

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
AHCA
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2010 FEB 18 P 12:14

TRINIDAD ROJAS, M.D.,

Petitioner,

vs.

CASE NO. 09-4276MPI
C.I. NO. 08-7796-000
PROVIDER NO. 066160100

STATE OF FLORIDA,
AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondent.

FINAL ORDER

THIS CAUSE is before me for issuance of a Final Order on a Final Agency Action Letter dated June 11, 2009, (C.I. # 087796000). By the Letter, the Agency for Health Care Administration ("AHCA" or "Agency"), informed the Petitioner, Trinidad Rojas, M.D., (hereinafter "PROVIDER"), that the Agency was terminating the PROVIDER from the Medicaid Program pursuant to Section 409.913 and Rule 59G-9.070 for non-compliance of payment for an outstanding debt owed to the Agency for overpayments (Final Order Rendered May 12, 2003 and Final Order Rendered June 15, 2007) and a fine sanction of \$5000.00. The Letter provided full disclosure and notice to the PROVIDER of procedures for requesting an administrative hearing to contest the termination.

The PROVIDER filed a petition with the Agency requesting a formal administrative hearing on July 13, 2009. This petition was dismissed without prejudice on July 16, 2009. On August 1, 2009, PROVIDER filed an amended petition, which was forwarded to the Division of Administrative Hearings ("DOAH") by the Agency on August 12, 2009.

On November 12, 2009, PROVIDER filed a Withdrawal of Motion for Formal Hearing and Mediation with the Division of Administrative Hearings. Based on the Petitioner's Withdrawal of Motion for Formal Hearing and Mediation, the ALJ issued an Order Closing File, cancelled the hearing scheduled for November 17, 2009, and relinquished jurisdiction to the Agency on November 13, 2009.

FINDINGS OF FACT

The PROVIDER received the June 11, 2009 Final Agency Action Letter that gave notice of PROVIDER'S right to an administrative hearing regarding the termination from the Medicaid Program. The PROVIDER filed a petition requesting an administrative hearing, and then caused that petition to be DISMISSED. PROVIDER chose not to dispute the facts set forth in the Final Agency Action Letter dated June 11, 2009. The facts alleged in the Letter are hereby deemed admitted, including the termination from the Medicaid Program. The Agency hereby adopts the facts as set forth in the Final Agency Action Letter which terminates the PROVIDER from the Medicaid program.

CONCLUSIONS OF LAW

The Agency incorporates and adopts each and every relevant statement and conclusion of law set forth in the Final Agency Action Letter dated June 11, 2009. The admitted facts support the legal conclusion that the PROVIDER is terminated from the Medicaid Program.

ORDER

Based on the foregoing, it is

ORDERED AND ADJUDGED that Petitioner is hereby **TERMINATED** from the Medicaid Program.

DONE and ORDERED this 16th day of February, 2010, in Tallahassee,

Florida.



Thomas A. 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 18th day of

February, 2010.



RICHARD J. SHOOP, Agency Clerk
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