

FILED

FEB 01 2010

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

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DEPT OF CHILDREN & FAMILIES

APPEAL NO. 09F-06774

PETITIONER,

Vs.

AGENCY FOR HEALTH  
CARE ADMINISTRATION (AHCA)  
CIRCUIT: 04 Duval  
UNIT: AHCA

RESPONDENT.

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**FINAL ORDER**

Pursuant to notice, an administrative hearing was convened before the undersigned-hearing officer on December 18, 2009, at 11:00 a.m. The petitioner was not present. The petitioner was represented by her mother, The respondent was represented by Gwendolyn Mathis, registered nurse with AHCA. Testifying on behalf of the respondent was Dr. Rakeesh Mittal, medical reviewer, Keystone Peer Review Organization (KePRO) and Melanie Clyatt, registered nurse reviewer with KePRO.

**ISSUE**

The petitioner is appealing the respondent's action to decrease the number of hours of private duty nursing (PDN) for the period of August 22, 2009 through February 17, 2010. The respondent holds the burden of proof.

### FINDINGS OF FACT

1. Prior to the action under appeal, the petitioner was receiving PDN services through Medicaid at the level of 10 hours per day, 5 days per week and 8 hours per day 2 days per week. The petitioner requested the continuation of PDN services at the same level for the period of August 22, 2009 through February 17, 2010.

2. KePRO is the Peer Review Organization (PRO) contracted by AHCA to perform medical review for the private duty nursing and personal care assistance under the Prior Authorization Program for Medicaid recipients in the State of Florida. In the instant case, KePRO approved PDN services for the petitioner at the level of 8 hours per day, 6 days per week for the period of August 22, 2009 through February 17, 2010.

3. The petitioner's mother requested a hearing on October 6, 2009.

4. On the day of the hearing, the parties reached a settlement of 10 hours of PDN services for the petitioner 6 days per week; the hours will be of the mother's choosing.

### DECISION

The appeal is granted as stated in the conclusions.


### 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.)  
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DONE and ORDERED this 18<sup>th</sup> day of February, 2010,  
in Tallahassee, Florida.



Leslie Green   
Hearing Officer  
Building 5, Room 255  
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Tallahassee, FL 32399-0700  
850-488-1429

Copies Furnished To: .