

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

FILED  
AHCA  
AGENCY CLERK

2012 JUN -5 A 8:32

STATE OF FLORIDA,  
AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Petitioner,

vs.

CASE NO. 12-1251MPI  
Provider No. 6514456-00  
CI No. 121622000

KENDALL HOME HEALTH AGENCY, LLC. A  
FLORIDA LIMITED LIABILITY COMPANY,

Respondent.

**FINAL ORDER**

THIS CAUSE came before the undersigned for issuance of a Final Order on a Notice of Termination, dated February 9, 2012 (C.I. No. 121622000). By the Notice of Sanction, the **AGENCY FOR HEALTH CARE ADMINISTRATION** (“AHCA” or “Agency”), informed the Respondent, **KENDALL HOME HEALTH AGENCY, LLC**, (“PROVIDER”), that the Agency excluding the Provider from participation in the Florida Medicaid program pursuant to Florida Statutes §409.913(14).

The PROVIDER filed a petition with the Agency, requesting a formal administrative hearing. The Agency forwarded PROVIDER’S hearing request to the Division of Administrative Hearings (“DOAH”) for a formal administrative hearing.

On April 16, 2012, the Agency issued correspondence to the PROVIDER, stating that the sanction for termination issued in its February 9, 2012 letter was rescinded, and PROVIDER had no further obligations pursuant to the February 9, 2012 correspondence.

On April 23, 2012, the parties filed a Joint Motion to Dismiss based upon the February 9, 2012 correspondence from the Agency that rescinded the sanction at issue in this case.

On April 24, 2012, DOAH closed its case file on this matter and relinquished jurisdiction to the Agency.

### **FINDINGS OF FACT**


The PROVIDER received the Notice of Termination/Exclusion dated February 9, 2012. The PROVIDER filed a petition requesting an administrative hearing. On April 16, 2012, the Agency rescinded the sanction contained within the February 9, 2012 correspondence, advising PROVIDER that PROVIDER had no further obligation to the Agency pursuant to the February 9, 2012 Sanction Notice.

### **CONCLUSIONS OF LAW**

Based on the foregoing, it is hereby

**ORDERED AND ADJUDGED** that PROVIDER has no further obligation to the Agency pursuant to the February 9, 2012 Notice of Sanction as the sanction contained therein has been rescinded. Accordingly, the PROVIDER'S request for an administrative hearing is DISMISSED.

**DONE AND ORDERED** this 17<sup>th</sup> day of June, 2012, in Tallahassee, Florida.

  
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 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:

Gus Suarez, Esquire  
The Health & Business Law Group  
1110 Brickell Avenue, Suite 407  
Miami FL 33131-3135  
(Via U.S. Mail)

Mike Blackburn, Chief of Medicaid  
Program Integrity  
2727 Mahan Drive  
Building 2, Mail Station 6  
Tallahassee, Florida 32308  
(Interoffice Mail)

Shena Grantham, Esquire  
Agency for Health Care Administration  
2727 Mahan Drive  
Building 3, Mail Station 3  
Tallahassee, Florida 32308  
(Interoffice Mail)

Eric W. Miller, Inspector General  
Medicaid Program Integrity  
2727 Mahan Drive  
Building 2, Mail Station 6  
Tallahassee, Florida 32308  
(Interoffice Mail)

Agency for Health Care Administration  
Bureau of Health Quality Assurance  
2727 Mahan Drive, Mail Stop 9  
Tallahassee, Florida 32308  
License # 299991991  
(Interoffice Mail)

Hon. Cathy M. Sellers  
Administrative Law Judge  
Division of Administrative Hearings  
The Desoto Building  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060  
(Via U.S. Mail)

Agency for Health Care Administration  
Bureau of Finance and Accounting  
2727 Mahan Drive  
Building 2, Mail Station 14  
Tallahassee, Florida 32308  
(Interoffice 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 the above by the indicated means of delivery, on this 5<sup>th</sup> day of June, 2012.



Richard Shoop, Esquire  
Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive  
Building 3, Mail Station 3  
Tallahassee, Florida 32308  
Telephone: (850) 412-3630  
Fax: (850) 921-0158