



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 Road
Pasadena, Texas 77504

MDR Tracking No.: M4-05-B626-01

Claim No.:

Injured Employee's Name:

Respondent's Name and Address:
Transportation Insurance Company
c/o Stone Loughlin & Swanson, LLP
P O Box 30111
Austin, Texas 78755
Box 06

Date of Injury:

Employer's Name: Strom Aviation, Inc.

Insurance Carrier's No.:

64671142

PART II: REQUESTOR'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

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

PART III: RESPONDENT'S PRINCIPLE DOCUMENTATION AND POSITION SUMMARY

Carrier submitted a position statement indicating: "Reimbursement in this case should be pursuant to the standard per diem method. The audited charges do not exceed \$40,000 and the services provided were not unusually extensive and costly. The patient was admitted for elective surgery with a short, two-day stay. There is no evidence that the claimant had any co-morbidities or complications that resulted in the need for unusually extensive and costly services."

PART IV: SUMMARY OF DISPUTE AND FINDINGS

Date(s) of Service	CPT Code(s) or Description	Part V Reference	Additional Amount Due (if any)
10/22/04-10/24/04	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 an posterolateral lumbar fusion L3-L4 and re-do fusion at L4-5 bilaterally was performed, 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 plus carve-out methodology described in the same rule.

The carrier made reimbursement for the 2-day stay in the amount of \$17,898.90 per the Table of Disputed Services.

The requestor billed \$51,668.00 for the implantables.

The requestor submitted invoices indicating the cost for the implantables were \$14,239.00.

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 \$15,662.90 (\$14,239.00 x 110%). Per diem amount is \$2,236.00 + \$15,662.90 for the implantables = \$17,898.90, 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

12/20/05

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.