



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:	MDR Tracking No.: M4-05-9638-01
Medical Arts Surgery Center 3255 W. Pioneer PKWY Arlington, TX 76013	Claim No.:
	Injured Employee's Name:
Respondent's Name and Address:	Date of Injury:
	Employer's Name: General Motors Corporation
	Insurance Carrier's No.: A41811020600010118
General Motors Corporation Sedgwick Claims Management Services C/O Downs and Stanford, PC Box 47	

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

ASC Group 2 + \$993.98 plus 2nd procedure group 2 + \$496.99 = \$1490.97 @ 213% of case rates.

Principle Documentation:

1. UB-92
2. EOB

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

"The Requestor has been paid for the services provided to the Claimant, for the accepted compensable injury, pursuant to Respondent's methodology including the time spent in the operating room. It is unreasonable for the Respondent to seek more payment than is owed.

1. Position Statement

PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	CPT Code(s) or Description	Part V Reference	Additional Amount Due (if any)
07/30/04	Ambulatory Surgery	1	\$51.00

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

1) This dispute relates to services provided in an Ambulatory Surgical Center (ASC) 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 party has provided convincing documentation that sufficiently discusses, demonstrates, and justifies that their purported amount is a fair and reasonable reimbursement (Rule 133.307). After reviewing the services, the charges, and both parties' positions, it is evident that some other amount represents a fair and reasonable reimbursement.

During the rule development process for facility guidelines, the Commission 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 ASC services. The analysis resulted in a recommended range of reimbursement for workers' compensation services provided in ASC facilities. In addition, both ASCs and insurance carriers provided information related to commercial market payments for ASC services. This information provides a good benchmark for determining a "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 within the reimbursement range recommended by the Ingenix study (from 213.3 to 290% of Medicare for the year 2004). Staff considered the other information submitted by the parties and the issues related to the specific procedures performed in this dispute. Based on this

review, staff selected a reimbursement amount within the Ingenix range. (CPT code 26055 is integral to CPT code 26116; and therefore, not separately payable). The total amount was then presented to a staff team with health care provider billing and insurance adjusting experience. This team considered the recommended amount, discussed the facts of the individual case, and selected the appropriate “fair and reasonable” amount to be ordered in the final decision.

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 a fair and reasonable reimbursement amount for the services is \$951.00. Since the insurance carrier previously paid a total of \$900.00 for the services, the health care provider is entitled to an additional reimbursement in the amount of \$51.00.

PART VI: GENERAL PAYMENT POLICIES/REFERENCES IMPACTING DECISION

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

PART VII: DIVISION DECISION AND ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code, Sec. 413.031, the Division has determined that the requestor is entitled to additional reimbursement in the amount of \$51.00. 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 30-days of receipt of this Order.

Ordered by:

10/19/05

Authorized Signature

Typed Name

Date of Order

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.