Texas Department of Insurance, Division of Workers' Compensation
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1609

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: Presbyterian Hospital of Plano P O Box 910812 Dallas, Texas 75391-0812	MDR Tracking No.: M4-05-A534-01 Claim No.: Injured Employee's Name:
Respondent's Name and Address: Texas Mutual Insurance Company 6210 East Highway 290 Austin, Texas 78723-1098 Box 54	Date of Injury: Employer's Name: Southern Bleacher Company, Inc. Insurance Carrier's No.: 99D0000360613

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Requestor submitted invoices for the implantables, but did not submit an operative report or position statement. Requestor is requesting additional reimbursement in the amount of $68,299.26.

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

"This requester charged $118,044.20 a two day inpatient stay for services that were NOT unusually extensive or costly. This carrier reimbursed the requester one day surgical per diem based on the TWCC Acute Care In-Patient Fee Guideline. The requester has not argued that the services were unusually costly or extensive, just that they billed over $40,000, as you can see in the requester's TWCC 60 packet." Carrier is denying any additional reimbursement.

PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	CPT Code(s) or Description	Part V Reference	Additional Amount Due (if any)
09/30/04-10/02/04	Surgical Admission	I	$14,137.52

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

I. 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." The requestor did not submit an operative report indicating what procedure was performed. 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 carrier made reimbursement for the 2-day stay in the amount of $20,236.08.

The requestor billed $86,285.00 for the implantables.

The requestor submitted invoices indicating the cost for the implantables were $29,216.00.

Therefore, reimbursement based on per diem is $2,236.00(2 x $1,118.00) and reimbursement for the implantables at cost plus ten percent is $32,137.60 ($29,216.00 x 110%). Per diem for the 2-day stay is $2,236.00(2 x $1,118.000) + $32,137.60 for the implantables = $34,373.60 - $20,236.08 already paid by carrier = $14,137.52 in additional reimbursement recommended.

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 additional reimbursement.

PART VI: GENERAL PAYMENT POLICIES/REFERENCES IMPACTING DECISION

28 Texas Administrative Code Sec. 134.401 (c)(6).

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 $14,137.52. 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:

	Amy Rich	09/20/05
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.