

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

FILED
APR 12 2010
OFFICE OF APPEAL HEARINGS
DEPT. OF CHILDREN & FAMILIES

APPEAL NO. 10F-00875

PETITIONER,

Vs.

AGENCY FOR HEALTH CARE ADMINISTRATION
CIRCUIT: 12 DeSoto
UNIT: AHCA

RESPONDENT.
_____ /

FINAL ORDER

Pursuant to notice, an administrative hearing was convened before the undersigned hearing officer on March 15, 2010, at 2:21 p.m., in Port Charlotte, Florida.

The petitioner was not present. She was represented by her father, _____, and _____, register nurse, nurse care coordinator for Children Medical Services.

The respondent was represented by Pat Brooks, program operation administrator and Karen Smith, registered nurse specialist. Witnesses for the respondent from KePRO were Tina Herron, registered nurse reviewer supervisor, and Rakesh Mittal, M.D., physician reviewer.

ISSUE

The petitioner was appealing the notice of February 15, 2010 for the respondent's action to deny 560 hours of private duty nursing.

FINDINGS OF FACT

1. After an agency conference at the hearing, the respondent approved private duty nursing for 24 hours a day, seven days a week for the certification period of November 29, 2009 through May 27, 2010. The petitioner's father agreed to the offer. The petitioner's father stated there were no other issues. The hearing officer received a written copy that agreement on March 17, 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 home health aide services are set forth in the Florida Administrative Code at 59G-1 and 59G-4. As an agreement had been reached, 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.)

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DONE and ORDERED this 12th day of April, 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 T