

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

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

DOAH CASE NO. 18-6788F
AHCA NO. 2016-0006768
PROVIDER NO. 003949200

v.

ACR COMMUNITY SERVICES, LLC,

Respondent.

FINAL ORDER ON COSTS

THIS CAUSE concerns a dispute over the amount of costs the Agency for Health Care Administration (“Agency”) is entitled to collect from Respondent pursuant to section 409.913(23), Florida Statutes, since it prevailed in the underlying matter.

On November 30, 2018, the Agency entered a final order in DOAH Case No. 18-3878MPI after Respondent had voluntarily dismissed its Petition for Formal Administrative Hearing. The Final Order authorized the Agency to collect the investigative, legal, and expert witness costs it incurred in the matter. It required the parties to attempt to agree to amount of such costs, and required each of the parties to file a request for hearing with the Division of Administrative Hearings (“DOAH”) if an agreement could not be reached.

On December 28, 2018, Petitioner filed a Petition for Recovery of Fees and Costs with DOAH.

On January 15, 2019, Petitioner filed an Unopposed Motion to Relinquish Jurisdiction to AHCA with DOAH based on the fact Respondent no longer contested the amount of costs the Agency was seeking. The Unopposed Motion to Relinquish

Jurisdiction to AHCA was granted on the same date, and an Order Closing File was entered.

On January 23, 2019, Petitioner filed an Unopposed Motion for Award of Fees and Costs (“Motion”) with the Agency Clerk, which is attached to this Final Order as Exhibit A. In the Motion, Petitioner stated the parties had agreed that the amount of investigative, legal, and expert witness costs due to the Agency pursuant to section 409.913(23), Florida Statutes, is \$255,355.08.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

The Motion is hereby granted. Pursuant to section 409.913(23), Florida Statutes, the Agency is entitled to recover all investigative, legal, and expert witness costs if the Agency’s findings were not contested by the provider, or, if contested, the Agency ultimately prevailed. Accordingly, Respondent is hereby required to pay \$255,355.08 in investigative, legal, and expert witness costs to the Agency. The investigative, legal, and expert witness costs totaled as follows: 1) investigative costs in the amount of \$4,312.11; 2) legal costs (including attorney’s fees, attorney travel expenses, and litigation costs) in the amount of \$225,087.82; and 3) expert witness costs (including expert witness fees) in the amount of \$25,935.15. The Agency deems each of these three categories of costs appropriate for recovery under section 409.913(23), Florida Statutes.

Respondent shall make full payment of the costs to the Agency for Health Care Administration within 30 days of the rendition date of this Final Order unless other payment arrangements have been agreed to by the parties. Respondent shall pay by check payable to the Agency for Health Care Administration and mailed to the Agency

for Health Care Administration, Office of Finance and Accounting, 2727 Mahan Drive,
Mail Stop 14, Tallahassee, Florida 32308.

DONE and ORDERED this 8 day of February, 2019, in Tallahassee,
Florida.



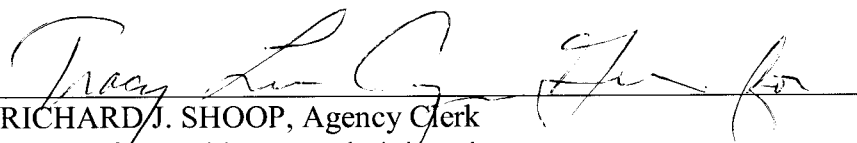
MARY C. MAYHEW, SECRETARY
AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER OF DISMISSAL WITH PREJUDICE IS ENTITLED TO JUDICIAL REVIEW, WHICH SHALL BE INSTITUTED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A COPY, ALONG WITH THE FILING FEE 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 THE RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished to the persons named below by the method designated on this 8th day of February, 2019.


RICHARD J. SHOOP, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, MS #3
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(850) 412-3689

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