

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

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AGENCY CLERK

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STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Petitioner,

v.

AMERIMED DIAGNOSTIC SERVICES,  
INC.,

Respondent.

Case No. 15-1748

AHCA No. 2014012157

RENDITION NO.: AHCA- 15 - 0362 -8-OLC

**FINAL ORDER**


Having reviewed the Administrative Complaint, and all other matters of record, the Agency for Health Care Administration finds and concludes as follows:

1. The Agency issued the attached Administrative Complaint and Election of Rights form to the Respondent. (Ex. 1) The parties have since entered into the attached Settlement Agreement, which is adopted and incorporated by reference into this Final Order. (Ex. 2)

2. The Respondent shall pay the Agency \$20,000.00. 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 and payable by August 15, 2016, which is the date that Respondent's current license expires. 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:

Central Intake Unit  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop 61  
Tallahassee, Florida 32308

**ORDERED** at Tallahassee, Florida, on this 15 day of June, 2015.



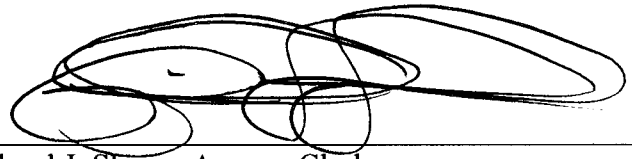
Elizabeth Dudek, Secretary  
Agency for Health Care Administration

**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 CERTIFY that a true and correct copy of this Final Order was served on the below-named persons by the method designated on this 15<sup>th</sup> day of June, 2015.



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

Facilities Intake Unit Agency for Health Care Administration (Electronic Mail)	Central Intake Unit Agency for Health Care Administration (Electronic Mail)
Daniel A. Johnson, Senior Attorney Office of the General Counsel Agency for Health Care Administration (Electronic Mail)	Amerimed Diagnostic Services, Inc. 500 W. Martin Luther King Jr. Blvd. Tampa, Florida 33603 (U.S. Mail)
Division of Administrative Hearings (Electronic Mail)	David W. Lipscomb, Esq. David Lipscomb, P.A. 13907 N. Dale Mabry Hwy., Suite 204 Tampa, Florida 33618 (U.S. Mail)

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

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

**Petitioner,**

v.

**AMERIMED DIAGNOSTIC SERVICES,  
INC.,**

**AHCA No. 2014012157**

**License No. HCC3985**

**File No. 2509**

**License Type: Health Care Clinic**

**Respondent.**

\_\_\_\_\_ /

**ADMINISTRATIVE COMPLAINT**

COMES NOW, the Petitioner, State of Florida, Agency for Health Care Administration (“the Agency”), by and through its undersigned counsel, and files this Administrative Complaint against the Respondent, Amerimed Diagnostic Services, Inc. (“the Respondent”), pursuant to Section 120.569 and 120.57, Florida Statutes (2014), and alleges:

**NATURE OF THE ACTION**

1. This is an action to impose an administrative fine of thirty thousand dollars (\$30,000) against Respondent and to revoke the Respondent’s health care clinic license based upon Respondent’s operation of two unlicensed clinics concurrent to its operation of two licensed clinics.

**PARTIES**

2. The Agency is the state agency that oversees the licensure and regulation of health care clinics in Florida pursuant to Chapters 408, Part II, and 400, Part X, Florida Statutes (2014); and Chapter 59A-33, Florida Administrative Code. “The Legislature finds that the regulation of health care clinics must be strengthened to prevent significant cost and harm to

consumers. The purpose of this part is to provide for the licensure, establishment, and enforcement of basic standards for health care clinics and to provide administrative oversight by the Agency for Health Care Administration.” § 400.990(2), Fla. Stat. (2014).

3. The Respondent was issued a license by the Agency to operate a health care clinic located at 500 W. Martin Luther King Blvd., Tampa, Florida 33603, and was required to comply with the applicable state statutes and rules.

4. For approximately two years, in addition to and simultaneous to the operation of its licensed clinics, Respondent operated two unlicensed health care clinics: one in Miami, Florida, and one in Altamonte Springs, Florida.

### COUNT I

5. The Agency re-alleges and incorporates paragraphs one (1) through four (4) as though fully set forth, and further alleges the following.

6. That pursuant to Florida law, "clinic" means “(4) . . . an entity at which health care services are provided to individuals and which tenders charges for reimbursement for such services . . .”. Section 400.9905(4), Fla. Stat. (2014).

7. That pursuant to 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.

Section 408.804, Fla. Stat. (2014).

8. That pursuant to Rule 59A-33.006, Florida Administrative Code, in pertinent part:

(3) . . . In such case, the health care clinic must file with the Agency a license application under the Act within 5 days of becoming a health care clinic and shall be subject to all provisions of the Act applicable to unlicensed health care clinics. Failure to timely file an application for licensure within 5 days of becoming a health care clinic will render the health care clinic unlicensed and subject the owners, medical or clinic directors and the health care clinic to sanctions under the Act.

(4) A facility becomes a “clinic” as defined in Section 400.9905(4), F.S., when it does not qualify for an exemption, provides health care services to individuals and bills third party payers for those services.

9. That further pursuant to Florida law:

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.

Section 408.812, Florida Statutes (2014).

10. Further pursuant to Florida law:

400.991 License requirements; background screenings; prohibitions.—

(1)(a) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this part and part II of chapter 408 and to entities licensed by or applying for such licensure from the agency pursuant to this part. A license issued by the agency is required in order to operate a clinic in this state. Each clinic location shall be licensed separately regardless of whether the clinic is operated under the same business name or management as another clinic.

Section 400.991(1)(a), Florida Statutes (2014).

11. That pursuant to Florida law:

400.995 Agency administrative penalties.—

(1) In addition to the requirements of part II of chapter 408, the agency may deny the application for a license renewal, revoke and suspend the license, and impose administrative fines of up to \$5,000 per violation for violations of the requirements of this part or rules of the agency.

. . .

(4) Any licensed clinic whose owner, medical director, or clinic director concurrently operates an unlicensed clinic shall be subject to an administrative fine of \$5,000 per day.

Section 400.995(1), (4), Florida Statutes (2014).

12. That further pursuant to Florida law, “[a]n applicant must demonstrate compliance with the requirements in this part, authorizing statutes, and applicable rules during an inspection pursuant to s. 408.811, as required by authorizing statutes.” Section 408.806(7)(a), Florida Statutes (2014).

13. As of April 2014, and at all relevant times thereafter, Respondent held 2 active health care clinic licenses issued by the Agency. One of Respondent’s clinics was licensed in 2004 and the other in April 2014.

**Unlicensed Clinic in Miami, Florida**

14. On August 26, 2014, the Agency conducted a complaint investigation of Respondent’s unlicensed health care clinic being operated at 13155 SW 42<sup>nd</sup> Street, Suite 104, Miami, Florida 33175. The allegation of unlicensed activity was substantiated.

15. On August 26, 2014, at approximately 10:25 A.M., at the Miami location, the Agency surveyor interviewed Respondent’s Administrator wherein it was determined that Respondent failed to apply for a license to operate the health care clinic. During the interview

with Respondent's Administrator, it was determined that Respondent's unlicensed health care clinic in Miami had been providing services for approximately two years.

16. On August 27, 2014, the Agency delivered a cease and desist letter to Respondent's unlicensed Miami health care clinic.

**Unlicensed Clinic in Altamonte Springs, Florida**

17. On July 8, 2014, the Agency received an application for licensure from Respondent for a health care clinic at 251 Maitland Ave., Suite 116, Altamonte Springs, Florida 32701.

18. On September 4, 2014, the Agency started an initial survey, which was continued on September 23-25 and September 29-30, in which it determined that Respondent had been engaged in unlicensed activity at this health care clinic. This determination was based on interview and record review.

19. On September 4, 2014, at approximately 12:15 P.M., the Agency surveyor interviewed Respondent's Chief Operations Officer and the Office Manager, who validated that the facility did not have an active health care clinic license.

20. On September 4, 2014, the surveyor reviewed records dated August 19, 2014, which demonstrated that a Massage Establishment inspection was conducted by the State of Florida, Department of Health Investigative Services, which reflected the name and license number of a "person employed."

21. On September 5, 2014, Respondent purported to cease providing services to patients at its unlicensed Altamonte Springs health care clinic.

22. On September 23, 2014, at approximately 11:35 A.M., the Respondent's Office Manager was interviewed, who informed the surveyor that only two massage therapists worked



at Respondent's unlicensed Altamonte Springs health care clinic.

23. On September 23, 2014, at approximately 11:37 A.M., the surveyor interviewed Staff A, a massage therapist, who stated he began working for Respondent in November 2012. Staff A provided a copy of "patient logs" from September 2, 2014, through September 22, 2014.

24. On September 23, 2014, at approximately 1:05 P.M., the surveyor interviewed Staff B, a massage therapist, who stated she began working for the establishment around "late December 2013 or early January 2014."

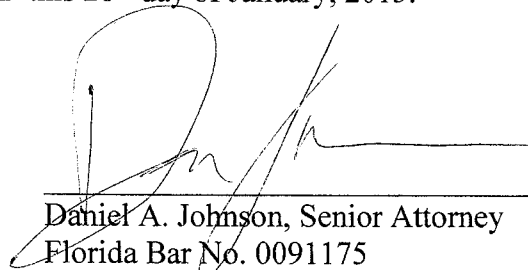
25. Respondent continued to operate its unlicensed health care clinic at the Altamonte Springs location after being served with a cease and desist letter related to its unlicensed health care clinic in Miami.

26. Operation of two unlicensed clinics for approximately two years subjects the Respondent to a daily fine during any period of unlicensed activity. Sections 408.812, 408.813 and 400.995, Florida Statutes (2014).

27. An appropriate fine for unlicensed operation of two health care clinics for approximately two years, beginning in 2012 and ending in 2014, is thirty thousand dollars (\$30,000), which is an amount far below the allowable five thousand dollars (\$5,000) per day. Further, due to the facts set forth above, revocation of Respondent's license to operate this health care clinic is appropriate.

**WHEREFORE**, the Petitioner, State of Florida, Agency for Health Care Administration, seeks to impose an administrative fine of \$30,000.00 against Respondent and revoke the Respondent's license to operate this health care clinic.

**RESPECTFULLY SUBMITTED** this 28<sup>th</sup> day of January, 2015.



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Daniel A. Johnson, Senior Attorney  
Florida Bar No. 0091175  
Office of the General Counsel  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop #3  
Tallahassee, Florida 32308  
Telephone: (850) 412-3658  
Facsimile: (850) 922-6484  
Daniel.Johnson@ahca.myflorida.com

**NOTICE OF RIGHTS**

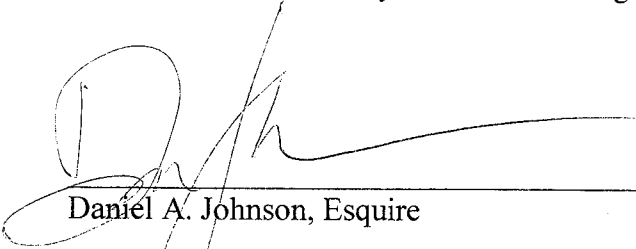
**Pursuant to Section 120.569, F.S., any party has the right to request an administrative hearing by filing a request with the Agency Clerk. In order to obtain a formal hearing before the Division of Administrative Hearings under Section 120.57(1), F.S., however, a party must file a request for an administrative hearing that complies with the requirements of Rule 28-106.2015, Florida Administrative Code. Specific options for administrative action are set out in the attached Election of Rights form.**

**The Election of Rights form or request for hearing must be filed with the Agency Clerk for the Agency for Health Care Administration within 21 days of the day the Administrative Complaint was received. If the Election of Rights form or request for hearing is not timely received by the Agency Clerk by 5:00 p.m. Eastern Time on the 21st day, the right to a hearing will be waived. A copy of the Election of Rights form or request for hearing must also be sent to the attorney who issued the Administrative Complaint at his or her address. The Election of Rights form shall be addressed to: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 3, Tallahassee, FL 32308; Telephone (850) 412-3630, Facsimile (850) 921-0158.**

**Any party who appears in any agency proceeding has the right, at his or her own expense, to be accompanied, represented, and advised by counsel or other qualified representative. Mediation under Section 120.573, F.S., is available if the Agency agrees, and if available, the pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement.**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the Administrative Complaint and Election of Rights form were served to the persons named below by the method designated on this 28<sup>th</sup> day of January, 2015.

  
Daniel A. Johnson, Esquire

Harvey S. Bishow, Medical Director Amerimed Diagnostic Services, Inc. 500 W. Martin Luther King Blvd. Tampa, Florida 33603 (Certified Mail # 9171082133393763107271) 91 7108 2133 3937 6310 7271	Spiegel & Utrera, P.A., Registered Agent 1840 SW 22 <sup>nd</sup> St., 4 <sup>th</sup> Floor Miami, Florida 33145 (Certified Mail # 9171082133393763107264) 91 7108 2133 3937 6310 7264
Pat Caufman, Field Office Manager Region 6 Field Office Agency for Health Care Administration (Electronic Mail)	Thomas Jones, Unit Manager Health Care Clinic Licensure Unit Agency for Health Care Administration (Electronic Mail)

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

Re: Amerimed Diagnostic Services, Inc.

AHCA No. 2014012157

ELECTION OF RIGHTS

**This Election of Rights form is attached to an Administrative Complaint. The Election of Rights form may be returned by mail or by facsimile transmission, but must be filed with the Agency Clerk within 21 days by 5:00 p.m., Eastern Time, of the day that you received the Administrative Complaint. If your Election of Rights form with your selected option (or request for hearing) is not timely received by the Agency Clerk, the right to an administrative hearing to contest the proposed agency action will be waived and an adverse Final Order will be issued. In addition, please send a copy of this form to the attorney of record who issued the Administrative Complaint.**

(Please use this form unless you, your attorney or your qualified representative prefer to reply according to Chapter 120, Florida Statutes, and Chapter 28, Florida Administrative Code.) The address for the Agency Clerk is:

Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, Building #3, Mail Stop #3  
Tallahassee, Florida 32308  
Telephone: 850-412-3630 Facsimile: 850-921-0158

PLEASE SELECT ONLY 1 OF THESE 3 OPTIONS

**OPTION ONE (1) \_\_\_\_\_ I waive the right to a hearing to contest the allegations of fact and conclusions of law contained in the Administrative Complaint.** I understand that by giving up my right to a hearing, a final order will be issued that adopts the proposed agency action and imposes the fine, sanction or other agency action.

**OPTION TWO (2) \_\_\_\_\_ I admit the allegations of fact contained in the Administrative Complaint, but wish to be heard at an informal hearing** (pursuant to Section 120.57(2), Florida Statutes) where I may submit testimony and written evidence to the Agency to show that the proposed administrative action is too severe or that the fine, sanction or other agency action should be reduced.

**OPTION THREE (3) \_\_\_\_\_ I dispute the allegations of fact contained in the Administrative Complaint and request a formal hearing** (pursuant to Section 120.57(1), Florida Statutes) before an Administrative Law Judge appointed by the Division of Administrative Hearings.

**PLEASE NOTE: Choosing OPTION THREE (3), by itself, is NOT sufficient to obtain a formal hearing.** You also must file a written petition in order to obtain a formal hearing before

the Division of Administrative Hearings under Section 120.57(1), Florida Statutes. It must be received by the Agency Clerk at the address above **within 21 days** of your receipt of this proposed agency action. The request for formal hearing must conform to the requirements of Rule 28-106.2015, Florida Administrative Code, which requires that it contain:

1. The name, address, telephone number, and facsimile number (if any) of the Respondent.
2. The name, address, telephone number and facsimile number of the attorney or qualified representative of the Respondent (if any) upon whom service of pleadings and other papers shall be made.
3. A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.
4. A statement of when the respondent received notice of the administrative complaint.
5. A statement including the file number to the administrative complaint.

Licensee Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_  
Number and Street City Zip Code

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

E-Mail \_\_\_\_\_

I hereby certify that I am duly authorized to submit this Election of Rights to the Agency for Health Care Administration on behalf of the licensee referred to above.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

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

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

**Petitioner,**

v.

**Case No. 15-1748  
AHCA No. 2014012157**

**AMERIMED DIAGNOSTIC SERVICES,  
INC.,**

**Respondent.**

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**SETTLEMENT AGREEMENT**

Petitioner, State of Florida, Agency for Health Care Administration (hereinafter the "Agency"), through its undersigned representatives, and Respondent, Amerimed Diagnostic Services, Inc. (hereinafter "Respondent"), pursuant to Section 120.57(4), Florida Statutes, each individually, a "party," collectively as "parties," hereby enter into this Settlement Agreement ("Agreement") and agree as follows:

**WHEREAS**, the Respondent is a Health Care Clinic licensed pursuant to Chapters 408, Part II, and 400, Part X, Fla. Stat., and Chapter 59A-33, Fla. Admin. Code; and

**WHEREAS**, the Agency has jurisdiction by virtue of being the regulatory and licensing authority over Respondent; and

**WHEREAS**, the Agency served the Respondent with an administrative complaint in the above-styled matter notifying the Respondent of its intent to revoke the Respondent's health care clinic license, number HCC3985, and impose a fine of thirty thousand dollars (\$30,000); and

**WHEREAS**, the Respondent requested a formal administrative hearing by filing an election of rights form and petition; and

**WHEREAS**, the Respondent has informed the Agency that Respondent's facility at 13155 SW 42<sup>nd</sup> Street, Suite 104, Miami, Florida 33175 is no longer being operated; and

**WHEREAS**, the Respondent has informed the Agency that Respondent's facility at 251 Maitland Ave., Suite 116, Altamonte Springs, Florida 32701 is no longer being operated; and

**WHEREAS**, the parties have agreed that a fair, efficient, and cost effective resolution of this dispute would avoid the expenditure of substantial sums to litigate the dispute; and

**WHEREAS**, the parties stipulate to the adequacy of considerations exchanged; and

**WHEREAS**, the parties have negotiated in good faith and agreed that the best interest of all the parties will be served by a settlement of this proceeding; and

**NOW THEREFORE**, in consideration of the mutual promises and recitals herein, the parties intending to be legally bound, agree as follows:

1. All recitals are true and correct and are expressly incorporated herein.
2. Both parties agree that the "whereas" clauses incorporated herein are binding findings of the parties.
3. Upon full execution of this Agreement, Respondent agrees to a withdrawal of its request for an administrative proceeding; agrees to waive any and all proceedings and appeals to which it may be entitled including, but not limited to, an informal proceeding under Subsection 120.57(2), a formal proceeding under Subsection 120.57(1), appeals under Section 120.68, Florida Statutes; and declaratory and all writs of relief in any court or quasi-court (DOAH) of competent jurisdiction; and further agrees to waive compliance with the form of the Final Order (findings of fact and conclusions of law) to which it may be entitled. Provided, however, that no agreement herein, shall be deemed a waiver by either party of its right to judicial enforcement of this Agreement.

4. Upon full execution of this Agreement, the parties agree that an administrative fine in the sum of twenty thousand dollars (\$20,000.00) shall be imposed upon the Respondent. The fine shall be due and payable from the Respondent to the Agency no later than August 15, 2016, which is the date that Respondent's current license expires.

5. Respondent shall retain its health care clinic license, number HCC3985, and the Agency shall not revoke said license as a result of this action.

6. Venue for any action brought to interpret, challenge, or enforce the terms of this Agreement or the Final Order entered pursuant hereto shall lie solely in the Circuit Court in Leon County, Florida.

7. By executing this Agreement, the Respondent neither admits nor denies the facts and legal conclusions raised in the Administrative Complaint referenced herein, and the Agency asserts the validity thereof. The Agency is not precluded from using the subject events for any purpose within the jurisdiction of the Agency. Further, Respondent acknowledges and agrees that this Agreement shall not preclude or estop any other federal, state or local agency or office from pursuing any cause of action or taking any action, even if based on or arising from, in whole or in part, the facts raised in the Administrative Complaint.

8. Upon full execution of this Agreement, the Agency shall enter a Final Order adopting and incorporating the terms of this Agreement and closing the above-styled case(s).

9. Each party shall bear its own costs and attorney's fees.

10. This Agreement shall become effective on the date upon which it is fully executed by all the parties.

11. The Respondent, for itself and for its related or resulting organizations, its successors or transferees, attorneys, heirs, and executors or administrators, does hereby discharge



the Agency, and its agents, representatives, and attorneys of and from all claims, demands, actions, causes of action, suits, damages, losses, and expenses, of any and every nature whatsoever, arising out of or in any way related to this matter and the Agency's actions, including, but not limited to, any claims that were or may be asserted in any federal or state court or administrative forum, including any claims arising out of this Agreement, by or on behalf of the Petitioner or related or resulting organizations.

12. This Agreement is binding upon all parties herein and those identified in the aforementioned paragraph of this Agreement.

13. The undersigned have read and understand this Agreement and have authority to bind their respective principals to it. Respondent has the capacity to execute this Agreement. Respondent understands that it has the right to consult with counsel and has either consulted with counsel or has knowingly and freely entered into this Agreement without exercising its right to consult with counsel. Respondent affirms that Respondent understands counsel for the Agency represents solely the Agency and Agency counsel has not provided legal advice to or influenced Respondent in its decision to enter into this Agreement.

14. In the event that Respondent was a Medicaid provider at the subject time of the actions alleged in the Administrative Complaint referenced herein, this Agreement does not prevent the Agency from seeking Medicaid overpayments related to the subject issues or from imposing any sanctions pursuant to Rule 59G-9.070, Florida Administrative Code. This Agreement does not settle any federal issues pending against Respondent.

15. Respondent agrees that if any funds to be paid under this agreement to the Agency are not paid when due, the Agency may deduct the amounts assessed against Respondent in the Final Order, or any portion thereof, owed by Respondent to the Agency from any present or

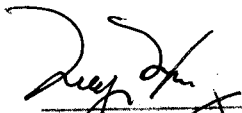
future funds owed to Respondent by the Agency, and that the Agency shall hold a lien against present and future funds owed to Respondent by the Agency for said amounts until paid.

16. This Agreement contains the entire understandings and agreements of the parties.

17. This Agreement supersedes any prior oral or written agreements between the parties. This Agreement may not be amended except in writing. Any attempted assignment of this Agreement shall be void.

18. All parties agree that a facsimile signature suffices for an original signature.

19. The following representatives hereby acknowledge that they are duly authorized to enter into this Agreement.



Molly McKinsty, Deputy Secretary  
Health Quality Assurance  
Agency for Health Care Administration  
2727 Mahan Drive  
Tallahassee, Florida 32308

DATED: 6/15/15



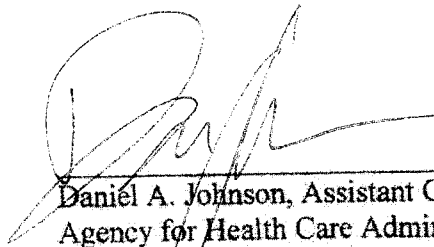
Carmen Fernandez  
Amerimed Diagnostic Services, Inc.  
500 W. Martin Luther King Jr. Blvd.  
Tampa, Florida 33603

DATED: 4/16/15



Stuart F. Williams, General Counsel  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop #3  
Tallahassee, Florida 32308

DATED: 5/26/15



Daniel A. Johnson, Assistant General Counsel  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop #3  
Tallahassee, Florida 32308

DATED: 4/16/15