

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

FILED

JAN 26 2010

OFFICE OF APPEAL HEARINGS
DEPT. OF CHILDREN & FAMILIES

APPEAL NO. 09F-08310

PETITIONER,

Vs.

CASE NO.

AGENCY FOR HEALTH CARE ADMINISTRATION
CIRCUIT: 09 Orange
UNIT: AHCA

RESPONDENT.

_____ /

FINAL ORDER

The undersigned hearing officer convened an administrative hearing in the above-referenced matter on January 19, 2010, in Orlando, Florida. The petitioner appeared. _____ petitioner's mother, appeared as representative for the petitioner. _____ registered nurse, appeared as a witness for the petitioner. Lisa Sanchez, senior human service program specialist with the Agency for Health Care Administration (AHCA), appeared as representative for the respondent-Agency. Dr. Robert Anthony Buzzeo, MD and physician reviewer with KePRO, and Melanie Clyatt, nurse review operations supervisor with KePRO, appeared telephonically as witnesses for the respondent.

The parties conducted a pre-hearing conference outside the presence of the hearing officer. The parties informed the hearing officer that an agreement had been reached. The respondent stated the terms of the agreement as

follows: it rescinded the denial of 776 hours of private duty nursing services for the certification period commencing November 2, 2009 through April 3, 2010. It agreed to provide nursing services in the amount of petitioner's total request of 1,040 hours for the entire certification period as follows: 9:00 a.m. to 5:00 p.m. Monday through Friday.

The petitioner's mother stated this action was satisfactory and no issue remained under challenge. As such, the hearing officer adopts the settlement agreement.

DECISION


The appeal is granted. The agency's action is reversed. The agency is to approve the required number of nursing hours as indicated above upon receipt of this order.

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 20th day of January 2010,
in Tallahassee, Florida.


Jeannette Estes
Hearing Officer
Building 5, Room 255
1317 Winewood Boulevard
Tallahassee, FL 32399-0700
850-488-1429

Copies Furnished To