

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Petitioner,

CASE NO.: 99-1697

AHCA NO.: 01-99-012-ALF

vs.

RENDITION NO.: AHCA-00-063-FOF-OLC

NORTHPOINTE RETIREMENT  
COMMUNITY, INC.,

Respondent.

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FINAL ORDER

This cause was referred to the Division of Administrative Hearings for a formal administrative hearing. The assigned Administrative Law Judge ("ALJ") has submitted a Recommended Order to the Agency for Health Care Administration ("AGENCY"). The Recommended Order of February 10, 2000, entered herein is incorporated by reference.

FINDINGS OF FACT

The agency hereby adopts the findings of fact set forth in the Recommended Order. Paragraph 2 is clarified as follows: depending on its nature and severity, a deficiency is classified as a Class I, II, III, or IV violation. A fine for a Class I violation may be imposed notwithstanding timely correction by the licensee. No fine may be imposed for a Class II, III, or IV violation that has been cited, but timely corrected. See § 400.419(1), Fla. Stat. (1999).

CONCLUSIONS OF LAW

The agency hereby adopts the conclusions of law set forth in the Recommended Order. Paragraph 16 is clarified as follows: separate buildings located on the same grounds may be licensed as a single assisted living facility. See §§ 400.402(6) and 400.407(2), Fla. Stat. (1999). Paragraph 17 is clarified as follows: effective October 1, 1998, Chapter 98-80 § 13, Laws of Fla., increased the maximum fine for a Class II violation from \$1,000 to \$5,000 and the maximum fine for a Class III violation was increased from \$500 to \$1,000. See § 400.419(1), Fla. Stat.

(1999). The violations proved in this proceeding occurred on or after October 9, 1998.

Based on the foregoing the Respondent is found guilty of two of the three violations charged in the administrative complaint; failure to comply with sanitary food handling practices, a Class II violation and failure to maintain an emergency water supply, a Class III violation. The recommended fines, \$500 for the Class II violation and \$300 for the Class III violation are hereby imposed. The total fines of \$800 shall be paid by check and mailed to Jim Mitchell, Finance and Accounting, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308.

DONE and ORDERED this 15th day of March, 2000, in Tallahassee, Florida.

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION

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RUBEN J. KING-SHAW, JR., DIRECTOR

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED 710 A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY ALONG WITH THE FILING FEE AS PRESCRIBED BY LA W, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

COPIES FURNISHED TO:

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Mohamad H. Mikhchi, President  
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Donald R. Alexander  
Administrative Law Judge  
DOAH, The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Mary Loepp  
HQA-HFC-ALF  
Fort Knox Building I, Room 223  
Tallahassee, Florida 32308

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon the above-named people by U. S. Mail this 21st day of March, 2000.

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R. S. Power, Agency Clerk  
State of Florida, Agency for  
Health Care Administration  
2727 Mahan Drive, Suite 3431  
Fort Knox Building III, MSC 3  
Tallahassee, Florida 32308  
850/922-5865