

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

FILED
AHCA
AGENCY CLERK

2018 JAN 22 P 12: 26

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,
vs.

DOAH No. 17-3469
AHCA No. 2016009470
AHCA No. 2017007864
License No. 12764
File No. 11968918

MACARENA ASSISTED LIVING
FACILITY, INC.,

Provider Type: Assisted Living Facility

Respondent.

RENDITION NO.: AHCA- 18 - 0035 -S-OLC

MACARENA ASSISTED LIVING
FACILITY, INC.,

Petitioner,

vs.

AHCA No. 2017011582
License No. 12764
File No. 11968918

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Provider Type: Assisted Living Facility

Respondent.

FINAL ORDER

Having reviewed the Administrative Complaint, the Notice of Intent to Deny 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 Macarena Assisted Living Facility, Inc. (Ex. 1) AHCA No. 2016009470.
2. The Agency issued the attached Notice of Intent to Deny and Election of Rights form to Macarena Assisted Living Facility, Inc. (Ex. 2) AHCA No. 2017011582.
3. The Election of Rights forms advised of the right to an administrative hearing.
4. Macarena Assisted Living Facility, Inc. waived service of an Administrative Complaint and the right to an administrative hearing for deficiencies found on or about survey dates of August 3, 2016, March 2, 2017 and May 22, 2017. AHCA No. 2017007864.
5. The parties have since entered into the attached Settlement Agreement, which is adopted and incorporated by reference into this Final Order. (Ex. 3)

6. The parties shall comply with the terms of the settlement agreement.

7. The Notice of Intent to Deny is upheld and the license shall expire on March 15, 2018. Prior to that date, the Petitioner may secure a bona fide purchaser for value and enter into an arm's length transaction for purposes of a Change of Ownership.

8. The Administrative Complaint is withdrawn without prejudice.

9. Ada Linares, individually, agrees, she will not apply for or hold, any licensure administered by the Agency and will not own or operate, directly or indirectly, any business entity which holds licensure administered by the Agency or serve in the capacity as administrator, or financial officer for a period of no less than two years from the date of the Final Order in this case.

10. Macarena Assisted Living Facility, Inc. shall pay the Agency \$1,000.00. 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 within 30 days of the Final Order. 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:

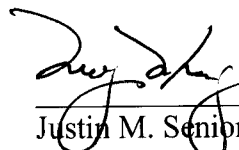
Central Intake Unit
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 61
Tallahassee, Florida 32308

11. In accordance with Florida law, Macarena Assisted Living Facility, Inc. is responsible for retaining and appropriately distributing all client records within the timeframes prescribed in the authorizing statutes and applicable administrative code provisions. The Provider is advised of Section 408.810, Florida Statutes.

12. In accordance with Florida law, Macarena Assisted Living Facility, Inc. is responsible for any refunds that may have to be made to the clients.

13. Macarena Assisted Living Facility Inc. is given notice of Florida law regarding unlicensed activity. Macarena Assisted Living Facility Inc. is advised of Section 408.804 and Section 408.812, Florida Statutes. Macarena Assisted Living Facility Inc. should also consult the applicable authorizing statutes and administrative code provisions. Macarena Assisted Living Facility Inc. is notified that the cancellation of an Agency license may have ramifications potentially affecting accrediting, third party billing including but not limited to the Florida Medicaid program, and private contracts.

ORDERED at Tallahassee, Florida, on this 22 day of January, 2018



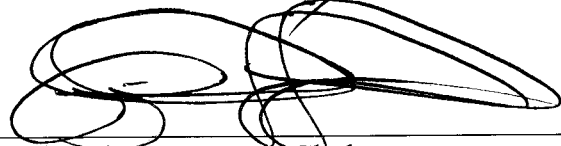
Justin M. Senior, Secretary
Agency for Health Care Administration

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 7th day of January, 2018.



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)
Teresita A. Vivó, Senior Attorney Office of the General Counsel Agency for Health Care Administration (Electronic Mail)	Gus Suarez, Esquire, Attorney for the Provider, Ada Linares and Ernesto Serrano The Health+Business Law Group 2525 Ponce De Leon Blvd., Suite 300 Coral Gables, Florida 33134 (U.S. Mail)
Kristian S. Oldham, Senior Attorney Office of the General Counsel Agency for Health Care Administration (Electronic Mail)	Ada Linares, Administrator, President, and Co- Owner Macarena Assisted Living Facility, Inc. 8000 Southwest 88 th Street Miami, Florida 33156 (U.S. Mail)
Honorable June C. McKinney Administrative Law Judge Division of Administrative Hearings (Electronic Mail)	Ernesto Serrano, Vice President and Co-Owner Macarena Assisted Living Facility, Inc. 8000 Southwest 88 th Street Miami, Florida 33156 (U.S. Mail)