

29-01

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK

AT

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

CLERK
DATE April 19, 2001
STP

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

CASE NO.: 00-1963, 00-1964
00-1965

Petitioner,

AHCA NO.: 04-00-004-ALF
04-00-005-ALF

v.

RENDITION NO.: AHCA-01-099-FOF-OLC

CASO, INC. d/b/a PARADISE MANOR,

Respondent.

FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS
APR 23 PM 2:18

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 9, 2001, entered herein is incorporated by reference.

PRELIMINARY STATEMENT

Paradise Manor is a licensed assisted living facility. In this proceeding the licensee, Caso, Incorporated, seeks the specialty designation to provide limited nursing services at Paradise Manor. In these consolidated cases the licensee also contests the Agency's intent to impose a fine for alleged violations of regulatory requirements.

The ALJ finds there is no basis for the imposition of a fine and recommends the licensee be allowed to re-file for the specialty designation of limited nursing services.

The mission of an assisted living facility ("ALF") is to serve its disabled and frail elderly residents in a home-like setting, and the goal of state regulation is to promote the dignity, privacy, health, and safety of the residents of such homes. See §400.401(2), Fla. Stat. (2000). The services provided by an ALF are room, board, and assistance as needed with walking, bathing, dressing, eating, grooming, toileting, taking of medicines and similar activities. See §400.402(1)(6), and (17), Fla. Stat. (2000).

A standard license is the licensure baseline, but an ALF may be designated to provide one or more of the following enhanced categories of care: extended congregate care, limited nursing services, or limited mental health services. See §400.407(3), Fla. Stat. (2000). The authority of a licensee to provide one or more of the enhanced categories is indicated on the face of the standard license. See §400.407(3)(b)1 and (c)1, Fla. Stat. (2000) and §400.4075, Fla. Stat. (2000).

FINDINGS OF FACT

The Agency hereby adopts the findings of fact set forth in the Recommended Order.

CONCLUSIONS OF LAW

The Agency hereby adopts the conclusions of law set forth in the Recommended Order.

Based on the foregoing, the administrative complaints at issue herein are dismissed. Caso, Incorporated, may re-file for the specialty designation of limited nursing services.

DONE and ORDERED this 17 day of Apr., 2001, in Tallahassee, Florida.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION



RUBEN J. KING-SHAW, JR., SECRETARY

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO 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 LAW, 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:

Michael O. Mathis, Esquire
Senior Attorney, Agency for
Health Care Administration
2727 Mahan Drive, Suite 3431
Fort Knox Building III
Tallahassee, Florida 32308

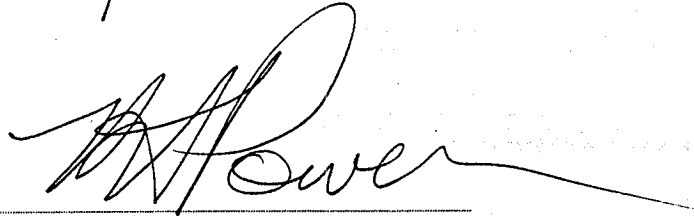
Christal L. Caso, Administrator
Paradise Manor
2949 Carriage Drive
Daytona Beach, Florida 32119

Stephen F. Dean
Administrative Law Judge
DOAH, The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Alberta Granger
HQA-HFC-ALF
Fort Knox Building I, Room 223
Tallahassee, Florida 32308

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing
has been furnished via postage-paid U.S. Mail and/or Inter-office Mail to
the above named person dated on April 20, 2001.



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

power/21-Mar-01