

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

PALM GARDEN OF AVENTURA,

2016 MAY 17 A 10:39

Petitioner,

DOAH No. 16-0117

v.

AHCA No. 2015012690

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

FINAL ORDER

THIS CAUSE came on for consideration before the Agency for Health Care Administration (“the Agency”), which finds and concludes as follows:

1. In accordance with a contract with the Centers for Medicare and Medicaid Services, the Agency conducted a federal survey of the Petitioner’s skilled nursing facility and thereafter issued the Petitioner a federal statement of deficiencies. The Petitioner filed a Petition for Formal Administrative Proceeding (“Petition”) seeking to challenge the federal findings.
2. The Agency referred the matter to the Division of Administrative Hearings where it was assigned to an Administrative Law Judge. The Agency promptly moved to dismiss the Petition based upon the Division’s lack subject matter jurisdiction to decide the federal citations contained in a federal statement of deficiencies.
3. After receipt of the Agency’s motion, the Petitioner filed a Notice of Voluntary Dismissal prior to a final ruling by the Administrative law Judge. The Administrative Law Judge issued an Order Closing File and Relinquishing Jurisdiction.
4. The Petition is voluntarily dismissed and the case is closed.

ORDERED in Tallahassee, Florida, on this 16 day of May, 2016.



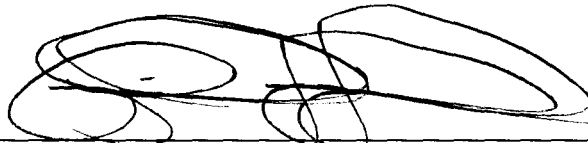
Elizabeth Dudek, Secretary
Agency for Health Care Administration

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party that is adversely affected by this Final Order is entitled to seek 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 was served on the below-named persons by the method designated on this 17th day of May, 2016.



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)	Polly Weaver, Assistant Deputy Secretary Division of Health Quality Assurance Agency for Health Care Administration (Electronic Mail)
Bernard Hudson, Unit Manager Long Term Care Unit Agency for Health Care Administration (Electronic Mail)	Kimberly Smoak, Bureau Chief Bureau of Field Operations Agency for Health Care Administration (Electronic Mail)
Andrew Thornquest, Assistant General Counsel Office of the General Counsel Agency for Health Care Administration (Electronic Mail)	Richard J. Saliba, Assistant General Counsel Office of the General Counsel Agency for Health Care Administration (Electronic Mail)
Honorable John G. Van Laningham Administrative Law Judge Division of Administrative Hearings (Electronic Filing)	Thomas W. Cauffman, Esquire Quintairos, Prieto, Wood & Boyer, P.A. 4905 West Laurel Street, Suite 200 Tampa, Florida 33607 (U.S. Mail)