

11-14-01

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AT

FILED

FEB 15 02

JVL-cws
CLERK

MONEF HEALTH SERVICES, INC.,

Petitioner,

vs.

Case No. 00-4924

AHCA Rendition No. AHCA-02-0103-FOF-MDP

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

FILED
APR 16 AM 9:29
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

This cause was referred to the Division of Administrative Hearings and assigned to an Administrative Law Judge (ALJ) for a formal administrative hearing and the entry of a Recommended Order. The Recommended Order of November 14, 2001, is attached to this Final Order, and incorporated herein by reference, except as noted in the ruling on exceptions..

RULING ON EXCEPTIONS

The Agency filed exceptions to the Recommended Order. Essentially, those exceptions take issue with the thought process by which the ALJ arrived at his conclusion regarding whether the challenged services were medically necessary. To the extent that the ALJ's conclusion may be inferred to have elevated physicians' certifications and peer review authorizations to a level of expertise they do not possess, the exceptions are well-taken and hereby granted. The granting of these exceptions, however, does not serve to change the outcome of this case.

FINDINGS OF FACT

Except as noted, the Agency adopts the findings of fact set forth in the Recommended Order.

CONCLUSIONS OF LAW

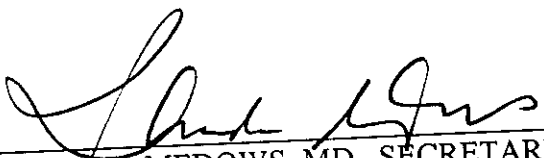
The Agency adopts the conclusions of law set forth in the Recommended Order.

IT IS THEREFORE ADJUDGED THAT:

Monef Health Services, Inc., shall remit the principal amount of \$5,165.60 in Medicaid overpayments. Monef Health Services, Inc., shall make payment in full within 30 days of the filing of this Final Order. Monef Health Services, Inc., shall pay by check payable to Agency for Health Care Administration, and mail payment to the Agency for Health Care Administration, Medicaid Accounts Receivable P.O. Box 13749, Tallahassee, FL 32317-3749.

DONE and ORDERED this 5 day of April, 2002, in Tallahassee,

Florida.

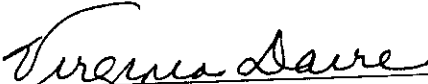

RHONDA M. MEDOWS, MD., SECRETARY
Agency for Health Care Administration

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO 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 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 THE RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. or interoffice mail to the persons named below on this 15 day of April, 2002.


Virginia Daire, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Building 3
Tallahassee, FL 32308-5403

COPIES FURNISHED TO:

John G. Van Laningham
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Shawn Jordan, Esquire
13740 Northeast 11th Avenue
North Miami, FL 33161

Patrick A. Scott, Esquire
The Scott Law Group, P.A.
Suite 707 Biscayne Building
19 West Flagler Street
Miami, FL 33130

L. William Porter, II, Esquire
Agency for Health Care Administration
2727 Mahan Drive
Ft. Knox Building Three, Suite 3431
Tallahassee, FL 32308-5403

Charles G. Ginn
AHCA Medicaid Program Integrity
Mail Stop #6

Willie Bivens
AHCA Medicaid Accounts Receivable