

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

**FILED
AHCA
AGENCY CLERK**

2010 JAN -8 A 11: 57

**PRO-HEALTH NURSING SERVICES,
INC.,**

Petitioner,

v.

**DOAH NO. 09-5006
CASE NO. 2009008714**

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

Respondent.

FINAL ORDER

Having reviewed the Amended Notice of Intent to Deem Application Incomplete and Withdrawn from Further Review dated September 21, 2009, attached hereto and incorporated herein (Ex. 1), and all other matters of record, the Agency for Health Care Administration (hereinafter "the Agency") finds and concludes as follows:

FINDINGS OF FACT

1. The Agency issued an Amended Notice of Intent to Deem Application Incomplete and Withdrawn from Further Review dated September 21, 2009, stating the intent to deem the application incomplete and withdrawn from further consideration against the Petitioner, Pro-Health Nursing Services, Inc. (hereinafter "the Petitioner"), a home health agency.

2. The Notice of Intent to Deem Application Incomplete and Withdrawn from Further Review charged that the Petitioner failed to submit

information addressing identified errors or omissions within twenty-one days from the receipt of the Agency's correspondence, violating Section 408.806(3)(b), Florida Statutes (2008).

3. The case was referred to the Division of Administrative Hearings for proceedings according to law. See Section 120.57(1), Florida Statutes (2009).

4. By order dated December 29, 2009, the Administrative Law Judge of the Division of Administrative Hearings determined that no material issue of fact remained in dispute and thus 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 the Petitioner failed to submit requested information omitted from an application for licensure, renewal, or change of ownership, violating Section 408.806(3)(b), Florida Statutes (2008).

CONCLUSIONS OF LAW

1. The Agency has jurisdiction over the Petitioner 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.

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

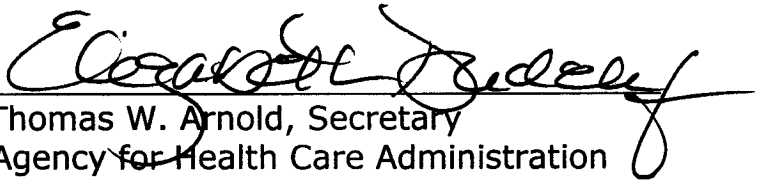
ORDERED:

1. The Amended Notice of Intent to Deem Application Incomplete

and Withdrawn from Further Review is upheld.

2. The above-styled case is hereby closed.

DONE and **ORDERED** this 7 day of January, 2010, in Tallahassee,
Leon County, Florida.


Thomas W. Arnold, Secretary
Agency for Health Care Administration

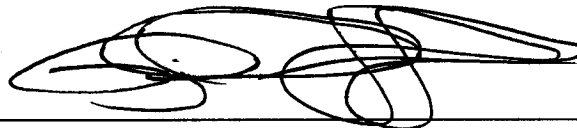
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY, ALONG WITH FILING FEE AS PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT 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:

Administrator Pro Health Nursing Services, Inc. 9700 Stirling Road, Suite 105B Cooper City, Florida 33026 (U.S. Mail)	Manuel R. Lopez, Esquire Manuel Lopez & Associates, P.A. 770 Ponce de Leon Boulevard Miami, Florida 33134 (U.S. Mail)
Anne Menard, Unit Manager Home Care Unit Agency for Health Care Admin. (Interoffice Mail)	Mark Hinely, Senior Attorney Office of the General Counsel Agency for Health Care Admin. (Interoffice Mail)
Jan Mills Facilities Intake Unit Agency for Health Care Admin. (Interoffice Mail)	Errol H. Powell Administrative Law Judge Division of Administrative Hearings (Electronic 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 8th day of January, 2010.



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