

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

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2013 JAN 10 P 12:33

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Petitioner,

v.

A+ THERAPY, INC.,

Respondent.

DOAH CASE NO. 12-0692MPI  
AUDIT NO. C.I. 10-1297-600

**AMENDED FINAL ORDER**

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), Jessica E. Varn, 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, 2009 and December 31, 2009; and whether sanctions and costs should be imposed against Respondent. The Recommended Order dated July 18, 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**

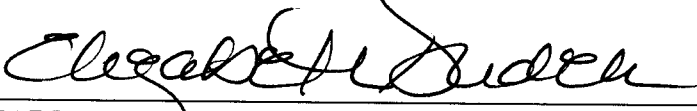
The Agency adopts the conclusions of law set forth in the Recommended Order.

**IT IS THEREFORE ADJUDGED THAT:**

After crediting Respondent for certain services rendered as detailed in the Recommended Order, Respondent is required to repay \$52,932.84 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, 2009 through December 31, 2009. A fine of \$10,586.57 is also imposed against Respondent. Lastly, costs in the amount of \$3,240.56 are hereby assessed against Respondent pursuant to § 409.913(23)(a), Fla. Stat.

To date, Respondent has made payment to the Agency for Health Care Administration in the amount of \$102,103.47. Thus, Respondent is due a refund in the amount of \$35,343.50 from the Agency for Health Care Administration.

**DONE and ORDERED** this 10 day of January, 201<sup>13</sup>/<sub>2</sub>, 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 10<sup>th</sup> day of

January, 2012.



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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 Jessica E. Varn  
Administrative Law Judge  
Division of Administrative Hearing  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

Rachic' A. Wilson, Esquire  
Assistant General Counsel  
Agency for Health Care Administration  
2727 Mahan Drive, MS #3  
Tallahassee, Florida 32308

Erin M. Bengele, Esquire  
Nicholson and Eastin, LLP  
Suite 301  
707 Northeast Third Avenue  
Fort Lauderdale, Florida 33301

Medicaid Program Integrity  
Agency for Health Care Administration  
2727 Mahan Drive, MS #6  
Tallahassee, Florida 32308

Michael Murphy  
Finance & Accounting

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

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AHCA  
AGENCY CLERK

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

2012 AUG 29 A 9:18

Petitioner,  
v.

DOAH CASE NO. 12-0692MPI  
AUDIT NO. C.I. 10-1297-600  
RENDITION NO.: AHCA-12-0854-FOF-MDO

A+ THERAPY, INC.,  
  
Respondent.

**FINAL ORDER**

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), Jessica E. Varn, 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, 2009 and December 31, 2009; and whether sanctions and costs should be imposed against Respondent. The Recommended Order dated July 18, 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:**

After crediting Respondent for certain services rendered as detailed in the Recommended Order, Respondent is required to repay \$82,219.09 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, 2009 through December 31, 2009. A fine of \$16,643.82 is also imposed against Respondent. Lastly, costs in the amount of \$3,240.56 are hereby assessed against Respondent pursuant to § 409.913(23)(a), Fla. Stat.

Respondent shall make full payment of the overpayment, fine and costs 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.

**DONE and ORDERED** this 28 day of August, 2012, in Tallahassee, Florida.

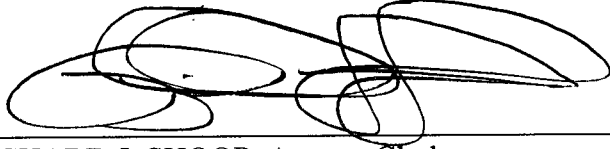
  
\_\_\_\_\_  
ELIZABETH DUDEK, SECRETARY  
AGENCY FOR HEALTH CARE ADMINISTRATION

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**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 29<sup>th</sup> day of August, 2012.



---

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Agency for Health Care Administration  
2727 Mahan Drive, MS #3  
Tallahassee, Florida 32308  
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Henry Evans  
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