



## 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 Hospital of Dallas  
4301 Vista  
Pasadena, Texas 77504

MDR Tracking No.: M4-05-B571-01

Claim No.:

Injured Employee's Name:

Respondent's Name and Address:  
Liberty Mutual Fire Insurance Company  
Box 28

Date of Injury:

Employer's Name: Rehabcare Group, Inc.

Insurance Carrier's No.: 949666630

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

Principle documentation:

1. An operative report.
2. A discharge summary.
3. A position statement.
4. Invoices.

"F-Payment not in accordance with Acute Care In Patient Stop Loss per Fee Guideline."

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

Principle documentation:

1. A position statement noted in the case file.

"We base our payments on the Texas Fee Guidelines and the Texas Workers' Compensation Commission Acts and Rules."

### PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	CPT Code(s) or Description	Part V Reference	Additional Amount Due (if any)
10/18/04-10/21/04	Surgical Admission	I & II	\$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."

II. 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 an anterior cervical fusion C4-C7 and a posterior cervical fusion at C4 to T1 was performed; the operative report did not indicate any complications and left the OR in good condition with cervical collar on. Accordingly, the stop-loss method does not apply and the reimbursement is to be based on the per diem methodology

plus carve-outs described in the same rule.

Requestor billed \$135,453.12 for the 3-day hospital stay.

The carrier made reimbursement for the 3-day stay in the amount of \$47,787.03.

Per diem for the 3-day stay are \$3,354.00 (\$1,118.00 x 3) and cost plus ten percent for the implantables. The provider submitted invoices indicating the cost of \$11,118.00 for the implantables. Cost plus ten percent for the implantables \$12,229.80 (\$11,118.00 x 110% = \$12,229.80) + \$3,354.00 per diem = \$15,583.80. The carrier reimbursed the provider \$47,787.03, leaving no 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 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

06/07/06

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.**