

2018 NOV 30 A 11: 44

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION

Petitioner,

vs.

ACR COMMUNITY SERVICES, LLC,

Respondent.

CASE NO.: 18-3878MPI
MPI CASE NO.: 2016-0006768
PROVIDER NO.: 003949200
NPI NO.: 1467731687

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (“AHCA” or “Agency”) concerning a Final Audit Report (“FAR”) dated May 10, 2018 (Exhibit 1). The FAR concluded that ACR Community Services, LLC (“Provider”) was overpaid \$6,002,378.21 for services that, in whole or in part, are not covered by Medicaid. In addition, a fine was assessed in the amount of \$402,000.00 for violation(s) of Rule 59G-9.070(7)(e), Florida Administrative Code.

On May 21, 2018, the Provider filed a Petition for Formal Administrative Hearing (“Petition”) with respect to the FAR (Exhibit 2). The Agency Clerk forwarded the Provider’s Petition to the Division of Administrative Hearings (“DOAH”) and the case was assigned to an Administrative Law Judge (“ALJ”).

On November 13, 2018, the Provider filed a Notice of Voluntary Dismissal of its Petition. (Exhibit 3). That same day, and as a result of the Provider’s Notice of Voluntary Dismissal, the ALJ issued an Order Closing Case and Relinquishing Jurisdiction to the Agency (Exhibit 4).

It is therefore ORDERED and ADJUDGED:

1. Provider ACR Community Services, LLC, shall issue payment to AHCA in the sum

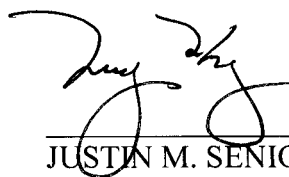
of \$6,002,378.21, plus a fine in the amount of \$402,000.00 for a total of \$6,404,378.21, together with statutory interest, as set forth in section 409.913(25)(c), Florida Statutes.

2. Furthermore, Provider is advised that, pursuant to section 409.913, Florida Statutes, failure to pay in full, or enter into and abide by the terms of any repayment schedule set forth by the Agency may result in termination from the Medicaid program, withholding of future Medicaid payments, or other such remedies as provided by law.

3. Finally, because the Agency has prevailed in this matter (and the Provider does not contest the Agency's findings, as reflected in the FAR), the Agency is entitled to recover from the Provider "all investigative, legal and expert witness costs" associated with this matter. § 409.913(23)(a), Fla. Stat. The parties shall attempt to agree to the amount of investigative, legal, and expert witness costs for this matter. If the parties are unable to reach such agreement, either party may file a request for hearing with DOAH under this case style within 30 days of the date of rendition of this Final Order, and the ALJ who presided over this matter shall determine the amount of such costs.

4. The above-styled case is closed.

DONE and ORDERED this 30 day of November, 2018, in Tallahassee, Florida.



JUSTIN M. SENIOR, 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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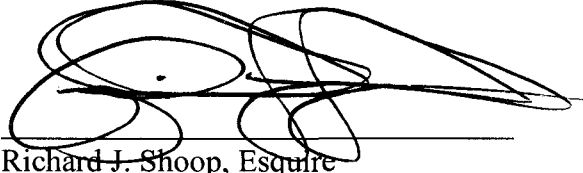
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CERTIFICATE OF SERVICE

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 30th day of November, 2018.



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