



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:
 Twelve Oaks Medical Center
 c/o Hollaway & Gumbert
 3701 Kirby Drive, Suite 1288
 Houston, Texas 77098-3926

MDR Tracking No.: M4-05-B021-01

Claim No.:

Injured Employee's Name:

Respondent's Name and Address:
 National American Insurance Company
 901 S Mo Pac Expressway, Bldg. 4
 Austin, Texas 78746-5776
 Box 02

Date of Injury:

Employer's Name: Rode Enterprises, Inc.

Insurance Carrier's No.: XI010584

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Requestor submitted invoices for the implantables, operative report and discharge summary. The requestor states in their position statement: "Our client does not agree with the position of the insurance carrier and is seeking assistance from the Medical Dispute Resolution in order to resolve this issue."

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

No response was found in the dispute packet.

PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date of Service	CPT Code(s) or Description		Part V Reference	Amount Due
08/03/04-08/11/04	Surgical Admission			\$4,923.21

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 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 the provider, it does **not** appear that this particular admission involved "unusually extensive services." The provider submitted an operative report indicating that a posteriolateral L4-L5 and L5-S1 level fusion was performed and no complications were noted. 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.

Carrier denied services per a contract. The Requestor refutes this in their position statement indicating a contract does not exist between both parties. Therefore, this dispute will be reviewed per TWCC Act and Rules.

The carrier made reimbursement for the 8-day stay in the amount of \$20,337.09.

The requestor billed \$47,049.00 for the implantables.

The requestor submitted invoices indicating the cost for the implantables were \$14,833.00.

Therefore, reimbursement based on per diem is \$8,944.00(8 x \$1,118.00) and reimbursement for the implantables at cost plus ten percent is \$16,316.30 (\$14,833.00 x 110%). Per diem for the 8-day stay is \$8,944.00(8 x \$1,118.000) + \$16,316.30 for the implantables = \$25,260.30 - \$20,337.09 already paid by the carrier = \$4,923.21 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 Administration 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 \$4,923.21. 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:

Michael Bucklin

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.