



## MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

### PART I: GENERAL INFORMATION

**Type of Requestor:** (X) Health Care Provider ( ) Injured Employee ( ) Insurance Carrier

Requestor's Name and Address:  
RGOI ASC, LTD  
5520 N. "C" Street  
McAllen, Texas 78504

MDR Tracking No.: M4-05-8350-01

Claim No.:

Injured Employee's Name:

Respondent's Name **BOX#: 28**  
Liberty Mutual Insurance Company  
P O Box 40460  
Houston, Texas 77240-0460

Date of Injury:

Employer's Name: Regency Plastics of El Paso, Inc.

Insurance Carrier's No.: 973423277

### PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

- Principle Documents:
1. TWCC-60
  2. EOB's
  3. UB-92
  4. Operative Report
  5. Requestor's Position Statement

Position Summary: "Provider has documented a right to additional reimbursement. Provider believes the MDR needs to resolve this fee dispute fairly. Recent MDR decisions claim the provider has not 'provided documentation', yet the MDR seems to have the power to examine a charge, compare it to the reimbursement and determine what the fair and reasonable charge should be. Provider asks only to be treated fairly. This payment by the carrier is on its face inadequate. Based on the documentation provided, Provider is entitled to additional payment so that the reimbursement is both fair and reasonable."

### PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Principle Documents: 1. EOBs

No position statement found in the case file.

### PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date of Service	CPT Code or Description	Part V Reference	Additional Amount Due
05/20/04	Ambulatory Surgical Center Care	1	\$0.00

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

1) This dispute relates to services provided in an Ambulatory Surgical Center that are not covered under a fee guideline for this date of service. Accordingly, the reimbursement determined through this dispute resolution process must reflect a fair and reasonable rate as directed by Commission Rule 134.1. This case involves a factual dispute about what is a fair and reasonable reimbursement for the services provided.

After reviewing the documentation provided by both parties, it appears that neither the requestor nor the respondent provided convincing documentation that sufficiently discusses, demonstrates, and justifies that their purported amount is a fair and reasonable reimbursement (Rule 133.307). The failure to provide persuasive information that supports their proposed amounts makes rendering a decision difficult. After reviewing the services, the charges, and both parties' positions, it is determined that no other payment is due.

During the rule development process for facility guidelines, the Commission had contracted with Ingenix, a professional firm specializing in actuarial and health care information services, in order to secure data and information on reimbursement ranges for these types of services. The results of this analysis resulted in a recommended range for reimbursement for workers' compensation services provided in these facilities. In addition, we received information from both ASCs and insurance carriers in the recent rule revision process. While not controlling, we considered this information in order to find data related to commercial market payments for these services. This information provides a very good benchmark for determining the "fair and reasonable" reimbursement amount for the services in dispute.

To determine the amount due for this particular dispute, staff compared the procedures in this case to the amounts that would be within the reimbursement range recommended by the Ingenix study (from 213.3% to 290% of Medicare for 2004). Staff considered the other information submitted by the parties and the issues related to the specific procedures performed in this dispute. The decision for no additional reimbursement was then presented to a staff team with health care provider billing and insurance adjusting experience. This team considered the decision and discussed the facts of the individual case.

Based on the facts of this situation, the parties' positions, the Ingenix range for applicable procedures, and the consensus of other experienced staff members in Medical Review, we find that no additional reimbursement is due for these services.

#### **PART VI: GENERAL PAYMENT POLICIES/REFERENCES IMPACTING DECISION**

28 Texas Administrative Code Sec. 133.1  
28 Texas Administrative Code Sec. 134.1  
28 Texas Administrative Code Sec. 133.307

#### **PART VII: DIVISION 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 & Decision by:

Michael Bucklin

11/10/05

Authorized Signature

Typed Name

Date of Decision

#### **PART VIII: YOUR RIGHT TO REQUEST JUDICIAL REVIEW**

Appeals of medical dispute resolution decisions and orders are procedurally made directly to a district court in Travis County [see Texas Labor Code, Sec. 413.031(k), as amended and effective Sept. 1, 2005]. An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. The Division is not considered a party to the appeal.

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