

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2012 JUL 23 A 11:47

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,
v.

DOAH CASE NO. 11-1671MPI
AUDIT NO. C.I. 10-1274-300
RENDITION NO.: AHCA-12-07148 -FOF-MDO

IDEAL PUGH, SR. d/b/a
SERVICES ON TIME, LLC,

Respondent.

FINAL ORDER

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), James H. Peterson III, issued a Recommended Order after conducting a formal hearing. At issue in this proceeding is whether Respondent was overpaid by the Florida Medicaid program for services provided between January 1, 2007 and December 31, 2008; and whether sanctions and costs should be imposed against Respondent. The Recommended Order dated May 31, 2012, is attached to this Final Order and incorporated herein by reference.

RULING ON EXCEPTIONS

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

FINDINGS OF FACT

The Agency 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.


IT IS THEREFORE ADJUDGED THAT:

Respondent is required to repay \$563,073.76 in Medicaid overpayments, plus interest at a rate of ten (10) percent per annum as required by § 409.913(25)(c), Fla. Stat., to the Agency for paid claims covering the period from January 1, 2007 through December 31, 2008. Fines totaling \$2,500 are also imposed against Respondent.

Respondent shall make full payment of the overpayment and fines to the Agency for Health Care Administration within 30 days of the rendition of this Final Order unless other payment arrangements have been agreed to by the parties. Respondent shall pay by check payable to the Agency for Health Care Administration and mailed to the Agency for Health Care Administration, Office of Finance and Accounting, 2727 Mahan Drive, Fort Knox Building 2, Mail Stop 14, Tallahassee, Florida 32308.

In addition, because the Agency has prevailed in this matter, it is entitled to recover its investigative, legal and expert witness costs pursuant to § 409.913(22)(a), Fla. Stat. (2007). The Agency shall, within 30 days of the date of rendition of this Final Order, determine the actual investigative, legal, and expert witness costs for this matter and notify Respondent of that amount. Respondent shall have 21 days from the date it receives the Agency's notice of cost assessment to challenge the assessment pursuant to §§ 120.569 and 120.57, Fla. Stat. If Respondent fails to timely challenge the Agency's cost assessment, Respondent shall be deemed to have waived such right and the costs assessed in the Agency's notice shall be due and payable at that time.

DONE and ORDERED this 23 day of July, 2012, in Tallahassee, Florida.



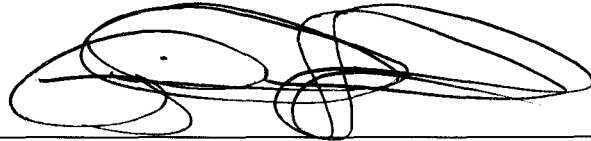
ELIZABETH DUDEK, SECRETARY
AGENCY FOR HEALTH CARE ADMINISTRATION

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 23rd day of July, 2012.



RICHARD J. SHOOP, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, MS #3
Tallahassee, Florida 32308
(850) 412-3630

COPIES FURNISHED TO:

Honorable James H. Peterson III
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Division of Administrative Hearing
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