



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 FORT WORTH

Respondent Name

ACE AMERICAN INSURANCE CO

MFDR Tracking Number

M4-15-1221-01

Carrier's Austin Representative Box

Box Number 15

MFDR Date Received

December 19, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "HRA has been hired by Texas Health of Forth Worth to audit their Workers Compensation claims. We have found in this audit they have not paid what we determine to be the correct amount for this inpatient surgery per the Texas fee schedule in effect as of 2008.

Per the applicable Texas fee schedule the correct allowable would be per the DRG 464. The allowable for this DRG per Medicare is \$18,858.84, we have also attached the print out for your review from the Medicare price program. The correct allowable would be at 143% making the allowable at \$26,968.14. Based on their payment of \$26,562.18, there is an additional of \$405.96, still due at this time."

Amount in Dispute: \$405.96

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Upon receipt of the MDR, the bill was sent for additional review. IT was determined that no additional is owed to the provider. Attached is a copy of the EOR and explanation letter."

Response Submitted by: ACE/ESIS

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
February 01, 2014 to February 06, 2014	Inpatient Hospital Surgical Services	\$405.96	\$0.00

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:

- 1 – Charge exceeds fee schedule allowance
- 2 – Reduction is based on the inpatient fee schedule
- 3 – W1 Workers compensation jurisdictional fee schedule adjustment
- 1 – Previous recommended payment amount on line \$533.06
- 2 – Previous recommended history on DCN(s): 23486985=\$533.06 (993,222,ANSIW) (RE555)
- 3 – Previous recommended history on DCN(s): 23486985=\$1,007.43 (993,222,ANSIW) (RE555)
- 4 – Previous recommended history on DCN(s): 23486985=\$2,210.37 (993,222,ANSIWI) (RE555)
- 5 – Previous recommended history on DCN(s): 23486985=\$69.53 (993,222,ANSIWI) (RE555)
- 6 – Previous recommended payment on line: \$1452.71
- 7 – Previous recommended payment amount on line: \$69.53
- 8 – Additional recommendation is based upon additional supporting documentation received
- 9 – Previous recommended history on DCN(s): 23486985=\$183.21 (993,222, ANSIWI) (RE555)
- 10 – Previous recommended history on DCN(s): 23486985=\$760.54 (993,222, ANSIWI) (RE555)
- 11 – Reduction is based on the Inpatient fee schedule
- 12 – Workers compensation jurisdictional fee schedule adjustment
- 13 – Previous recommended history on DCN(s): 23486985=\$3,302.67 (993,222, ANSIWI) (RE555)
- 14 – Previous recommended payment amount on line \$183.21
- 15 – Previous recommended history on DCN(s): 23486985=\$217.74 (993,222, ANSIWI) (RE555)
- 16 – Previous recommended history on DCN(s): 23486985=\$56.09 (993, 222, ANSIWI) (RE555)
- 17 – Previous recommended payment amount on line \$3723.09
- 18 – Previous recommended history on DCN(s): 2348695=\$511.62 (993, 222, ANSIWI) (RE555)
- 19 – Previous recommended history on DCN(s): 23486985=\$64.43 (993, 222, ANSIWI) (RE555)
- 20 – Previous recommended payment amount on line \$275.34
- 21 – Previous recommended payment amount on line \$56.09
- 22 – Previous recommended history on DCN(s): 23486985=\$1,452.71 (993, 222, ANSIWI) (RE555)
- 23 – Previous recommended payment amount on line: \$760.54
- 24 – Previous recommended payment amount on line: \$773.87
- 25 – Previous recommended history on DCN(s): 23486985=\$275.34 (993, 222, ANSIWI) (RE555)
- 26 – Previous recommended history on DCN(s): 23486985=\$773.87 (995, 222, ANSIWI) (RE555)
- 27 – Previous recommended payment amount on line : \$217.74
- 28 – Previous recommended payment amount on line: \$64.43
- 29 – Previous recommended payment amount on line \$2210.37
- 30 – Previous recommended payment amount on line: \$8352.27
- 31 – As of 2013, there are two new fields on the Medicare PC Pricer. These fields, “READMIT” (Readmission Reduction Program Adjustment) and “VBP” (Value Based Purchasing Adjustment), as well as the “Pass thru Amnt”, are not considered when calculating Worker’s Compensation claims. These three amounts are deducted from the TOTAL AMT before 143% or 108% is applied. Previous recommended payment amount on line \$3302.67. Additional recommended allowance of \$1351.98 is being made based upon additional supporting documentation received
- 32 – Charges exceed fee schedule allowance
- 33 – Previous recommended history on DCN(s): 23486985=\$3,723.09 (993,222, ANSIWI) (RE555)
- 34 – Previous recommended history on DCN(s): 23486985=\$8,352.27 (993,222, ANSIWI) (RE555)
- 35 – Previous recommend payment amount on line: \$1007.43
- 36 – Previous recommended payment amount on line: \$1716.23
- 37 – Previous recommended payment amount on line: \$511.62
- 38 – Previous recommended history on DCN(s): 23486985=\$1,716.23 (993,222, ANSIWI) (RE555)

Issues

1. 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?
2. Which reimbursement calculation applies to the services in dispute?
3. What is the maximum allowable reimbursement for the services in dispute?
4. Is the requestor entitled to additional reimbursement for the disputed services?

Findings

1. 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).

2. §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).

- 3. §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 464, and that the services were provided at Texas Health Fort Worth. Consideration of the DRG, location of the services, and bill-specific information results in a total Medicare facility specific allowable amount of \$18,563.40. This amount multiplied by 143% results in a MAR of \$26,545.66.
- 4. The division concludes that the total allowable reimbursement for the services in dispute is \$26,545.66. The respondent issued payment in the amount of \$26,562.18. Based upon the documentation submitted, no additional reimbursement is recommended.

Conclusion

For the reasons stated above, the division finds that no additional reimbursement is due.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code §413.031, the Division has determined that the requestor is entitled to \$0.00 reimbursement for the disputed services.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	Date
		1/30/15

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.