



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

TEXAS HEALTH DALLAS

Respondent Name

DALLAS ISD

MFDR Tracking Number

M4-14-2888-01

Carrier's Austin Representative Box

Box Number 19

MFDR Date Received

May 16, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "We respectfully ask that you reprocess this admit at 143% of Medicare allowable per the Texas fee schedule."

Amount in Dispute: \$100.96

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Therefore, the prior reimbursement was calculated as follows: The hospital billed amount of \$58,328.54 less the billed amount of \$18,508.00 for implants leaves a balance of \$39,820.54. Using this amount in the Medicare Inpatient Pricer version 2014.3 the total DRG reimbursement amount is \$14,033.64. This amount multiplied by the DWC markup of 108% = \$15,156.33. This amount plus \$5064.40 for implants = \$20,220.73."

Response Submitted by: Argus

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
October 10, 2013 to October 14, 2013	Inpatient Hospital Surgical Services	\$100.96	\$36.85

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

- 28 Texas Administrative Code §133.307 amended to be effective May 31, 2012, 37 Texas Register 3833, applicable to medical fee dispute resolution requests filed on or after June 1, 2012, sets out the procedures for resolving a medical fee dispute.
- 28 Texas Administrative Code §134.404 sets out the guidelines for reimbursement of hospital facility fees for inpatient services.
- The services in dispute were reduced/denied by the respondent with the following reason codes:
 - Explanation of benefits
 - W1QA – Workers Compensation State Fee Schedule Adjustment
 - 97 H – The benefit for this service is included in the payment/allowance for another service/procedure that

has already been adjudicated

- W5 – Request of recoupment for an overpayment made to a health care provider
- 193 – Original payment decision is being maintained. Upon review, it was determined that his claim was processed properly
- W3 – Additional payment made on appeal/reconsideration
- W1UA – Workers compensation State Fee Schedule Adjustment. *Implantables are reimbursed at the lesser of the manufacturers invoice amount or the net amount plus 10% or \$1000.00 per billed item add-on, whichever is less, not to exceed \$2,000.00 in add-on.

Issues

1. What is the reimbursement for pass thru amount?
2. Were the disputed services subject to a specific fee schedule set in a contract between the parties that complies with the requirements of Labor Code §413.011?
3. Which reimbursement calculation applies to the services in dispute?
4. What is the maximum allowable reimbursement for the services in dispute?
5. Is the requestor entitled to additional reimbursement for the disputed services?

Findings

1. The respondent's position states "Per the Medicare guidelines, the pass thru amount of \$93.48 is not part of the inpatient prospective payment system reimbursement. Therefore, no additional allowance is due."
28 Texas Administrative Code §134.404(f) provides, in pertinent part, that "The reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Inpatient Prospective Payment System (IPPS) reimbursement formula and factors as published annually in the Federal Register" with minimal modification as specified in the rule. Contrary to the respondent's position, the Division notes that the Rule Adoption Order does not specify that pass-through reimbursements are excluded from payment rule, only that the Labor Code does not provide for pass-through reimbursements to cover bad debt or direct medical education. The Division clarified elsewhere in the preamble that "Bad debt and direct medical education are paid outside the base methodology and are a part of the cost report reconciliation process, which the Division has not adopted" (33 Texas Register 419). In each instance, the Division is referring to a process, cost report reconciliation, that was not adopted and accordingly not mentioned in the text of the rule. The respondent has not supported the argument that pass-through amounts are to be excluded from CMS's base methodology, or from the calculation of the Medicare facility specific amount.
2. 28 Texas Administrative Code §134.404(e) states that: "Except as provided in subsection (h) of this section, regardless of billed amount, reimbursement shall be:
(1) the amount for the service that is included in a specific fee schedule set in a contract that complies with the requirements of Labor Code §413.011; or
(2) if no contracted fee schedule exists that complies with Labor Code §413.011, the maximum allowable reimbursement (MAR) amount under subsection (f) of this section, including any applicable outlier payment amounts and reimbursement for implantables."
No documentation was found to support the existence of a contractual agreement between the parties to this dispute; therefore the MAR can be established under §134.404(f).
3. §134.404(f) states that "The reimbursement calculation used for establishing the MAR shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Inpatient Prospective Payment System (IPPS) reimbursement formula and factors as published annually in the Federal Register. The following minimal modifications shall be applied.
(1) The sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by:
(A) 143 percent; unless
(B) a facility or surgical implant provider requests separate reimbursement in accordance with subsection (g) of this section, in which case the facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 108 percent."
No documentation was found to support that the facility requested separate reimbursement for implantables; for that reason the MAR is calculated according to §134.404(f)(1)(A).
4. §134.404(f)(1)(A) establishes MAR by multiplying the most recently adopted and effective Medicare Inpatient Prospective Payment System (IPPS) reimbursement formula and factors (including outliers) by 143%. Information regarding the calculation of Medicare IPPS payment rates may be found at <http://www.cms.gov>.

Documentation found supports that the DRG assigned to the services in dispute is 470, and that the services were provided at Texas Health Dallas. Consideration of the DRG, location of the services, and bill-specific information results in a total Medicare facility specific allowable amount of \$14,166.14. This amount multiplied by 143% results in a MAR of \$20,257.58.

5. The total allowable reimbursement for the services in dispute is \$20,257.58. This amount less the amount previously paid by the insurance carrier of \$20,220.73 leaves an amount due to the requestor of \$36.85. This amount is recommended.

Conclusion

For the reasons stated above, the division finds that the requestor has established that additional reimbursement is due.

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 \$36.85 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

_____	_____	10/24/14
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request 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 §141.1(d).

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