

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED  
AHCA  
AGENCY CLERK

2007 MAY 21 A 11: 21

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Petitioner,

v.

POLARIS PHARMACY CORPORATION  
d/b/a LIMA'S PHARMACY,

Respondent.

DOAH CASE NO. 06-5029MPI  
AUDIT NO. C.I. 07-4767-000

RENDITION NO.: AHCA-07-0280 -FOF-MDO

**FINAL ORDER**

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), Stuart M. Lerner, issued a Recommended Order after conducting a formal hearing. At issue in this proceeding is whether the Agency overpaid the Respondent for services provided during the time period of April 1, 2005 through March 31, 2006, and, if so, what was the amount of those overpayments; and whether Respondent should be fined \$5,000 for failing to document that it had available sufficient quantities of product to support its Medicaid billings. The Recommended Order dated April 25, 2007, is attached to this Final Order and incorporated herein by reference.

**RULING ON EXCEPTIONS**

The parties did not file any exceptions to the Recommended Order.

**FINDINGS OF FACT**

The Agency adopts the findings of fact set forth in the Recommended Order.

**CONCLUSIONS OF LAW**

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


FILED  
2007 MAY 22 A 11:00  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

**IT IS THEREFORE ADJUDGED THAT:**

Petitioner is required to repay \$198,332.78 in Medicaid overpayments, plus statutory interest, to the Agency for paid claims covering the period from April 1, 2005 through March 31, 2006. Additionally, the Agency shall impose a fine of \$5,000 upon the Petitioner. Petitioner shall make full payment of the overpayment and fine to the Agency for Health Care Administration within 30 days of the rendition of this Final Order. Petitioner shall pay by check payable to the 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.

Additionally, costs shall be assessed against the Respondent in an amount that reflects the actual investigative, legal, and expert witness costs incurred by the Agency in this proceeding. The parties shall attempt to stipulate to the costs related to the investigation and prosecution of this case. In the event that the parties cannot so stipulate, this issue shall be remanded to the Division of Administrative Hearings.

**DONE and ORDERED** this 12~~th~~ day of May, 2007, in Tallahassee, Florida.

  
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ANDREW C. AGWUNOBI, M.D., Secretary  
AGENCY FOR HEALTH CARE ADMINISTRATION

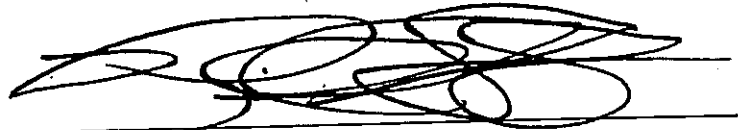
**NOTICE OF RIGHT TO JUDICIAL REVIEW**

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 21<sup>st</sup> day of

May, 2007.



RICHARD J. SHOOP, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, MS #3  
Tallahassee, Florida 32308  
(850) 922-5873

**COPIES FURNISHED TO:**

Stuart M. Lerner  
Administrative Law Judge  
Division of Administrative Hearing  
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1230 Apalachee Parkway  
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