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AGENCY FOR HEALTH CARE ADMINISTRATION

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

2011 NOV 15 AM 11:01

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

DOAH No. 11-3379

AHCA Nos. 2011002519

2011002521

2011004473

2011005360

RENDITION NO.: AHCA-11-1183-S-OLC

vs.

CATALINA GARDENS HEALTH
CARE ASSOCIATES, LLC, d/b/a
THE BROOKSHIRE,

Respondent.

CATALINA GARDENS HEALTH
CARE ASSOCIATES, LLC, d/b/a
THE BROOKSHIRE,

Petitioner,

DOAH No. 11-3329

AHCA No. 2011005875

v.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

FINAL ORDER

Having reviewed the Notice of Intent to Deny, the Amended Administrative Complaint, and all other matters of record, the Agency for Health Care Administration finds and concludes as follows:

1. The Agency has jurisdiction over the provider (hereinafter "the Respondent") pursuant to Chapter 408, Part II, Florida Statutes, and the applicable authorizing statutes and administrative code provisions.

2. The Agency issued the attached Amended Administrative Complaint and Election of Rights form on the Respondent. (Ex. 1) The Agency later issued the attached Notice of Intent to Deny and Election of Rights form on the Respondent. (Ex. 2) The Election of Rights forms advised of the right to an administrative hearing.

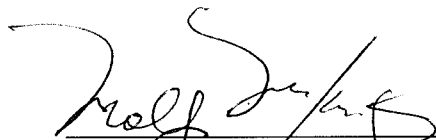
3. The parties have since entered into the attached Settlement Agreement. (Ex. 3)

Based upon the foregoing, it is **ORDERED**:

1. The Settlement Agreement is adopted and incorporated by reference into this Final Order. The parties shall comply with the terms of the Settlement Agreement.
2. The Notice of Intent to Deny is WITHDRAWN.
3. The Respondent shall pay the Agency a total of Fifty-Six Thousand and No/100 (\$56,000.00) Dollars in administrative fines and assessments, Twenty-Six Thousand and No/100 (\$26,000.00) Dollars of which shall be in full and final satisfaction of any and all reimbursements owed for any potential or alleged Medicaid overpayments (and shall be associated with CI No. 12-0957-000 for purposes of internal Agency allocation) during the Respondent's period of non-compliance. If full payment has been made, the cancelled check acts as receipt of payment and no further payment is required. If full payment has not been made, payment is due within 30 days of the Final Order. Overdue amounts are subject to statutory interest and may be referred to collections. A check made payable to the "Agency for Health Care Administration" and containing the AHCA ten-digit case number should be sent to:

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

ORDERED at Tallahassee, Florida, on this 15 day of November, 2011.



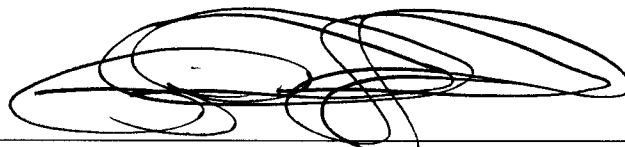
Elizabeth Dudek, Secretary
Agency for Health Care Administration

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 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.

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of this Final Order was served on the below-named persons by the method designated on this 15th day of November, 2011.



Richard Shoop, Agency Clerk
 Agency for Health Care Administration
 2727 Mahan Drive, Bldg. #3, Mail Stop #3
 Tallahassee, Florida 32308-5403
 Telephone: (850) 412-3630

Jan Mills Facilities Intake Unit (Electronic Mail)	Finance & Accounting Revenue Management Unit (Electronic Mail)
Thomas F. Asbury, Esq. Office of the General Counsel Agency for Health Care Administration (Electronic Mail)	Brian J. Lynch, Administrator The Brookshire 85 Bulldog Blvd. Melbourne, Florida 32901 (U.S. Mail)
Shaddrick Haston, Unit Manager Assisted Living Unit Agency for Health Care Administration (Electronic Mail)	Anna G. Small, Counsel for Respondent LaVie Care Centers 10210 Highland Manor Dr., Suite 250 Tampa, FL 33610 (U.S. Mail)
Horace Dozier, Field Office Manager Medicaid Program Integrity Agency for Health Care Administration (Electronic Mail)	Lynne A. Quimby-Pennock Administrative Law Judge Division of Administrative Hearings (Electronic Mail)