

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 Twelve Oaks Medical Center C/o Hollaway & Gumbert 3701 Kirby Drive, Suite 1288 Houston, TX 77098-3926	MDR Tracking No.: M4-05-6220-01
	TWCC No.:
	Injured Employee's Name:
Respondent's Name and Address Texas Mutual Ins. Co./Rep. Box #: 54 P.O. Box 12029 Austin, TX 78711	Date of Injury:
	Employer's Name: Huff & Mitchell Inc. Corp.
	Insurance Carrier's No.: 99C0000326525

PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
4-6-04	4-10-04	Inpatient Hospitalization	\$39,361.32	\$39,361.32

PART III: REQUESTOR'S POSITION SUMMARY

Position summary of May 4, 2005 states, "... It is our position that reimbursement was improperly determined pursuant to the acute care inpatient hospital fee guidelines... Because ___'s admission was inpatient, this claim would be reimbursed pursuant to TWCC Rule 134.401... According to Rule 134.401(c)(6), this claim would be reimbursed at the stop-loss rate of 75% as the total audited charges exceed the minimum stop-loss threshold of \$40,000 resulting in a reimbursement of \$93,418.94. Based on the clear working of the rules of the TWCC, the carrier is liable for an additional sum owed our client in the amount of \$39,361.32...".

PART IV: RESPONDENT'S POSITION SUMMARY

Position summary was not submitted.

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** appear that this particular admission involved "unusually extensive services." In particular, this admission resulted in a hospital stay of 4 days. The operative report of April 4, 2004 indicates the patient underwent "... 1. L3-4 bilateral laminectomy and foraminotomy. 2. L4-5 bilateral laminectomy and foraminotomy. 3. L5-S1 bilateral laminectomy and foraminotomy. 4. L3-4 posterior lumbar inner body arthrodesis. 5. L4-5 posterior lumbar interbody arthrodesis. 6. L5-S1 posterior lumbar interbody arthrodesis. 7. Posterior lumbar interbody instrumentation L3-4 (DePuy leopard cage and bone graft). 8. L4-5 Posterior lumbar inner body instrumentation L3-4 (DePuy leopard cage and bone graft). 9. L5-S1 Posterior lumbar inner body instrumentation L3-4 (DePuy leopard cage and bone graft). 10. Posterior lumbar fusion L3-4. 11. Posterior lumbar fusion L4-5. 12. Posterior lumbar fusion L5-S1. 13. Posterior lumbar instrumentation L3-S1. 14. Harvesting large right posteriorly at crest bone graft through separate fascial incision...". Accordingly, the stop-loss method does apply and the reimbursement is to be based on the stop-loss methodology.

The Requestor billed \$124,558.59 and the Respondent reimbursed \$54,057.62. Due to the medical information provided, the admission involved "unusually extensive services". Therefore, the stop-loss reimbursement factor of (75%) results in a workers' compensation reimbursement amount equal to \$39,361.32 (\$93,418.94 - \$54,057.62).

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 a reimbursement amount for these services equal to \$39,361.32.

PART VI: COMMISSION DECISION AND ORDER

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 \$39,361.32. 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 receipt of this Order.

Ordered by:

Allen McDonald

6-24-05

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: _____