

**STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION**

**FILED
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2010 FEB 11 P 12:15

**STATE OF FLORIDA,
AGENCY FOR HEALTH CARE
ADMINISTRATION,**

Petitioner,

v.

**DOAH NO. 09-4910
CASE NO. 2009002975**

RECOVERY HOME CARE SERVICES, INC.,

Respondent.

FINAL ORDER

Having reviewed the Notice of Intent to Impose Fine dated March 10, 2009, attached hereto and incorporated herein (Ex. 1), and all other matters of record, the Agency for Health Care Administration (hereinafter "Agency") finds and concludes as follows:

FINDINGS OF FACT

1. The Agency issued a Notice of Intent to Impose Fine stating the intent to impose an administrative fine in the sum of five thousand dollars (\$5,000.00) against the Respondent, Recovery Home Care Services, Inc. (hereinafter "Respondent"), a home health agency.

2. The Notice of Intent to Impose Fine charged that Respondent failed to timely submit a quarterly report for the quarter ending December 31, 2008, violating Section 400.474(6)(f), Florida Statutes (2008).

3. The cause was properly referred to the Division of Administrative

Hearings for proceedings according to law, See, Section 120.57(1), Florida Statutes (2009).

4. By Order dated November 24, 2009, the Division of Administrative Hearings determined that no material issue of fact remained in dispute and relinquished jurisdiction to the Agency for Health Care Administration, a copy of which is attached hereto and incorporated herein (Ex. 2).

5. The facts, as alleged and found, establish that Respondent failed to timely submit a quarterly report for the quarter ending December 31, 2008, violating Section 400.474(6)(f), Florida Statutes (2008). The fine imposed is five thousand dollars (\$5,000.00).

CONCLUSIONS OF LAW

1. The Agency has jurisdiction over Respondent pursuant to the provisions of Chapters 400, Part III, 408, Part II, and Section 20.42, Florida Statutes, and Chapter 59A-8, Florida Administrative Code.

2. An administrative fine in the sum of five thousand dollars (\$5,000.00) shall be imposed by the Agency for the failure of a home health agency to timely submit a quarterly report as mandated by law. Section 400.474(6), Florida Statutes (2008).

Based on the foregoing findings of fact and conclusions of law, it is
ORDERED:

1. An administrative fine in the sum of five thousand dollars

(\$5,000.00) is hereby imposed upon Respondent. The administrative fine is due and payable within thirty (30) days of the date of rendition of this Order.

2. Checks should be made payable to the "Agency for Health Care Administration." The check, along with a reference to this case number, should be sent directly to:


Agency for Health Care Administration
Office of Finance and Accounting
Revenue Management and Accounting
2727 Mahan Drive, MS# 14
Tallahassee, Florida 32308

3. Unpaid amounts will be subject to statutory interest and may be collected by all methods legally available.

4. The above-styled case is hereby closed.

DONE and **ORDERED** this 9 day of February, 2010

in Tallahassee, Leon County, Florida.


Thomas W. Arnold, Secretary
Agency for Health Care Administration

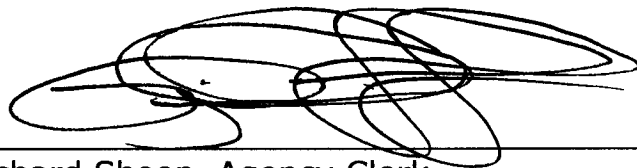
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY, ALONG WITH FILING FEE AS PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES. REVIEW OF PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished to:

John Schlachter, Administrator Recovery Home Care Services, Inc. 3261 US Highway 441/27 Fruitland Park, Florida 34731 (U.S. Mail)	Division of Administrative Hearings The DeSoto Building 1230 Apalachee Parkway Tallahassee, FL 32399 (Electronic Mail)
Jan Mills Facilities Intake Unit Agency for Health Care Admin. (Interoffice Mail)	Thomas J. Walsh II, Senior Attorney Agency for Health Care Admin. Office of the General Counsel (Interoffice Mail)
Agency for Health Care Admin. Office of Finance & Accounting Revenue Management Unit (Interoffice Mail)	Anne Menard, Unit Manager Home Care Unit Agency for Health Care Admin. (Interoffice Mail)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order was served on the above-named person(s) and entities by U.S. Mail, or the method designated on this the 11th day of February, 2010.



Richard Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Building #3
Tallahassee, Florida 32308-5403
(850) 922-5873