

1-7-02

Michael R.

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILY SERVICES

FILED

02 APR 24 AM 10:36

DIVISION OF
ADMINISTRATIVE
HEARINGS

DOUGLAS GUNTHER,

AT

Petitioner,

CASE NO. 01-2451
RENDITION NO. DCF-02-109-FO

v.

DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,
(DISTRICT 12)

PMR-CLOS

FILED

APR 23 2002

DCF Department Clerk

Respondent.

_____ /

FINAL ORDER

THIS CAUSE is before me upon the attached Recommended Order that was issued by an the Administrative Law Judge (ALJ) assigned to hear the case by the Division of Administrative Hearings. The Order recommends that the department grant the petitioner an exception to the spending plan mandate, until an appropriate skilled nursing service provider can be contracted with who will accept the fee reimbursement levels mandated by the Home and Community-Based Service Waiver program. The Administrative Law Judge's findings of fact and conclusions of law are adopted and incorporated herein by reference, and the undersigned being fully advised, it is therefore,

ORDERED that petitioner's funding for skilled nursing services be continued by granting an exception to the spending plan mandate until an appropriate skilled nursing service provider can be contracted with who will accept the fee reimbursement levels mandated by the Home and Community-Based Waiver program.

DONE and ORDERED this 18th day of April, 2002, in Tallahassee, Leon County, Florida.

Kathleen A. Kearney
KATHLEEN A. KEARNEY, Secretary
Department of Children and Family Services

Copies of this Final Order are being furnished to:

P. Michael Ruff
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

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Susan Dickerson, Program Initiatives
Developmental Services
Department of Children and Family Services
1317 Winewood Blvd., Bldg. 3
Tallahassee FL 32399-0700

NOTICE OF RIGHT TO APPEAL

A party who is adversely affected by this final order is entitled to judicial review. To initiate judicial review, the party seeking it must file one copy of a "Notice of Appeal" with the Agency Clerk. The party seeking judicial review must also file another copy of the "Notice of Appeal," accompanied by the filing fee required by law, with the First District Court of Appeal in Tallahassee, Florida, or with the District Court of Appeal in the district where the party resides. The Notices must be filed within thirty (30) days of the rendition of this final order.¹

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and copy of the foregoing FINAL ORDER has been sent by U.S. Mail or by hand delivery to each of the persons named above on this 23 day of April, 2002.



PAULFLOUNLACKER, Acting Agency Clerk
Department of Children and Family Services
1317 Winewood Blvd. Bldg. 2 Room 204Z
Tallahassee, FL 32399-0700

¹ The date of the "rendition" of this Final Order is the date that is stamped on its first page. The Notices of Appeal must be received on or before the thirtieth day after that date.