

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

RENDITION NO.: AHCA-08-0479 -FOF-MDO

FILED

FILED

08 MAY 13 PM 4:06

AHCA
AGENCY CLERK

2008 MAY 13 A 8:3

DIVISION OF
ADMINISTRATIVE
HEARINGS

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

v.

LAZARO N. PLASENCIA, M.D.,

Respondent.

DOAH CASE NO. 07-2195MPI
AUDIT NO. C.I. 06-4359-000

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

v.

ANA M. ELOSEGUI, M.D.,

Respondent.

DOAH CASE NO. 07-2462MPI
AUDIT NO. C.I. 06-4358-000

FINAL ORDER

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), J.D. Parrish issued a Recommended Order after conducting a formal hearing. At issue in this proceeding is whether the Respondents were overpaid by Medicaid for radiology and nuclear medicine services provided to Medicaid patients. The Recommended Order dated April 1, 2008, is 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:

In DOAH Case No. 07-2195MPI, Respondent Lazaro N. Plasencia, M.D. ("Dr. Plasencia") is required to repay \$196,129.52 in Medicaid overpayments, plus statutory interest, to the Agency for paid claims covering the period from July 1, 2001 to December 31, 2005. Additionally, the Agency imposes a \$1,000 fine on Dr. Plasencia. Dr. Plasencia shall make full payment of the overpayment, costs and fine to the Agency for Health Care Administration within 30 days of the rendition of this Final Order. Dr. Plasencia 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.

In DOAH Case No. 07-2462MPI, Respondent Ana M. Elosegui, M.D. ("Dr. Elosegui") is required to repay \$122,065.08 in Medicaid overpayments, plus statutory interest, to the Agency for paid claims covering the period from October 11, 2002 to December 31, 2005. Additionally, the Agency imposes a \$1,000 fine on Dr. Elosegui. Dr. Elosegui shall make full payment of the overpayment, costs and fine to the Agency for Health Care Administration within 30 days of the rendition of this Final Order. Dr. Elosegui 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.

DONE and ORDERED this 22 day of April, 2008, in Tallahassee,
Florida.



for HOLLY BENSON, 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 13th day of May, 2008.


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

COPIES FURNISHED TO:

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