

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

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AGENCY CLERK

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION

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Petitioner,

DIVISION OF
ADMINISTRATIVE
HEARINGS

DOAH CASE NO. 13-3675MPI

vs.

JUDGE JESSICA E. VARN

C.I. NO. 11-4011-000

PROVIDER NO. 142770900

PARK PLAZA RETIREMENT
RESIDENCE,

LICENSE NO. AL007169

Respondent.

FINAL ORDER

THIS CAUSE is before me for issuance of a Final Order. In a letter dated June 7, 2011, a copy of which is attached as Exhibit A, Park Plaza Retirement Residence ("Respondent") was informed that the State of Florida, Agency for Health Care Administration ("AHCA" or "Agency") was seeking to impose a fine of Fourteen Thousand Dollars (\$14,000.00) for violation(s) of Florida Administrative Code Rule 59G-9.070(7)(e). Pursuant to §409.913(6), Florida Statutes, the letter was sent by United States Postal Service (USPS) Certified Mail, Return Receipt Requested, to Respondent at the address last shown on the provider enrollment file. Respondent received the letter by USPS Certified Mail, Return Receipt Requested, on June 15, 2011.

A Petition for a Formal Administrative Hearing was received by AHCA on June 28, 2011. AHCA initially referred the Petition to the Division of Administrative Hearings (DOAH) for assignment to an Administrative Law Judge ("Judge") on July 6, 2011. The case was assigned DOAH Case No. 11-3344MPI. Upon Joint Motion of both parties, on October 5, 2011, the Judge entered an Order Closing File and therein remanded the case back to AHCA. On October 17, 2012, AHCA filed with DOAH a Motion to Reopen Proceeding. This case was assigned DOAH Case No. 12-3429MPI. Upon Joint Motion of both parties, on December 11, 2012, the Judge entered an Order Closing File and therein remanded the case back to AHCA.

On September 19, 2013, AHCA filed with DOAH a Motion to Reopen Proceeding. This case was assigned DOAH Case No. 13-3675PI. A formal administrative hearing was scheduled for November 14, 2013, in Tallahassee, Florida, and Miami, Florida by video teleconference by Notice of Hearing dated September 30, 2013. Subsequently AHCA informed DOAH and the Respondent of its intent to impose total fines of Two Thousand Dollars (\$2,000.00) for violation(s) of Florida Administrative Code Rule 59G-9.070(7)(e) through AHCA's Unilateral Prehearing Statement filed with DOAH on November

4, 2013, and AHCA's Amended Unilateral Prehearing Statement filed with DOAH on November 7, 2013.

At the final hearing scheduled for November 14, 2013, the AHCA representatives, the AHCA attorney, and counsel for the Respondent appeared; the Respondent did not appear. AHCA stated on the record that AHCA was seeking to impose total fines of Two Thousand Dollars (\$2,000.00) for violation(s) of Florida Administrative Code Rule 59G-9.070(7)(e) for the following reasons, as set forth in AHCA's Amended Unilateral Prehearing Statement:

- AHCA seeks to apply a One Thousand (\$1,000.00) sanction fine because the Respondent failed to meet the qualifications for Assisted Living Facility (ALF) as to ALF direct care staff as mandated by §408.809, Fla. Stat and Fla. Admin. Code Rules 58A-5.019 and 58A-5.0191.
- AHCA seeks to apply an additional One Thousand Dollars (\$1,000.00) sanction fine because the Respondent did not maintain documentation for ALF residents required by the Florida Medicaid Assistive Care Services, Coverage, and Limitations Handbook.

Based upon that representation from AHCA at the final hearing, Respondent, through its counsel, withdrew

Respondent's Petition for a Formal Administrative Hearing and stipulated to the closing of the DOAH file. On November 14, 2013, the Judge entered an Order Closing File, therein relinquishing of this matter to AHCA for entry of a default final order.

ORDER

BASED on the foregoing, it is ORDERED AND ADJUDGED that Respondent, Park Plaza Retirement Residence, refund forthwith the sum of Two Thousand Dollars (\$2,000.00) for violation(s) of Florida Administrative Code Rule 59G-9.070(7)(e), per the attached letter marked as Exhibit A. Respondent shall make payment in full within 30 days of the rendition of this Final Order.

DONE and ORDERED this 23rd day of December, 2013, in Tallahassee, Leon County, 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:

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

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Agency for Health Care Administration
Debora E. Fridie, Assistant General Counsel, MS #3

Agency for Health Care Administration
Division of Health Quality Assurance

Agency for Health Care Administration
Home Care Unit, MS #34

Agency for Health Care Administration
Bureau of Finance and Accounting, MS #14

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Agency for Health Care Administration
Bureau of Medicaid Program Integrity, MS #6
ATTN: Richard J. Zenuch, Bureau Chief

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order was furnished by United States Mail, interoffice mail, or email transmission to the above-referenced addressees this 22 day of January 2017.



RICHARD J. SHOOP, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, MS #3
Tallahassee, Florida 32308
Telephone No. (850)-412-3630
Facsimile No. (850)-921-0158