

**SOAH DOCKET NO. 454-13-0111.M4**  
**DWC NO. \_\_\_\_\_**

<b>PACIFIC EMPLOYERS INSURANCE COMPANY, Petitioner</b>	§ § § § § § § § §	<b>BEFORE THE STATE OFFICE         OF         ADMINISTRATIVE HEARINGS</b>
<b>v.</b>		
<b>TEXAS ORTHOPEDIC HOSPITAL, Respondent</b>		

**DECISION AND ORDER BASED UPON STIPULATIONS**

Pacific Employers Insurance Company (PEIC) challenges the award of additional reimbursement to Texas Orthopedic Hospital (TOH) for hospital outpatient services performed at TOH for an injured worker on August 8-9, 2008. The parties have stipulated the PEIC paid the amount due TOH under the applicable fee guideline. The Administrative Law Judge (ALJ) finds that PEIC paid the amount due TOH under the applicable fee guideline. Accordingly, PEIC is not required to pay TOH additional reimbursement for the services provided to the injured worker on the dates of service in issue in this case.

**I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY**

There are no issues of notice, jurisdiction, or procedural history. Therefore, these matters are addressed in the Findings of Fact and Conclusions of Law without further discussion.

**II. DISCUSSION**

On August 14, 2013, the parties filed a Proposed Agreed Judgment wherein they stated the following: (1) The dispute arises from outpatient hospital services governed by the Texas workers' compensation laws; (2) PEIC has paid the amount due TOH under the applicable fee guidelines; and (3) PEIC owes no additional payment to TOH for services provided to the injured worker on the designated dates of service.

### **III. FINDINGS OF FACT**

1. Hospital outpatient procedures were performed at Texas Orthopedic Hospital (TOH) on August 8-9, 2008, for an injured worker.
2. Pacific Employers Insurance Company (PEIC) was the responsible workers' compensation insurer for the injured worker.
3. PEIC reimbursed TOH an amount less than that TOH requested.
4. TOH timely filed a request for medical fee dispute resolution with the Texas Department of Insurance, Division of Workers' Compensation (Division).
5. On August 16, 2012, the Division issued its Medical Fee Dispute Resolution Findings and Decision (MRD Decision), granting TOH additional reimbursement for the August 2008 hospital outpatient services.
6. PEIC timely requested a hearing before the State Office of Administrative Hearings (SOAH) to contest the MRD Decision.
7. On August 14, 2013, the parties filed a Proposed Agreed Judgment. PEIC was represented by attorney Nicholas Canaday III. TOH was represented by attorney T. Daniel Hollaway. No hearing was noticed or convened.
8. At the time PEIC provided the services, there was an applicable fee guideline for hospital outpatient services.
9. PEIC paid TOH the amount of reimbursement due under the applicable fee guideline.
10. TOH is not entitled to additional reimbursement from PEIC for the hospital outpatient services provided to the injured worker on the dates of service in issue in this case.

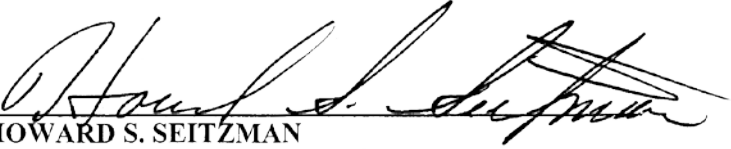
### **IV. CONCLUSIONS OF LAW**

1. SOAH has jurisdiction over this proceeding, including the authority to issue a decision and order, pursuant to Texas Labor Code § 413.031 and Texas Government Code ch. 2003.
2. The hospital outpatient services provided to the injured worker were covered by a fee guideline issued by the Division.
3. PEIC paid TOH the amount of reimbursement due under the applicable fee guideline.
4. TOH is not entitled to additional reimbursement from PEIC for the hospital outpatient services provided to the injured worker on the dates of service in issue in this case.

**ORDER**

**IT IS ORDERED** that TOH is not entitled to additional reimbursement from PEIC for the hospital outpatient services that TOH provided to the injured worker on the dates of service in issue in SOAH Docket No\_\_\_\_.

**SIGNED August 20, 2013.**

  
HOWARD S. SEITZMAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS