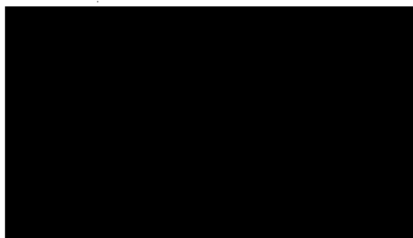


STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF APPEAL HEARINGS

FILED
MAR 28 2014
OFFICE OF APPEAL HEARINGS
DEPT OF CHILDREN & FAMILIES



APPEAL NO. 13F-12245
14F-00791

PETITIONER,

Vs.

CASE NO.

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

RESPONDENT.

_____ /

FINAL ORDER

Pursuant to notice, the undersigned convened an administrative hearing in the above-referenced matter on February 18, 2014 at 1:34 pm and on March 3, 2014 at 10:04 a.m. Two continuances were granted to the respondent and the petitioners did not object. All parties appeared in separate locations by phone. The petitioners [REDACTED] [REDACTED] ("LO" or "petitioners") and [REDACTED] ("SO" or "petitioners") were not present but were represented by their mother, [REDACTED] who testified.

The respondent was represented by Patricia Cobb, Registered Nurse Specialist and Fair Hearing Coordinator Area 5 with the Agency for Health Care Administration (hereafter "AHCA" or "Agency" or "respondent"). Ms. Cobb testified. Respondent presented one witness at the February 18, 2014 hearing who testified: Raskesha Mittal, M.D., physician reviewer from EQHealth Solutions. Respondent presented one witness

at March 3, 2014 hearing who testified: Ellyn Theophilopoulos, M.D., physician reviewer from EQHealth Solutions.

Appeal No. 13F-12245 is to be consolidated with Appeal No. 14F-00791 as both appeals appear to involve the same parties and similar issues. Furthermore, it is in the best interests of the parties and judicial economy that the matters be consolidated.

The issues were (1) whether the respondent's partial denial of petitioner's request for four (4) units three (3) times per week of occupational therapy hours for the certification period of September 1, 2013 through January 21, 2014; and (2) whether the respondent's partial denial of petitioner's request for four (4) units three (3) times per week of speech therapy hours are correct. The respondent approved four (4) units two (2) times per week of both occupational and speech therapy hours.

While on the record, petitioners' mother withdrew her hearing request for the occupational therapy hours as the authorization period has expired. She and her provider will submit a new Plan of Care and a new request for four (4) units three (3) times per week of occupational therapy hours for the current certification period. If the respondent denies petitioner's new request for occupational therapy hours, it will provide petitioners a denial notice which includes appeal rights.

While on the record, the parties agreed that the respondent would approve the following for petitioners: four (4) units three (3) times per week of speech therapy hours for the certification period of January 13, 2014 through July 8, 2014.

At the March 3, 2014 hearing, the record was left open until March 10, 2014, to allow the respondent the opportunity to provide approval notices indicating it approved

petitioners' requested number of speech therapy hours. To the date of this order, the respondent has not submitted the requested approval notices.


Therefore, it is ORDERED that (1) petitioners' request for occupational therapy hours is DISMISSED as moot consistent with the parties' agreement as set forth herein; and (2) petitioners' request for speech therapy hours is GRANTED pursuant to the parties' verbal agreement as set forth herein.

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 petitioner is responsible for any financial obligations incurred as the agency has no funds to assist in this review.

DONE and ORDERED this 28th day of March, 2014,

in Tallahassee, Florida.


Mary Jane Stafford
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Copies Furnished To: [REDACTED] Petitioners
Don Fuller, Area 5, AHCA Field Office Manager