

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

**NO. 03-13-00616-CV
NO. 03-13-00617-CV**

Vista Medical Center Hospital, Appellant

v.

**Texas Department of Insurance, Division of Workers' Compensation; and
Texas Mutual Insurance Company, Appellees**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 261ST JUDICIAL DISTRICT
NOS. D-1-GN-08-002596 & D-1-GN-07-004216
HONORABLE STEPHEN YELENOSKY, JUDGE PRESIDING**

NO. 03-13-00618-CV

Vista Medical Center Hospital and Vista Hospital of Dallas, LLP, Appellants

v.

**Texas Department of Insurance, Division of Workers' Compensation; and
Texas Mutual Insurance Company, Appellees**

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 261ST JUDICIAL DISTRICT
NO. D-1-GN-07-004382, HONORABLE STEPHEN YELENOSKY, JUDGE PRESIDING**

MEMORANDUM OPINION

These three causes arise from workers' compensation "stop-loss" disputes that each yielded a district court judgment reversing a final administrative order that had awarded

Vista Medical Center Hospital or Vista Hospital of Dallas, LLP (collectively, “Vista”) additional reimbursement, remanding Vista’s reimbursement claims to the Division of Workers’ Compensation, and awarding Texas Mutual Insurance Company recoupment, under a “money-had-and-received” theory, of the additional reimbursement that the carrier had paid Vista in the interim. Vista has perfected an appeal from each judgment, contending principally that the district court lacked subject-matter jurisdiction to award the monetary relief because the claims implicated the Division’s exclusive jurisdiction over medical-fee disputes. As all parties acknowledge, our recent decision in *Vista Medical Center Hospital v. Texas Mutual Insurance Co.*, __S.W.3d __, Nos. 03-11-00641-CV through 03-11-00643-CV, and Nos. 03-11-00742-CV through 03-11-00785-CV, 2013 WL 5477490 (Tex. App.—Austin Sept. 27, 2013, no pet.), addressed the identical issues and controls our disposition here. Accordingly, we reverse the portions of the district court’s judgments that awarded Texas Mutual monetary relief; render judgment dismissing those claims for want of jurisdiction; and remand the causes to the district court for further proceedings consistent with this opinion. *See id.* at *25.

Bob Pemberton, Justice

Before Chief Justice Jones, Justices Pemberton and Field

Reversed and Rendered in part; Remanded in part

Filed: January 3, 2014