

11-25-03

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AGENCY FOR
HEALTH CARE ADMINISTRATION
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ADMINISTRATIVE

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

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Petitioner,

vs.

AT

DOAH CASE NO. 03-1655 JBC-CWS
AHCA NOS. 2003000863
2003000865
RENDITION NO.: AHCA-04-0208-FOF-OLC

DELTA HEALTH GROUP, INC., d/b/a
LONGWOOD HEALTH 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 December 2, 2003, is attached to this Final Order and incorporated herein by reference.

RULING ON EXCEPTIONS

This case concerns a nursing home (Longwood Health Care Center) that was the subject of an administrative complaint seeking to impose a fine and the imposition of conditional licensure on Respondent. The complaint alleged that Respondent failed to conduct appropriate background screenings of employees. The Respondent filed various exceptions to the ALJ's recommendation in the Recommended Order. Upon a review of the record, the Agency rejects the exceptions because they are a reargument of Respondent's position at hearing and because the ALJ's recommendation to impose

conditional licensure is based on competent, substantial evidence in the record and the ALJ's weighing of the evidence and credibility of testimony. This is particularly apparent because Respondent does not except to any finding of fact or conclusion of law. Therefore, these exceptions are rejected.

FINDINGS OF FACT

The Agency adopts the Findings of Fact in the Recommended Order, which is incorporated herein by reference.

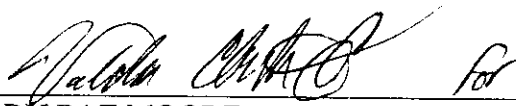
CONCLUSIONS OF LAW

The Agency adopts the Conclusions of Law set forth in the Recommended Order.

IT IS THEREFORE ADJUDGED THAT:

Respondent violated Section 400.215, Fla. Stat. (2002), by failing to comply with requirements regarding employee background screening and imposing conditional licensure is imposed on Respondent for the period of October 24, 2002, through December 5, 2002.

DONE and ORDERED this 11th day of May, 2004, in Tallahassee, Florida.



MARY PAT MOORE, INTERIM 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 18 day of may, 2004.

For M. A. Monreal
Lealand L. McCharen, Agency Clerk
Agency for Health Care Administration
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