

9-6-02

**FILED**

**STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION**

**DEPARTMENT CLERK**

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AGENCY FOR HEALTH CARE  
ADMINISTRATION,

AT

Petitioner,

DOAH CASE NOS. 02-0033

02-1788

vs.

AHCA CASE NO. 2001070041

2001064231

RENDITION NO.: AHCA-03-0209-FOF-OKC

L.F.S.-0605

HEALTHPARK CARE CENTER,

Respondent.

**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 6, 2002, is attached to this Final Order, and incorporated herein by reference.

**RULING ON EXCEPTIONS**

This case concerns a nursing home (Healthpark Care Center) that was inspected by the Agency for Health Care Administration in an annual licensure and certification survey. The Agency filed exceptions to three findings of fact (13, 29, and 37) and one conclusion of law (80) in the Recommended Order. The Respondent filed a response to the exceptions. Upon review, the Agency rejects the exceptions to the findings of fact because they are a reargument of the

Agency's position at hearing and because these findings of fact are supported by competent, substantial evidence in the record.

The Agency's exception to conclusion of law 80 is also rejected as inconsistent with the findings of fact in the recommended order.

### FINDINGS OF FACT

The Agency adopts the findings of fact set forth in the Recommended Order, which is attached hereto and incorporated by reference.


### CONCLUSIONS OF LAW

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

### IT IS THEREFORE ADJUDGED THAT:

The administrative complaint in DOAH case 02-1788 is dismissed, the notice of intent to assign conditional licensure in DOAH case 02-0033 is rescinded, and standard licensure status for the relevant period for Respondent is reinstated.

**DONE and ORDERED** this 20<sup>th</sup> day of March, 2003, in Tallahassee, Florida.

  
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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 THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A 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. Mail, or by the method indicated, to the persons named below on this 25 day of March, 2003.

Charles Thompson  
Lealand L. McCharen, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, MS #3  
Tallahassee, FL 32308-5403

**COPIES FURNISHED TO:**

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