

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

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CRUM RESOURCES,

Petitioner,

DOAH CASE NO. 06-4096
AHCA CASE NO. 2006008580
BMHC CASE ID 20060330-003

v.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

RENDITION NO.: AHCA-07-113-FOF-OLC

Respondent,

and

WEST FLORIDA REGIONAL
MEDICAL CENTER, INC. d/b/a WEST
FLORIDA HOSPITAL,

Intervenor.

DIVISION OF
ADMINISTRATIVE
HEARINGS

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AMENDED FINAL ORDER

THIS CAUSE concerns an Amended Petition for Formal Administrative Hearing ("Amended Petition") that the Petitioner filed on October 12, 2006.

On October 17, 2006, the Amended Petition was forwarded to the Division of Administrative Hearings ("DOAH") by the Agency and assigned to an Administrative Law Judge ("ALJ").

On December 4, 2006, the Intervenor filed a Motion to Relinquish Jurisdiction to Agency for Health Care Administration for Entry of Final Order ("Motion"). In the Motion, the Respondent argued that there were no disputed issues of material fact, and that the case should be returned to the Agency for the issuance of a final order.

On January 31, 2007, the ALJ assigned to the case issued a Recommended Order of Dismissal, relinquishing jurisdiction to the Agency and recommending that the Agency enter a final order dismissing the Petitioners' Amended Petition. In the Recommended Order of Dismissal, the ALJ found that

Petitioner acknowledged that the carrier did not submit a response to the Petition within the ten-day period as required by Subsection 440.13(7)(b), Florida Statutes. . . The Agency has clearly taken the position that the failure of the carrier to respond to the Petition within ten days is a jurisdictional failure, in that the language of Subsection 440.13(7)(b), Florida Statutes, is clear that it operates as a self-executing statute of non-claim. Further, the Final Orders entered on DOAH Case Nos. 06-1261 and 06-1264 were not appealed, and the time for filing an appeal has expired. Therefore, the Agency's position on this issue is the law of this case.

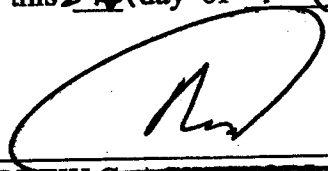
The ALJ's Recommended Order of Dismissal that was issued on January 31, 2007, is hereby incorporated and attached as part of this final order as Exhibit A. No parties filed any exceptions to the Recommended Order of Dismissal. Based upon the findings and conclusions in the Recommended Order of Dismissal,

IT IS THEREFORE ADJUDGED THAT:

Petitioner's Amended Petition is dismissed with prejudice. The Petitioner, Crum Services, shall reimburse West Florida Regional Medical Center, Inc. an additional \$93,589.91 (\$209,345.89, which is 75% of the \$279,917.85 billed by the Intervenor, - \$790.00, which the Petitioner correctly disallowed payment for, and subtracting \$114,965.98 that the Petitioner originally reimbursed the Intervenor) for services rendered to Patient L.B. July 20 – August 5, 2006. Petitioner, Crum Services, shall submit this additional reimbursement to West Florida Regional Medical Center, Inc. within 30 days of the date that this final order is rendered, and shall submit proof of reimbursement to: Cathyann Dufford, R.N., Agency for Health Care

Administration, 2727 Mahan Drive, MS #26, Tallahassee, Florida 32308. Petitioner shall govern itself accordingly.

DONE and ORDERED this 28th day of March, 2007, in Tallahassee, Florida.




ANDREW C. AGWUNOBI, M.D., 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. or interoffice mail to the persons named below on this 28th day of March, 2007.



RICHARD J. SHOOP, Agency Clerk
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2727 Mahan Drive, MS #3
Tallahassee, FL 32308
(850) 922-5873

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