

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

2014 OCT 27 A 11: 25

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

DCA No. 2D14-644

Petitioner,

DOAH Nos. 13-2011  
13-2397

vs.

AHCA No. 2013002572  
2013004620

PINE TREE MANOR, INC., d/b/a  
PINE TREE MANOR,

License No. 8317  
File No. 11942985

Respondent.

Provider Type: Assisted Living Facility  
**RENDITION NO.: AHCA- 14 - 0863 -S-OLC**

**AMENDED FINAL ORDER**

Having reviewed the Administrative Complaints, Recommended Order, Final Order, Settlement Agreement, and all other matters of record, the Agency for Health Care Administration finds and concludes as follows:

1. The Agency issued the Respondent the attached Administrative Complaints and Election of Rights forms. (Ex. 1) The Election of Rights forms advised the Respondent of the right to an administrative hearing pursuant to Sections 120.57(1) and 120.57(2), Florida Statutes.

2. The Respondent filed petitions for formal hearing and the matters were forwarded to the Division of Administrative Hearings. After the conclusion of the hearing, the Administrative Law Judge issued a Recommended Order finding and recommending that: (a) the Respondent committed a class II violation and the Agency should assess an administrative fine of \$5,000.00 and a survey fee of \$500.00, (b) the Respondent committed a class I violation and the Agency should assess an administrative fine of \$8,000.00, and (c) the Agency should suspend the Respondent's license for a period of 60 days with a 30-day grace period for the orderly transition of the assisted living facility residents. (Ex. 2)

3. The Agency timely filed Exceptions to the Recommended Order contesting the penalty of license suspension rather than license revocation. Thereafter, the Agency issued a Final Order revoking the Respondent's license to operate this assisted living facility. (Ex. 3)

4. The Respondent timely filed a Notice of Appeal to the District Court of Appeal. During the pendency of the appeal, the parties entered into a Settlement Agreement allowing for a change of ownership of the assisted living facility and imposing other terms and conditions upon the Respondent and its owner. (Ex. 4).

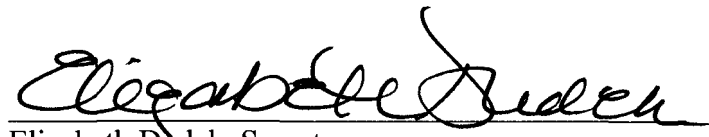
**IT IS THEREFORE ORDERED:**

5. The Final Order filed on February 5, 2014, is amended to reflect that the Respondent's license is no longer revoked so that it may be the subject of a change of ownership application filed by

Heather Haven III, Inc. The imposition of the \$5,000.00 and \$8,000.00 administrative fines and the \$500.00 survey fee against the Respondent remain in effect.

6. The agreed upon restrictions set forth in the Settlement Agreement as to the Respondent and the Respondent's owner are imposed. The Central Systems Bureau shall maintain an alert in its system in order to enforce these restrictions.

**ORDERED** in Tallahassee, Florida on this 24 day of October, 2014.

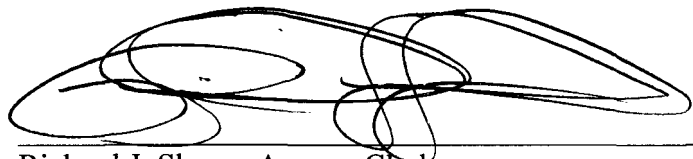
  
Elizabeth Dudek, Secretary  
Agency for Health Care Administration

**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 HEREBY CERTIFY that a true and correct copy of this Final Order has been furnished by the method designated to the persons named below on this 27<sup>th</sup> day of October, 2014.



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

Jan Mills Facilities Intake Unit Agency for Health Care Administration (Electronic Mail)	Catherine A. Avery, Unit Manager Assisted Living Unit Agency for Health Care Administration (Electronic Mail)
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<p>Finance and Accounting  Revenue Management Unit  Agency for Health Care Administration  (Electronic Mail)</p>	<p>Patricia Caufman, Field Office Manager  Local Field Office  Agency for Health Care Administration  (Electronic Mail)</p>
<p>Katrina Derico-Harris  Medicaid Accounts Receivable  Agency for Health Care Administration  (Electronic Mail)</p>	<p>Cynthia Hain, Assistant General Counsel  Office of the General Counsel  Agency for Health Care Administration  (Electronic Mail)</p>
<p>Shawn McCauley  Medicaid Contract Management  Agency for Health Care Administration  (Electronic Mail)</p>	<p>Thomas M. Hoeler, Chief Facilities Counsel  Office of the General Counsel  Agency for Health Care Administration  (Electronic Mail)</p>
<p>Donna Damiani, Owner/Representative  Heather Haven III, Inc.  725 Edgewater Drive  Dunedin, FL 34698  (U.S. Mail)</p>	<p>Theodore Mack, Esquire  Powell and Mack  3700 Bellwood Drive  Tallahassee, Florida 32303  (U.S. Mail)</p>
<p>Linzie F. Bogan  Administrative Law Judge  Division of Administrative Hearings  (Electronic Mail)</p>	