


FILED

NOV 06 2018

Chief Financial Officer
Docketed by: 



CHIEF FINANCIAL OFFICER
JIMMY PATRONIS
STATE OF FLORIDA

JUPITER OUTPATIENT SURGERY CENTER, LLC,
Petitioner,

DOAH CASE NO.: 17-5741
DFS CASE NO.: 20170711-001

v.

DEPARTMENT OF FINANCIAL
SERVICES, DIVISION OF WORKERS'
COMPENSATION,

Respondent.

FINAL ORDER

THIS CAUSE came on for consideration of and for final agency action on a Recommended Order. After reviewing the record, including all testimony and admitted exhibits, considering applicable law, and otherwise being fully apprised in all material premises, the Recommended Order is hereby adopted, except as set forth below.

1. The caption is modified by adding “, LLC” to Petitioner’s name. (*See, e.g., Dep’t Composite Ex. 1, pp. 1, 2, 4, 5, and 6*).
2. Conclusions of Law paragraph 32 is modified by replacing “This provision applies to disallowance of reimbursement for medical services, not items such as implants. Even if this rule applies, however, it” with “However, this rule”. The ALJ’s broad, unsupported statement about the scope of Rule 69L-7.710, *Florida Administrative Code*, overlooks the integrated nature of section 440.13, Florida Statutes, Rule 69L-

7.710, *Florida Administrative Code*, and the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2015 Edition, incorporated by reference as part of Rule 69L-7.100, *Florida Administrative Code*, over all of which the Department has substantive jurisdiction. The above statutes and rules provide the authority by which all requests for reimbursement for medical treatment, including for surgical implants, are disallowed if appropriate under chapter 440, Florida Statutes.¹ The modification does not form the basis of the modification or rejection of a finding of fact or the ALJ's Recommendation. Conclusions of Law paragraph 32, as modified, is as or more reasonable than the original.

Accordingly, Petitioner's request for an additional reimbursement of \$4,210.50 for Rotation Medical surgical implants is approved.

DONE and ORDERED this 6th day of November, 2018.




Ryan West
Chief of Staff

¹ Section 440.13(2), Florida Statutes (2018), requires "an employer to furnish . . . medically necessary remedial treatment, care, and attendance, . . . including medicines, medical supplies, **durable medical equipment**, orthoses, prostheses, and **other medically necessary apparatus** [emphasis added]." "Billing" means the process by which a health care provider submits a medical claim form or medical bill . . . to receive reimbursement for medical services, **goods** or supplies provided to an injured employee [emphasis added]." Fla. Admin. Code R. 69L-7.710(1)(e). "'Disallow' or 'disallowed' means payment for a compensable injury or illness is not made because the service rendered has not been substantiated for reasons of medical necessity, insufficient documentation, lack of authorization or billing error." Fla. Admin. Code R. 69L-7.710(1)(s). "'Reimbursement dispute' means **any** disagreement between a health care provider or health care facility and carrier concerning payment for medical treatment [emphasis added]." § 440.13(r), Fla. Stat.

NOTICE OF RIGHT TO APPEAL

A party adversely affected by this final order may seek judicial review as provided in section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d), and must be filed (i.e., received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's Agency Clerk may be accomplished via U.S. Mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Julie Jones, DFS Agency Clerk, Department of Financial Services, 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0390. The facsimile number is (850) 488-0697. The email address is Julie.Jones@myfloridacfo.com.

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MAILED

11.6.18

J. Phelan