

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AGENCY CLERK

2013 JUN 10 A 11: 26

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

FLORIDA CARING HANDS CORPORATION d/b/a
APPLE HOUSE I

Respondent.

DOAH CASE NO. 13 - 836
AHCA NOS. 2012005203
2012007816
2012009374
2012012761

License No. 8345
File No. 11943039

Provider Type: Assisted Living Facility
RENDITION NO.: AHCA-13 - 0592-S-OLC

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

FLORIDA CARING HANDS CORPORATION d/b/a
APPLE HOUSE II,

Respondent.

DOAH CASE NO. 13 - 1105
AHCA NOS. 2012007505
2012009335

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

FLORIDA CARING HANDS CORPORATION d/b/a
APPLE HOUSE II,

Respondent.

AHCA NO. 2013003691

FINAL ORDER

Having reviewed the Administrative Complaints (Ex.1), and all other matters of record, the Agency for Health Care Administration finds and concludes as follows:

1. The Agency has jurisdiction over the above-named Respondent pursuant to Chapter 408, Part II, Florida Statutes, and the applicable authorizing statutes and administrative code provisions.

2. The Agency issued the attached Administrative Complaints and Election of Rights forms to the Respondent. (Ex. 1) 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. 2)

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 Respondent's assisted living facility license number 8345 for the operation of Apple House I is RELINQUISHED and deemed cancelled effective June 20, 2013.. The Respondent and Mary Ann B. Vinarta, Individually, or as one holding an ownership interest in any applicant, shall not seek initial licensure nor operate any facility licensed by the Agency, other than the currently licensed Apple House II facility, for a period of 5 years from the date of this Final Order.

3. An administrative fine and survey fee totaling \$9,000.00, payable in Agency Case Numbers 2012007505, 2012009335, and 2013003691¹, and an administrative fine of \$9,250.00 payable to Agency Case Numbers 2012005203, 2012007816, 2012009374, and 2012012761, is imposed. 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 180 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

4. An additional administrative fine of \$18,250.00 is imposed against the Respondent in Agency Case Numbers 2012005203, 2012007816, 2012009374, and 2012012761, but is STAYED for purposes of collection as long a Respondent does not seek any new type of licensure from the Agency. In the event Respondent or Mary Ann B. Vinarta, Individually or as one holding an ownership interest in another entity, seeks licensure from the Agency after the period set forth above, the Respondent or Mary Ann B. Vinarta, Individually, or as one holding an ownership interest in another entity, will pay the sum of \$18,250.00 as a condition precedent to consideration of any such application for licensure.

ORDERED at Tallahassee, Florida, on this 10 day of June, 2013.



Elizabeth Dudek, Secretary
Agency for Health Care Administration

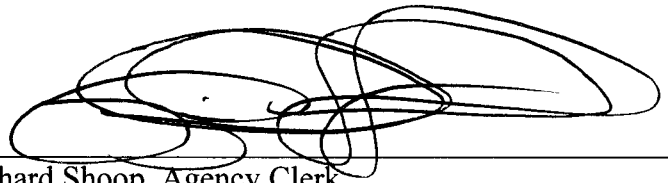
¹ The settlement agreement contains a scrivener's error on page 4 in listing the case number as 2013009691.

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 10th day of June, 2013.



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)	Thomas J. Walsh II, Senior Attorney Office of the General Counsel Agency for Health Care Administration (Electronic Mail)
Finance & Accounting Revenue Management Unit (Electronic Mail)	Shaddrick Haston, Unit Manager Assisted Living Unit Agency for Health Care Administration (Electronic Mail)
Katrina Derico-Harris Medicaid Accounts Receivable Agency for Health Care Administration (Electronic Mail)	Kriste Mennella, Field Office Manager Area 3 Agency for Health Care Administration (Electronic Mail)
Shawn McCauley Medicaid Contract Management Agency for Health Care Administration (Electronic Mail)	John F. Gilroy, Esquire 1695 Metropolitan Circle Tallahassee, Florida 32308 (U.S. Mail)
F. Scott Boyd Administrative Law Judge Division of Administrative Hearings (Electronic Mail)	

NOTICE OF FLORIDA LAW

408.804 License required; display.--

- (1) It is unlawful to provide services that require licensure, or operate or maintain a provider that offers or provides services that require licensure, without first obtaining from the agency a license authorizing the provision of such services or the operation or maintenance of such provider.
- (2) A license must be displayed in a conspicuous place readily visible to clients who enter at the address that appears on the license and is valid only in the hands of the licensee to whom it is issued and may not be sold, assigned, or otherwise transferred, voluntarily or involuntarily. The license is valid only for the licensee, provider, and location for which the license is issued.

408.812 Unlicensed activity. --

- (1) A person or entity may not offer or advertise services that require licensure as defined by this part, authorizing statutes, or applicable rules to the public without obtaining a valid license from the agency. A licenseholder may not advertise or hold out to the public that he or she holds a license for other than that for which he or she actually holds the license.
- (2) The operation or maintenance of an unlicensed provider or the performance of any services that require licensure without proper licensure is a violation of this part and authorizing statutes. Unlicensed activity constitutes harm that materially affects the health, safety, and welfare of clients. The agency or any state attorney may, in addition to other remedies provided in this part, bring an action for an injunction to restrain such violation, or to enjoin the future operation or maintenance of the unlicensed provider or the performance of any services in violation of this part and authorizing statutes, until compliance with this part, authorizing statutes, and agency rules has been demonstrated to the satisfaction of the agency.
- (3) It is unlawful for any person or entity to own, operate, or maintain an unlicensed provider. If after receiving notification from the agency, such person or entity fails to cease operation and apply for a license under this part and authorizing statutes, the person or entity shall be subject to penalties as prescribed by authorizing statutes and applicable rules. Each day of continued operation is a separate offense.
- (4) Any person or entity that fails to cease operation after agency notification may be fined \$1,000 for each day of noncompliance.
- (5) When a controlling interest or licensee has an interest in more than one provider and fails to license a provider rendering services that require licensure, the agency may revoke all licenses and impose actions under s. 408.814 and a fine of \$1,000 per day, unless otherwise specified by authorizing statutes, against each licensee until such time as the appropriate license is obtained for the unlicensed operation.
- (6) In addition to granting injunctive relief pursuant to subsection (2), if the agency determines that a person or entity is operating or maintaining a provider without obtaining a license and determines that a condition exists that poses a threat to the health, safety, or welfare of a client of the provider, the person or entity is subject to the same actions and fines imposed against a licensee as specified in this part, authorizing statutes, and agency rules.

(7) Any person aware of the operation of an unlicensed provider must report that provider to the agency.