

AMENDED 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 Texas Orthopedic Hospital 3701 Kirby Drive, Ste. 1288 Houston, TX 77098-3926		MDR Tracking No.:	M4-05-8302-01 (Previously M4-03-3896-01)
		TWCC No.:	
		Injured Employee's Name:	
Respondent's Name and Address Insurance Co. of the State of Pennsylvania c/o Flahive, Ogden & Latson Box 19		Date of Injury:	
		Employer's Name:	Continental Airlines, Inc.
		Insurance Carrier's No.:	001534075858WC01

PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
01/27/04	01/30/04	Inpatient Hospitalization	\$23,033.14	\$6,350.63

PART III: REQUESTOR'S POSITION SUMMARY

Position Summary states in part, "...Based upon review by the insurance carrier, Gallagher Bassett Services, Inc. ('Gallagher'), and its audit department, denied the above-referenced claim alleging that the aforementioned claim has been properly paid. On the contrary, specifically, per Rule 134.401(c)(6)(A)(i)(iii), once the bill has reached the minimum stop-loss threshold of \$40K, the entire admission will be paid using the stop-loss reimbursement factor ('SLRF') of 75%. Per Rule 134.401(c)(6)(A)(v), the only charges that may be deducted from the total bill are those for personal items... 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

Position Summary states in part, "...It is the position of the Carrier that no additional payment is due for the date of service made the basis of this dispute. All charges were paid in the correct amount and with the appropriate exception codes listed on the TWCC62/EOB. The stop-loss methodology is not applicable in this case. Rule 134.401(6) states, 'Stop-loss is an independent reimbursement methodology established to ensure fair and reasonable compensation to the hospital for *unusually* costly services rendered during treatment to an injured worker.' The requestor has not provided documentation that the services provided were 'unusually costly' or 'unusually extensive'. No additional reimbursement is indicated. Also, the billed amount of implantables was reduced based on Rule 134.401(c)(4)(A)(i)..."

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

This Amended Findings and Decision supersedes all previous Decisions rendered in this Medical Payment Dispute involving the above Requestor and Respondent. The Medical Review Division's Decision of 04/15/05 was appealed and subsequently withdrawn by the Medical Review Division applicable to a Notice of Withdrawal of 05/19/05. An Order was rendered in favor of the Requestor. The Respondent appealed the Order to an Administrative Hearing as the Respondent did not agree with the disposition of this dispute that resulted in the withdrawal of the Findings and Decision of M4-05-3896-01.

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 \$3,354.00 (3 times \$1,118). In addition, the hospital is entitled to additional reimbursement for (implantables/MRIs/CAT Scans/pharmaceuticals) as follows:

Total amount of implantables from invoices submitted by Synthes (\$393.96); MTE (\$2,577.19); Synthes (\$5,573.53); Synthes (\$1,677.84); and MTE (\$472.45) is \$10,694.97 when multiplied by 10% the total is \$11,764.47. According to the UB92, the health care provider has charged \$14,401.61 for implantables, this reflects cost plus a little over 34%.

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 \$6,350.65 (\$3,354.00 + \$11,764.47 = \$15,118.47 - 8,737.84).

PART VI: AMENDED 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 \$6,350.63. 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.

Amended Order by:

James Schneider

May 23, 2005

Authorized Signature

Typed Name

Date of Order

Amended Decision Rendered by:

Marguerite Foster

May 23, 2005

Authorized Signature

Typed Name

Date of Decision

PART VII: YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the Amended 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 Amended Decision was mailed to the health care provider and placed in the Austin Representatives box on _____. This Amended Decision is deemed received by you five days after it was mailed and the first working day after the date the Amended 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 Amended Decision should be attached to the request.

The party appealing the Division's Amended 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 Amended Decision and Order in the Austin Representative's box.

Signature of Insurance Carrier: _____ Date: _____