

9-28-01

FILED  
FEB 28 02

AT

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

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LIFE CARE CENTER OF SARASOTA,

Petitioner,

DOAH CASE NO. 01-1991  
AHCA CASE NO.  
RENDITION NO.: AHCA-02

vs.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Respondent.

WFG - clos

**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 September 28, 2001, is attached to this Final Order, and incorporated herein by reference.

**RULING ON EXCEPTIONS**

Life Care Center of Sarasota (hereafter "the facility") filed exceptions to findings of fact #9, 10, 11, 12, and 13. A review of the record, however, reveals that those findings are supported by competent substantial evidence. Consequently, the agency may not change them and the exceptions are denied. See generally Section 120.57(1)(l), Fla. Stat. (providing in pertinent part that "(t)he agency may not reject or modify the findings of fact unless the agency first determines from a review of the entire record...that the findings of fact were not based upon competent substantial evidence); Heifetz v. Department of Bus. Regulation, 475 So.2d 1277, 1281 (Fla. 1985)(holding that an agency

“may not reject the hearing officer’s finding (of fact) unless there is no competent, substantial evidence from which the finding could reasonably be inferred.”)

The facility also filed exceptions to conclusions of law #20, 21, and 22. Those exceptions are also denied because the facility did not show that contrary conclusions are as or more reasonable than those reached by the ALJ.

#### **FINDINGS OF FACT**

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

#### **CONCLUSIONS OF LAW**

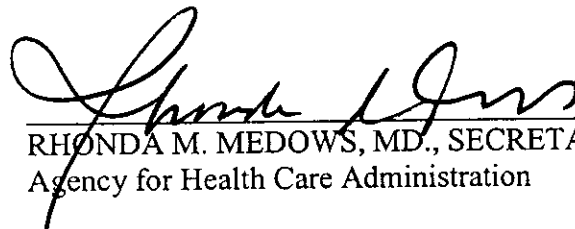
The Agency adopts the conclusions of law set forth in the Recommended Order.

#### **IT IS THEREFORE ADJUDGED THAT:**

The application for licensure of Life Care Center of Sarasota is denied.

**DONE and ORDERED** this 20 day of February, 2002, in

Tallahassee, Florida.

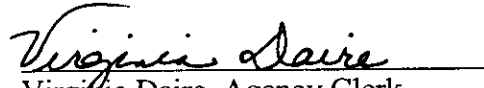
  
RHONDA M. MEDOWS, MD., SECRETARY  
Agency for Health Care Administration

#### **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 28 day of February, 2002.

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

**COPIES FURNISHED TO:**

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