

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JOSEPH PINTO DOMINGO, A MINOR, BY
AND THROUGH HIS PARENTS AND
NATURAL GUARDIANS, AURILEIA DOS
REIS PINTO AND NILTON PINTO,

Petitioners,

vs.

Case No. 17-5417MTR

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondent.

AMENDED FINAL ORDER ON REMAND

On November 18, 2020, the First District Court of Appeal issued its opinion in *Joseph Pinto Domingo, a minor, by and through his parents and natural guardians, Aurileia Dos Reis Pinto and Nilton Pinto v. State of Florida, Agency for Health Care Administration*, Case No. 1D18-2573, in which the Court reversed the Final Order entered in this case on May 22, 2018. In the Final Order, the then presiding Administrative Law Judge ordered Petitioner to reimburse AHCA for the full amount of its Medicaid expenditures for his past medical expenses in the amount of \$641,174.03, in satisfaction of AHCA's Medicaid lien.

The Opinion is dispositive as to the amount Petitioners are required to reimburse AHCA in satisfaction of its Medicaid lien, stating that:

In this case, the appellant presented competent, substantial, and uncontradicted evidence to support the reduction of his Medicaid lien by using a pro rata method. AHCA failed to present any evidence that the appellant's proposed pro rata methodology was inaccurate or that another method would be more appropriate to apply. As a result, the ALJ erred as a matter of law by concluding that the appellant failed to prove that his Medicaid lien should have been reduced. *See Mojica*, 285 So. 3d at 396–98. We note that the appellant's proposed amount that AHCA should recover for its Medicaid lien was mathematically incorrect; however, the appellant presented competent, substantial evidence that the Medicaid lien should be reduced by one-third. Accordingly, we reverse and remand the cause to the Department of Administrative Hearings for the ALJ to reduce AHCA's Medicaid lien to \$213,724.68.

The Court remanded the case to DOAH for further proceedings consistent with its Opinion. Mandate was entered on December 9, 2020. The presiding Administrative Law Judge having retired since the entry of the Final Order, the case was assigned to the undersigned.

On January 11, 2021, an Order for Requiring Status Report was entered that required the parties to confer and jointly advise the undersigned of the amount each of them believed to be the correct amount to be reimbursed by Petitioners in satisfaction of the Medicaid lien. On January 13, 2021, the parties filed a joint response in which they agreed that the sum of \$213,724.68 is sufficient, and required, to satisfy the Medicaid lien. Further evidentiary proceedings are not necessary to carry out the direction of the Court.

Based on the foregoing, it is hereby ORDERED that Petitioners, Joseph Pinto Domingo, a minor, by and through his parents and natural guardians, Aurileia Dos Reis Pinto and Nilton Pinto, shall pay to Respondent, Agency for Health Care Administration, the sum of \$213,724.68, in satisfaction of the Medicaid Lien.

DONE AND ORDERED this 15th day of January, 2021, in Tallahassee, Leon County, Florida.



E. GARY EARLY
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 15th day of January, 2021.

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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.