

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED  
AHCA  
AGENCY CLERK

2010 JUN 21 A 8:20

APOLLO HEALTH AND  
REHABILITATION CENTER,

Petitioner,

DOAH CASE NO. 09-5214  
RENDITION NO.: AHCA-10-0698-FOF-MDR

vs.

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Respondent.

**FINAL ORDER**

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), William F. Quattlebaum, conducted a formal administrative hearing. At issue in this proceeding is whether the Agency for Health Care Administration (“AHCA” or “Agency”) used the correct nursing home bed capacity in calculating the Medicaid per diem rate for the Petitioner for the rate period beginning July 1, 2009. The Recommended Order dated May 5, 2010 is attached to this final order and incorporated herein by reference.

**RULINGS ON EXCEPTIONS**

The parties did not file any exceptions to the Recommended Order.

**FINDINGS OF FACT**

The Agency hereby 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.

**ORDER**

Based upon the foregoing, the Petitioner's nursing home bed capacity on December 31, 2008 was 99 beds and the Agency shall make the appropriate adjustment to Petitioner's Medicaid per diem rate calculations for the relevant rate semester based on that bed capacity.

**DONE and ORDERED** this 16 day of June, 2010, in Tallahassee, Florida.

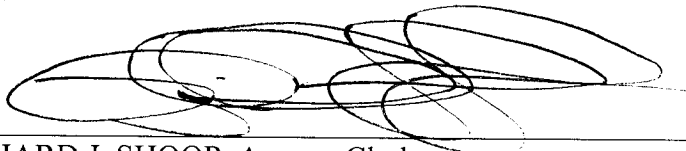
  
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THOMAS W. ARNOLD, SECRETARY  
AGENCY FOR HEALTH CARE ADMINISTRATION

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

**A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO A 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 THE 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 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.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail, or by the method indicated, to the persons named below on this 21<sup>st</sup> day of June, 2010.



RICHARD J. SHOOP, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, MS#3  
Tallahassee, Florida 32308-5403  
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COPIES FURNISHED TO:

Honorable William F. Quattlebaum  
Administrative Law Judge  
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