 100, 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 en 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 and Order in the Austin Representative's box.

Signature of Insurance Carrier: _____ Date: _____