

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

FILED
FEB 09 2010
OFFICE OF APPEAL HEARINGS
DEPT. OF CHILDREN & FAMILIES

APPEAL NO. 09F-06731

PETITIONER,

Vs.

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

RESPONDENT.
_____ /

ORDER VACATING FINAL ORDER

On February 4, 2010, the undersigned issued a Final Order of Dismissal in this matter. However, on January 26, 2010 a hearing was held in this case and a settlement was reached between the parties. That settlement was received by the undersigned on February 2, 2010. The Final Order of Dismissal was issued in error. Therefore, the undersign will vacate that order and issue an order incorporating the agreement

Accordingly, the Final Order of Dismissal in this matter is VACATED.

DONE and ORDERED this 9th day of February 2010,

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

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CIRCUIT: 06 Pinellas
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RESPONDENT.
_____ /

FINAL ORDER

Pursuant to notice, an administrative hearing was convened before the undersigned hearing officer on January 26, 2010, at 3:37 p.m., in St. Petersburg, Florida. The petitioner was not present and was represented by her mother,

The respondent was represented by Stephanie Lang, registered nurse specialist. Witnesses for the respondent from KePRO were Robert Buzzeo, M.D. and Melanie Clyatt, registered nurse reviewer.

ISSUE

The petitioner was appealing the notice of September 17 and 30, 2009 for the respondent's action to reduce private duty nursing.

FINDINGS OF FACT

The petitioner's current certification for private duty nursing is from September 14, 2009 through March 12, 2010. The respondent offered to authorize private duty nursing from 5:00 p.m. to 7:00 p.m. and 10:00 p.m. to 6:00

a.m. Mondays through Fridays and 10:00 p.m. to 6:00 a.m. Sundays. This change would be effective February 9, 2010 through March 12, 2010. The petitioner agreed to the offer. The petitioner had no further issues at this time. The hearing officer received a written copy of the offer on February 2, 2010.

CONCLUSIONS OF LAW

By agreement between the Agency for Health Care Administration and the Department of Families and Children, the Agency for Health Care Administration has conveyed jurisdiction to the Office of Appeal Hearings to conduct this hearing pursuant to Chapter 120.80 F.S. The rules for private duty nursing are set forth in the Florida Administrative Code at 59G-1 and 59G-4 and the Home Health Services Coverage and Limitation Handbook. The parties have reached an agreement. As there is no further issue to be decided by the hearing officer, the appeal is dismissed.

DECISION

The appeal is dismissed.

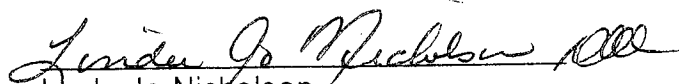
NOTICE OF RIGHT TO APPEAL

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. 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.

FINAL ORDER (Cont.)
09F-06731
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DONE and ORDERED this 9th day of February 2010,

in Tallahassee, Florida.



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