



Texas Department of Insurance

Division of Workers' Compensation

Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

KINGWOOD MEDICAL CENTER

Respondent Name

NEW HAMPSHIRE INSURANCE COMPANY

MFDR Tracking Number

M4-10-1207-01

Carrier's Austin Representative Box

Box Number 19

MFDR Date Received

October 21, 2009

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "it is the position of the Provider that all charges relating to the admission of this claimant are due and payable and not subject to the improper reductions taken by the carrier in this case. The carrier's position is incorrect and in violation of the Hospital Facility Fee Guideline for outpatient services."

Amount in Dispute: \$859.75

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "it is the carrier's position that the provider is requesting 63% of billed charges. However, the contract has the 'lesser of' language which means 63% of billed charges or 90% off the Workers' Compensation Fee Schedule, whichever is the lesser. The lesser is 90% of TX WC fee schedule, as noted in the attached Explanation of Review."

Response Submitted by: CHARTIS, Dallas Workers' Compensation Service Center, 4100 Alpha Rd., Suite 700, Dallas, Texas 75244

SUMMARY OF FINDINGS

| Date(s) of Service | Disputed Services | Amount In Dispute | Amount Due |
|--------------------|------------------------------|-------------------|------------|
| October 22, 2008 | Outpatient Hospital Services | \$859.75 | \$393.80 |

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.403, titled *Hospital Facility Fee Guideline – Outpatient*, sets out the reimbursement guidelines for facility services provided in an outpatient acute care hospital.
3. The services in dispute were reduced/denied by the respondent with the following reason codes:
 - 45 – Charges exceed your contracted/legislated fee arrangement
 - W1 – Workers Compensation State Fee Schedule Adjustment
 - 96 – Non-covered charge(s).
 - 97 – Payment is included in the allowance for another service/procedure.

Issues

1. Are the disputed services subject to a contractual agreement between the parties to this dispute?
2. What is the applicable rule for determining reimbursement for the disputed services?
3. What is the recommended payment amount for the services in dispute?
4. Is the requestor entitled to reimbursement?

Findings

1. The insurance carrier reduced or denied disputed services with reason code 45 – “Contract/Legislated Fee Arrangement Exceeded.” No copies of any contracts were submitted for review. Review of the submitted information found no documentation to support a contractual fee agreement between the parties to this dispute. No documentation was found to support that the insurance carrier, New Hampshire Insurance Company, had been granted access to a contractual fee agreement between the health care provider and an informal or voluntary insurance network. The above denial/reduction reason is not supported. The disputed services will therefore be reviewed for payment in accordance with applicable Division rules and fee guidelines.
2. This dispute relates to facility services performed in an outpatient hospital setting with reimbursement subject to the provisions of 28 Texas Administrative Code §134.403, which requires that the reimbursement calculation used for establishing the maximum allowable reimbursement (MAR) shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Outpatient Prospective Payment System (OPPS) reimbursement formula and factors as published annually in the Federal Register with the application of minimal modifications as set forth in the rule. Per §134.403(f)(1), the sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 200 percent, unless a facility or surgical implant provider requests separate reimbursement of implantables. Review of the submitted documentation finds that separate reimbursement for implantables was not requested.
3. Under the Medicare Outpatient Prospective Payment System (OPPS), each billed service is assigned an Ambulatory Payment Classification (APC) based on the procedure code used, the supporting documentation and the other services that appear on the bill. A payment rate is established for each APC. Depending on the services provided, hospitals may be paid for more than one APC per encounter. Payment for ancillary and supportive items and services, including services that are billed without procedure codes, is packaged into payment for the primary service. A full list of APCs is published quarterly in the OPPS final rules which are publicly available through the Centers for Medicare and Medicaid Services (CMS) website. Reimbursement for the disputed services is calculated as follows:
 - Procedure code 99284 is assigned status indicator V, which denotes an emergency department visit paid under OPPS with separate APC payment. These services are classified under APC 0615, which, per OPPS Addendum A, has a payment rate of \$212.59. This amount multiplied by 60% yields an unadjusted labor-related amount of \$127.55. This amount multiplied by the annual wage index for this facility of 0.989 yields an adjusted labor-related amount of \$126.15. The non-labor related portion is 40% of the APC rate or \$85.04. The sum of the labor and non-labor related amounts is \$211.19. The cost of these services does not exceed the annual fixed-dollar threshold of \$1,575. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$211.19. This amount multiplied by 200% yields a MAR of \$422.38.
 - Procedure code 12001 has a status indicator of T, which denotes a significant procedure subject to multiple-procedure discounting. The highest paying status T procedure is paid at 100%; all others are paid at 50%. This procedure is paid at 100%. These services are classified under APC 0133, which, per OPPS Addendum A, has a payment rate of \$81.48. This amount multiplied by 60% yields an unadjusted labor-related amount of \$48.89. This amount multiplied by the annual wage index for this facility of 0.989 yields an adjusted labor-related amount of \$48.35. The non-labor related portion is 40% of the APC rate or \$32.59. The sum of the labor and non-labor related amounts is \$80.94. The cost of these services does not exceed the annual fixed-dollar threshold of \$1,575. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$80.94. This amount multiplied by 200% yields a MAR of \$161.88.
 - Procedure code 90471 has a status indicator of S, which denotes a significant procedure, not subject to multiple-procedure discounting, paid under OPPS with separate APC payment. These services are classified under APC 0437, which, per OPPS Addendum A, has a payment rate of \$25.13. This amount multiplied by 60% yields an unadjusted labor-related amount of \$15.08. This amount multiplied by the annual wage index for this facility of 0.989 yields an adjusted labor-related amount of \$14.91. The non-labor related portion is 40% of the APC rate or \$10.05. The sum of the labor and non-labor related amounts is \$24.96. The cost of these services does not exceed the annual fixed-dollar threshold of \$1,575. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$24.96. This amount multiplied by 200% yields a MAR of \$49.92.

- Procedure code 90718 has a status indicator of N, which denotes packaged items and services with no separate APC payment; payment is packaged into the reimbursement for other services, including outliers.
4. The total allowable reimbursement for the services in dispute is \$634.18. This amount less the amount previously paid by the insurance carrier of \$240.38 leaves an amount due to the requestor of \$393.80. This amount is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$393.80.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$393.80, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

Signature

Grayson Richardson
Medical Fee Dispute Resolution Officer

April 4, 2014
Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute may appeal this decision by requesting a contested case hearing. A completed **Request for a Medical Contested Case Hearing** (form **DWC045A**) must be received by the DWC Chief Clerk of Proceedings within **twenty** days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. The party seeking review of the MDR decision shall deliver a copy of the request for a hearing to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision* together with any other required information specified in 28 Texas Administrative Code §148.3(c), including a **certificate of service demonstrating that the request has been sent to the other party.****

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.