

3-11-04

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED  
AHCA  
AGENCY CLERK

2004 JUN 16 P 12:46

AT

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Petitioner,

vs.

DOAH CASE NO. 03-1969  
AHCA NOS. 2003002154  
2003001249  
RENDITION NO.: AHCA-04

FILED  
2004 JUN 21 P 1:48  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

KEY WEST CONVALESCENT CENTER,  
INC., d/b/a KEY WEST CONVALESCENT  
CENTER,

CA-CWS

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 March 11, 2004 attached to this Final Order and incorporated herein by reference.

**RULING ON EXCEPTIONS**

This case concerns a nursing home (Key West Convalescent Center) that was the subject of an administrative complaint seeking to impose a fine and to assign conditional licensure.

The Agency filed exceptions to conclusions of law 34 and 35 of the Recommended Order, and Respondent filed a Response to these exceptions. Upon review of the record, AHCA's exceptions are denied for the following reasons.

Having reviewed the record, the exceptions, and the response to the exceptions; the Agency finds that it cannot come to different conclusions of law that are as or more reasonable than those of the ALJ. Consequently, the Agency cannot alter the above-noted conclusions of law. See Section 120.57(1)(I), Fla. Stat.

**FINDINGS OF FACT**

The Agency adopts the Findings of Fact in the Recommended Order.

**CONCLUSIONS OF LAW**

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

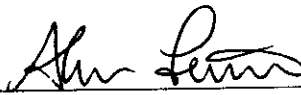
**IT IS THEREFORE ADJUDGED THAT:**

Respondent is guilty of an isolated Class III deficiency based on Count I of the Administrative Complaint, and Respondent is not guilty of the violation alleged in Count II of the Administrative Complaint. Respondent's license is restored to standard for the relevant period.

Respondent shall pay a fine of \$1,000.00 plus any applicable interest. Respondent shall make full payment within 30 days of the filing of this Final Order. Respondent shall pay by check payable to Agency for Health Care Administration, and mailed to the Agency for Health Care Administration, Office of Finance and Accounting, 2727 Mahan Drive, Fort Knox Building 2, Mail Stop 14, Tallahassee, Florida 32308.

DONE and ORDERED this 2nd day of June, 2004, in

Tallahassee, Florida.


  
ALAN LEVINE, 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 16 day of June, 2004.

  
For Lealand L. McClaren, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, MS #3  
Tallahassee, FL 32308

**COPIES FURNISHED TO:**

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