

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

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

Petitioner,

v.

Case No.: 10-10213 MPI
Provider No.: 674670500
C.I. No.: 10-1095-100

FOOD WITH CARE, INC.,

Respondent.

FINAL ORDER

THIS CAUSE came before the undersigned for issuance of a Final Order on a Final Audit Letter dated April 23, 2010 (C.I. No. 10-1095-100). By way of the Final Audit Letter, the **AGENCY FOR HEALTH CARE ADMINISTRATION** ("AHCA" or "Agency"), informed Respondent, **FOOD WITH CARE, INC.**, ("PROVIDER"), that the Agency was seeking to recover an overpayment of six thousand, five hundred and seventy-five dollars (\$6,575.00) and a fine in the amount of one thousand dollars (\$1,000.00), for violations of Rule 59G-9.070(7)(e), Florida Administrative Code. The Final Audit Letter provided full disclosure and notice to the PROVIDER of procedures for requesting an administrative hearing to contest the findings.

On or about May 17, 2010, PROVIDER filed a petition with the Agency requesting an informal administrative hearing. Because PROVIDER contended the underlying facts of the case, the informal hearing officer forwarded PROVIDER'S hearing request to the Division of Administrative Hearings ("DOAH") for a formal administrative hearing. On June 14, 2011, PROVIDER filed a Motion to Close File with DOAH, stating that a hearing on the matter was no longer required, and requesting that any hearings on the matter be cancelled and that the case be

closed. On June 14, 2011, DOAH issued an Order Closing File, and relinquished jurisdiction to the Agency.

FINDINGS OF FACT

PROVIDER received the Final Audit Letter that gave notice of PROVIDER'S right to an administrative hearing regarding the overpayment and fine. PROVIDER filed a petition requesting an informal administrative hearing, which was subsequently forwarded to DOAH for the purpose of conducting a formal administrative hearing. PROVIDER then caused the formal administrative hearing case to be closed. PROVIDER chose not to dispute the facts set forth in the Final Audit Letter dated April 23, 2010.

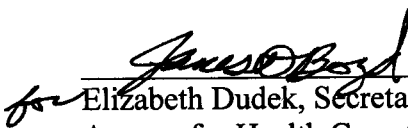
The facts alleged in the Final Audit Letter are hereby deemed admitted. The Agency hereby adopts the facts as set forth in the Final Audit Letter, including the overpayment in the amount of six thousand five hundred and seventy-five dollars (\$6,575.00) and the fine in the amount of one thousand dollars (\$1,000.00). During the pendency of the administrative hearing, the Agency, pursuant to section 409.913(27), Florida Statutes, withheld medical reimbursement payments from PROVIDER.

CONCLUSIONS OF LAW

The Agency incorporates and adopts each and every relevant statement and conclusion of law set forth in the Final Audit Letter dated April 23, 2010. The admitted facts support the legal conclusion that the overpayment in the amount of six thousand five hundred and seventy-five dollars (\$6,575.00) and the fine in the amount of one thousand dollars (\$1,000.00) were properly assessed.

Based on the foregoing, this file is hereby CLOSED.

DONE AND ORDERED this 15TH day of JULY, 2011, in Tallahassee,
Florida.


for Elizabeth Dudek, Secretary
Agency for Health Care Administration

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.

Copies furnished to:

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(Via U.S. Mail)

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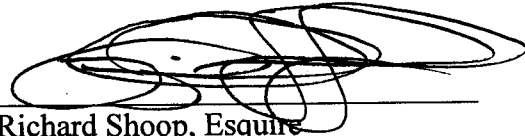
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Tallahassee, Florida 32399-3060
(Via U.S. Mail)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished to the person(s) named above by the indicated means of delivered on this 19th day of July, 2011.



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Agency Clerk
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