

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2010 APR -8 A 11: 06

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

v.

DOAH CASE NO. 07-0675MPI
AUDIT NO. C.I. 06-4284-000
RENDITION NO.: AHCA-10- 0443 -FOI-MDO

CONSTANCE BENCE,

Respondent.

FINAL ORDER

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), Daniel M. Kilbride, issued a Recommended Order after conducting a formal hearing. At issue in this proceeding is whether Respondent is liable for overpayment of Medicaid claims, for the period of January 1, 2004, through January 1, 2006, as stated in Petitioner's Final Audit Report (FAR), dated July 19, 2006, due to Respondent's failure to properly document for services billed and collected, in violation of Section 409.913, Florida Statutes (2006), and, if so, in what amount. The Recommended Order dated March 2, 2010, 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.

IT IS THEREFORE ADJUDGED THAT:

Respondent is required to repay \$12,500.70 in Medicaid overpayments, plus statutory interest, to the Agency for paid claims covering the period from January 1, 2004 to January 1, 2006. Additionally, the Agency imposes a \$1,500 fine on the Respondent. Respondent shall make full payment of the overpayment and fine to the Agency for Health Care Administration, or enter into a payment plan with the Agency within 30 days of the rendition of this Final Order. Payments shall be made 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.

DONE and ORDERED this 5th day of April, 2010, in Tallahassee, Florida.



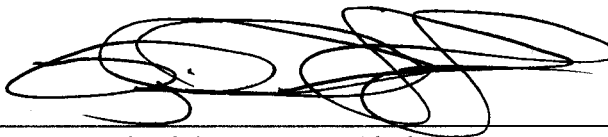
THOMAS W. ARNOLD, Secretary
AGENCY FOR HEALTH CARE ADMINISTRATION

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 8th day of April, 2010.



RICHARD J. SHOOP, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, MS #3
Tallahassee, Florida 32308
(850) 412-3630

COPIES FURNISHED TO:

Honorable Daniel M. Kilbride
Administrative Law Judge
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