



## MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

### PART I: GENERAL INFORMATION

<b>Type of Requestor:</b> (x) Health Care Provider ( ) Injured Employee ( ) Insurance Carrier	
Requestor's Name and Address: Vista Hospital of Dallas 4301 Vista Pasadena, Texas 77504	MDR Tracking No.: M4-05-B342-01
	Claim No.:
	Injured Employee's Name:
Respondent's Name and Address: JC Penney Corporation, Inc. c/o AIG Claims Services, Inc. ATTN: Donna Hawkes Dallas, Texas 75231 Box 19	Date of Injury:
	Employer's Name: JC Penney Corporation, Inc.
	Insurance Carrier's No.: 149137970

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

Requestor submitted an operative report, invoices and discharge summary. The requestor indicates in their position statement that, "As discussed in this decision, there is no evidence or denials presented by the Carrier that the prices billed were not Provider's usual and customary charges (which the Hospital must bill under Commission's rules), that the price markup was not consistent with the geographical or other hospital billing practices, or that the final price was not fair and reasonable."

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

Carrier indicates in their position statement; "This is a medical fee dispute arising from an inpatient hospital surgical admission, dates of service 09/27/04 to 10/05/04. Requestor billed a total of \$128,968.633. The Requestor asserts it is entitled to reimbursement in the amount of \$96,726.47, which is 75% of the total charges. Requestor has not shown entitlement to this alternative, exceptional method of calculating reimbursement and has not otherwise properly calculated the audited charges."

### PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	CPT Code(s) or Description	Part V Reference	Additional Amount Due (if any)
09/27/04-10/05/04	Surgical Admission		\$20,720.90

### 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 fusion posterolaterally at L2-3 fusion and a two-level complete laminectomy at L2-3 and L3-4, to decompress spinal stenosis was performed and the patient left the OR in good condition and no complications were noted. Accordingly, the stop-loss method does not apply and the reimbursement is to be based on the per diem methodology described in the same rule.

Carrier made no reimbursement indicating that preauthorization was not obtained.

The Requestor submitted 3 copies of preauthorization, one for the fusion for 3 days and another for an additional one day and another for 3 days additional stay indicating preauthorization was obtained. Therefore, this dispute will reviewed per TWCC Act and Rules.

The Requestor billed for an 8-day stay, but only received 6-day stay per the preauthorization copies and the review will be for the preauthorized 6-day stay.

The carrier made no reimbursement for the 6-day stay.

The requestor billed \$51,028.00 for the implantables per their submitted UB-92 revenue code 278.

The Requestor submitted invoices that totaled \$12,739.00.

Therefore, reimbursement based on per diem is \$6,708.00(6x \$1,118.00) and reimbursement for the implantables at cost plus ten percent is \$14,012.90 (\$12,739.00 x 110%). Per diem for the 6-day stay is \$6,708.00(6 x \$1,118.000) + \$14,012.90 for the implantables = \$20,720.90 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 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 reimbursement in the amount of \$20,720.90. 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:

Allen McDonald

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.**