

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

ADVENTIST HEALTH SYSTEM /SUNBELT,
INC. DBA FLORIDA HOSPITAL,

Respondent.

DOAH CASE NO.: 17-1970MPI

MPI CASE NO.: 2015-0002809

C.I. NO.: 15-0255-000

PROVIDER NO.: 010129001

NPI NO.: 1306938071

LICENSE NO.: 4369

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") for entry of a Final Order.

1. This matter concerns a Final Audit Report ("FAR") dated February 21, 2017 (Exhibit "A"), notifying the Respondent, ADVENTIST HEALTH SYSTEM/SUNBELT, INC. DBA FLORIDA HOSPITAL (PROVIDER), and alleging that AHCA overpaid Respondent for certain services rendered to Medicaid eligible undocumented aliens. (FAR attached "Exhibit A")
2. On March 7, 2017, PROVIDER filed a Petition for Formal Hearing.
3. On August 16, 2017, an Amended Sua Sponte Order Closing File and Relinquishing Jurisdiction was issued by the Division of Administrative Hearings (DOAH) pending the litigation of *Lee Memorial Health System Gulf Coast Medical Center v. Agency for Health Care Administration*, DOAH Case No. 15-3876, First District Court of Appeal Case No. 1D16-1969 ("Gulf Coast"), *AHCA v. Lee Memorial Health System d/b/a Lee Memorial Hospital*, Case No. 14-4171MPI & 15-3271MPI, First DCA No. 1D16-3975 (*Lee Memorial*) and *AHCA v.*

Cape Memorial Hospital, Inc. d/b/a Cape Coral Hospital, Case No. 14-3606MPI, First DCA No. 1D16-5310 (Cape Memorial).

4. On February 27, 2019, the First District Court of Appeal issued its Opinion in the cases mentioned above.

5. On January 23, 2020, the Agency filed a Notice of Voluntary Dismissal (Exhibit "B") of the case.

6. On January 31, 2020, Respondent filed a Motion for Reassignment of an Administrative Law Judge with DOAH.


7. By Order dated February 21, 2020, DOAH denied the Respondent's Motion and closed its file.

It is therefore **ORDERED** and **ADJUDGED**:

1. The FAR dated February 21, 2017, is hereby vacated.
2. The Agency agrees that Respondent is eligible for and may seek a refund of all amounts previously recouped by the Agency with regard to the FAR that is the subject of this matter. The total amount recouped by the Agency to date is \$751,708.96. Within 60 days of the Final Order, Financial Services shall prepare the refund application and mail it to the Provider. Once an originally signed, complete, and correct application is received at the Agency, Mail Stop #14, Financial Services shall process the application for refund.

Based on the foregoing, this file is **CLOSED**.

DONE and ORDERED on this the 28th day of April, 2020, in Tallahassee, Florida.


MARY C. MAYHEW, 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:

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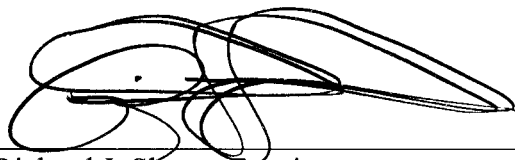
Kelly Bennett, Chief, MPI
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Joseph G. Hern, Jr., Esquire
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the above named addressees by U.S. Mail or other designated method on this the 27th day of April, 2020.



Richard J. Shoop, Esquire
Agency Clerk
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