

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

2012 JUN 25 A 8: 33

Petitioner,

CASE NO. 11-763PH
PROVIDER NO. 000745300
C.I. NO. 12-0358-000

v.

RENDITION NO.: AHCA-12-01111-FOI-MDO

GLADYS M. GIRTMAN,

Respondent.

FINAL ORDER

At the specific request of the Respondent, this case was forwarded to a hearing officer (hereafter referred to as the Presiding Officer) for a proceeding to be conducted pursuant to Section 120.57(2), Florida Statutes. The Presiding Officer's Amended Recommended Order, which was signed on May 22, 2012 and filed with the Agency Clerk's office on the same date, is attached to this Final Order, and incorporated herein by reference.

FINDINGS OF FACT

The Agency adopts the findings of fact set forth in the Amended Recommended Order.

CONCLUSIONS OF LAW

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

IT IS THEREFORE ADJUDGED THAT:

The Agency's August 23, 2011 sanction letter is hereby upheld, and a \$2,500 fine and suspension from participation in the Medicaid program are hereby imposed on Respondent. Unless payment has already been made, payment in the amount of \$2,500 is now due from the Respondent as a result of the agency action. Such payment shall be made in full within 30 days of the rendition of this Final Order unless other payment arrangements have been made. The payment shall be made by check payable to Agency for Health Care Administration, and shall be mailed to the Agency for Health Care Administration, Attn. Revenue Management Unit, Office of Finance and Accounting, 2727 Mahan Drive, Fort Knox Building 2, Mail Stop 14, Tallahassee, FL 32308.

DONE and ORDERED this 21st day of June, 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 25th day of June, 2012.



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

COPIES FURNISHED TO:

Rachic' Wilson, Esquire
Informal Hearing Officer
Agency for Health Care Administration
2727 Mahan Drive, MS #3
Tallahassee, FL 32308

Willis F. Melvin, Jr., Esquire
Assistant General Counsel
Agency for Health Care Administration
2727 Mahan Drive, MS #3
Tallahassee, FL 32308

Gladys Girtman
719 South Boundary Avenue
Deland, Florida 32720

Medicaid Program Integrity
Office of the Inspector General

Henry Evans
Finance & Accounting

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

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

Petitioner,

v.

GLADYS M. GIRTMAN,

Respondent.

**Case No.: 11-763PH
Provider No.: 000745300
C.I. No.: 12-0358-000**

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2012 MAY 23 P 12:35**

AMENDED RECOMMENDED ORDER

Pursuant to Notice, a final hearing was held in this case in accordance with section 120.572(2), Florida Statutes, on April 3, 2012, before Rachic'Wilson, a duly designated Informal Hearing Officer of the Agency for Health Care Administration.

APPEARANCES

For Petitioner: Willis Melvin, Esquire
Agency for Health Care Administration
2727 Mahan Drive, Building 3
Tallahassee, Florida 32308

For Petitioner: Gladys Girtman
719 South Boundary Avenue
Deland, Florida 32720

STATEMENT OF ISSUES

1. Whether Respondent was properly fined \$2,500.00 and suspended from participation in the Medicaid program for failure to timely respond to a Demand Letter.

EXHIBITS

Petitioner's Exhibit 1 Demand Letter dated July 18, 2011

WITNESSES

1. Victor Rivera, Investigator
Agency for Health Care Administration
400 West Robinson Street, Suite S309
Orlando, Florida 32801
2. Gladys Girtman
710 South Boundary Avenue
Deland, Florida 32720

FINDINGS OF FACT

1. On July 18, 2011, the Agency sent a Demand Letter via certified mail to Respondent. The letter put Respondent on notice that certain records should be provided to the Agency within fifteen (15) calendar days of Respondent's receipt of the letter.
2. A notice regarding the Demand Letter was left at Respondent's residence by the United States Postal Service on July 22, 2011.
3. The Demand Letter was classified by the United States Postal Service as unclaimed on August 8, 2011.
4. The Demand Letter was returned to the Agency as undeliverable on August 15, 2011.
5. On August 23, 2011, a Sanction Letter was issued requiring Respondent to pay the Agency a fine of \$2,500.00 for violations of section 409.913(e), Florida Statutes.
6. Respondent admitted to the fact that the records were not furnished within the prescribed time period.

CONCLUSIONS OF LAW

1. The Agency for Health Care Administration has jurisdiction over the parties to, and to the subject matter of, these proceedings, under section 120.57(2), Florida Statutes.

2. Pursuant to section 409.902, Florida Statutes, Petitioner is charged with overseeing and administering the Medicaid program in the state of Florida.

3. Section 409.913(15), Florida Statutes states, in pertinent part, that:

“The Agency shall seek a remedy provided by law, including but not limited to, any remedy provided in subsections (13) and (16) and s.812.035 if:

(e) The Provider has not furnished or has failed to make available such Medicaid-related records as the agency has found necessary to determine whether Medicaid payments are or were due and the amounts thereof...”

4. Rule 59G-9.070(7), Florida Administrative Code, states in pertinent part:

“SANCTIONS: In addition to the recoupment of the overpayment, if any, the Agency will impose sanctions as outlined in this subsection. Except when the Secretary of the Agency determines not to impose a sanction, pursuant to Section 409.913(16)(j), F.S., sanctions shall be imposed as follows:

(c) For failure to make available or furnish all Medicaid-related records, to be used in determining whether and what amount should have or should be reimbursed: For a first offense, \$2,500 fine per record request and suspension until the records are made available...and, if after 30 days the violation remains ongoing, termination...”

5. The July 18, 2011, Demand Letter states “the Medicaid-related records to substantiate billing for the recipients identified on the enclosed printout are due within fifteen (15) calendar days of your receipt of this notification.”

6. Respondent to date has not submitted the requested records.

7. Therefore, as set forth in the proposed findings of fact above, the Agency succeeded in establishing that Respondent failed to furnish records within the prescribed timeframe.

8. As such, the Agency properly fined Respondent \$2,500.00 and suspended Respondent from participation in the Medicaid program.

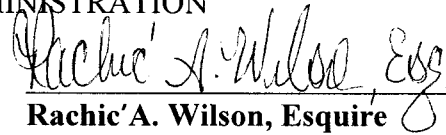
RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is recommended that the Agency for Health Care Administration enter an Order requiring that Respondent pay an administrative fine of two thousand five hundred dollars (\$2,500) and suspending Respondent from participation in the Medicaid program.

DONE AND ENTERED this 22nd day of May, 2012.

AGENCY FOR HEALTH CARE
ADMINISTRATION

BY:



Rachic' A. Wilson, Esquire
Informal Hearing Officer
Agency for Healthcare Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308

Copies to:

Willis Melvin, Esquire
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Gladys Girtman
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