

STATE OF FLORIDA  
DEPARTMENT OF CHILDREN AND FAMILIES  
OFFICE OF APPEAL HEARINGS

FILED

NOV 13 2009

OFFICE OF APPEAL HEARINGS  
DEPT. OF CHILDREN & FAMILIES

APPEAL NO. 09F-05335

PETITIONER,

Vs.

AGENCY FOR HEALTH CARE ADMINISTRATION  
CIRCUIT: 06 Pinellas  
UNIT: AHCA

RESPONDENT.

FINAL ORDER

Pursuant to notice, an administrative hearing was scheduled before the undersigned hearing officer on October 30, 2009, at 8:39 a.m. in St. Petersburg, Florida. The respondent represented by Patricia Cobb, AHCA registered nurse specialist. Witness for the respondent from Keystone Peer Review Organization (KePRO) was Melanie Clyatt, register nurse review operation supervisor.

The hearing officer left the record open for confirmation. Confirmation was received on November 2, 2009. The record was closed on November 2, 2009.

ISSUE

The petitioner was appealing the notices of August 4 and 19, 2009 for the respondent's action to deny 4,320 hours of private duty nursing for the period of August 2, 2009 through January 28, 2010.

### **FINDINGS OF FACT**

1. The respondent offered to approve the petitioner's private duty nursing for 24 hours a day, seven days a week from August 2, 2009 through November 2, 2009 and 20 hours a day, seven days a week from November 3, 2009 through January 28, 2010. The petitioner accepted the hours of approval offered by the respondent. On November 2, 2009, the hearing officer received a letter which indicated that the respondent approved private duty nursing for 24 hours a day, seven days a week from August 2, 2009 through November 2, 2009 and 20 hours a day, seven days a week from November 3, 2009 through January 28, 2010.

### **CONCLUSIONS OF LAW**

The rules for home health services are set forth in the Florida Administrative Code at 59G-4.130 and the Home Health Services and Limitations Handbook in Chapter 2. The evidence demonstrates that the matter under appeal has been resolved. As the matter has been resolved, the appeal is dismissed.

### **DECISION**

This appeal is dismissed.

### **NOTICE OF RIGHT TO APPEAL**

This decision is final and binding on the part of the agency. If the petitioner disagrees with this decision, the petitioner may seek a judicial review. To begin the judicial review, the petitioner must file one copy of a "Notice of Appeal" with the Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308-5403. The petitioner must also file another copy of the "Notice of Appeal" with the appropriate District Court of Appeal. The Notices must be filed within thirty (30) days of the date stamped on the first page of the

FINAL ORDER (Cont.)

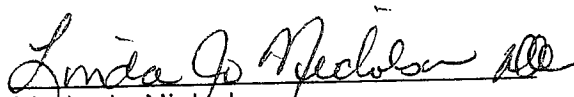
09F-05335

PAGE - 3

final order. The petitioner must either pay the court fees required by law or seek an order of indigency to waive those fees. The agency has no funds to assist in this review, and any financial obligations incurred will be the petitioner's responsibility.

DONE and ORDERED this 13<sup>th</sup> day of November 2009,

in Tallahassee, Florida.



Linda Jo Nicholson  
Hearing Officer  
Building 5, Room 255  
1317 Winewood Boulevard  
Tallahassee, FL 32399-0700  
850-488-1429

Copies Furnished To:

Don Fuller, Area 5 Field Office Manager  
Mary Wheeler