

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PLAYBIG THERAPY AND RECREATION
ZONE, LLC; KELLEY H. HUTTO,
P.T.; AND RACHEL SCHARLEPP,

Petitioners,

vs.

Case No. 16-3972F

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondent.

_____ /

FINAL ORDER APPROVING STIPULATION FOR ENTRY OF AWARD

The instant case comes before the undersigned based on a "Joint Stipulation for Settlement and Entry of Final Order" ("the Stipulation") filed on February 20, 2017. The undersigned issued a Partial Final Order on January 27, 2017, concluding that:

Petitioners have demonstrated that they are entitled to an award of attorney's fees and costs pursuant to section 57.111, that AHCA was not substantially justified in taking the action to suspend Petitioners' Medicaid payments, and that there exists no special circumstances that would make an award of attorney's fees and costs unjust.

Accordingly, the undersigned granted Petitioners' "Petition and Application for Attorneys' Fees" and instructed the parties to determine if an agreement could be reached as to the amount of attorney's fees and costs that would be awarded to Petitioners. In the event that an agreement could not be reached, the undersigned retained jurisdiction to conduct a second hearing to address the reasonableness of the attorney's fees and costs sought by Petitioners.

Via the Stipulation, the parties have provided notice that they have agreed that Respondent shall pay Petitioners \$50,000.00 in attorney's fees and \$2,000.00 in costs. During a

phone conference conducted on March 6, 2017, Petitioners' counsel notified the undersigned how Petitioners wished the foregoing award to be divided among them.

Accordingly, it is, therefore,

ORDERED that:

1. The Stipulation filed on February 20, 2017, is hereby approved, and the Parties are directed to comply with the provisions of the Stipulation. In particular, Respondent shall pay attorney's fees and costs in the amount of \$52,000.00 within 30 days of the entry of this Final Order.

2. Based on the information provided by Petitioners' counsel during the phone conference on March 6, 2017, PlayBig Therapy and Recreation Zone, LLC (DOAH Case No. 16-2605) shall receive \$50,000.00 in attorney's fees; Kelley H. Hutto, P.T. (DOAH Case No. 16-2604) shall receive \$1,000.00 in costs; and Rachel Scharlepp (DOAH Case No. 16-2606) shall receive \$1,000.00 in costs.

3. The Division of Administrative Hearings retains jurisdiction over this matter to resolve any disputes, should they arise, regarding compliance with the terms of this Order.

DONE AND ORDERED this 7th day of March, 2017, in Tallahassee, Leon County, Florida.

Garnett Chisenhall

G. W. CHISENHALL
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 7th day of March, 2017.

COPIES FURNISHED:

Thomas M. Findley, Esquire
Messer Caparello, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
(eServed)

Joseph G. Hern, Esquire
Agency for Health Care Administration
Mail Stop 3
2727 Mahan Drive
Tallahassee, Florida 32308
(eServed)

William P. Dillon, Esquire
Messer Caparello, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
(eServed)

Ellery W. Sedgwick, Esquire
Messer Caparello, P.A.
2618 Centennial Place
Tallahassee, Florida 32308
(eServed)

James Zubko Ross, Esquire
Agency for Health Care Administration
Mail Stop 3
2727 Mahan Drive
Tallahassee, Florida 32308
(eServed)

Shena L. Grantham, Esquire
Agency for Health Care Administration
Mail Stop 3
2727 Mahan Drive
Tallahassee, Florida 32308
(eServed)

Thomas M. Hoeler, Esquire
Agency for Health Care Administration
Mail Stop 3
2727 Mahan Drive
Tallahassee, Florida 32308
(eServed)

Richard J. Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 3
Tallahassee, Florida 32308
(eServed)

Stuart Williams, General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 3
Tallahassee, Florida 32308
(eServed)

Justin Senior, Secretary
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 1
Tallahassee, Florida 32308
(eServed)

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing the original notice of administrative appeal with the agency clerk of the Division of Administrative Hearings within 30 days of rendition of the order to be reviewed, and a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the District Court of Appeal in the appellate district where the agency maintains its headquarters or where a party resides or as otherwise provided by law.