



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:
Vista Medical Center Hospital
4301 Vista Road
Pasadena, Texas 77504

MDR Tracking No.: M4-05-B534-01

Claim No.:

Injured Employee's Name:

Respondent's Name and Address:
American Casualty Company of Reading PA
c/o Stone Loughlin & Swanson, LLP
P O Box 30111
Austin, Texas 78755
Box 06

Date of Injury:

Employer's Name: Dennys, Inc.

Insurance Carrier's No.:
3C810438R5

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Requestor submitted an operative report and discharge summary. No position statement was noted in the case file.

Requestor is seeking additional reimbursement in the amount of \$38,163.52.

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Carrier states in the position statement: "Reimbursement in this case should be pursuant to the standard per diem reimbursement. The patient was admitted for elective surgery with a short, two-day stay. The procedure was routine and uncomplicated one. According to the Operative Report, there were no complications and the claimant was 'taken to recovery room in good condition'."

PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	CPT Code(s) or Description	Part V Reference	Additional Amount Due (if any)
10/26/04-10/28/04	Surgical Admission	I	\$0.00

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 provider submitted an operative report indicating that a redo right and left discectomy at L4-5 and redo right and left L5-S1 partial laminectomy and foraminotomy was performed. The patient was taken to the recovery room 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.

The carrier made reimbursement for the 2-day stay in the amount of \$2,236.00 per the Table of Disputed Services.

Therefore, reimbursement based on per diem is \$2,236.00(2 x \$1,118.00). Per diem amount reimbursed by the carrier is \$2,236.00.

leaving no additional reimbursement recommended.

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 not 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 not** entitled to additional reimbursement.

Ordered by:

Michael Bucklin

01/03/06

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.