

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

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STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

ABA WAY LLC,

Respondent.

DOAH Case No.: 20-0306MPI
MPI Case No.: 2018-0011242
Provider No. 017444300

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") concerning a Final Audit Report (the "FAR") dated April 17, 2019. The FAR concluded there was an overpayment to ABA WAY LLC ("Provider") in the amount of \$212,106.00. Fines were assessed in the amount of \$42,421.20 for violation of Rule 59G-9.070(7)(e), *Florida Administrative Code*, and \$2,500.00 for violation of Rule 59G-9.070(7)(c), *Florida Administrative Code*. Costs were assessed in the amount of \$689.16, for a total amount due of \$257,716.36.

On May 9, 2019, Respondent filed a Petition for Formal Hearing requesting a formal administrative hearing pursuant to section 120.57(1), Fla. Stat., to dispute the facts contained in the Agency's Final Audit Report. The Matter was referred to the Division of Administrative Hearings (DOAH) on January 22, 2020 and assigned to Administrative Law Judge Robert E. Meale.

On February 25, 2020, Respondent filed a Motion to Dismiss Petition for Formal Hearing with DOAH. On February 26, 2020, the Agency filed a Motion to Relinquish Jurisdiction based on the fact that Respondent's Motion to Dismiss its Petition obviated the need for a final hearing. On February 28, 2020, Judge Meale entered an Order Closing File and Relinquishing Jurisdiction

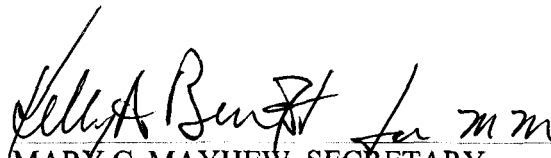
It is therefore **ORDERED** and **ADJUDGED**:

1. Provider, ABA WAY, LLC, shall issue payment to AHCA in the sum of \$212,106.00, plus fines of \$44,921.20, and costs in the amount of \$689.16, for a total amount due of \$257,716.36, together with statutory interest as set forth in section 409.913(25)(c), Florida Statutes.

2. Further, 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. The above-styled case is **CLOSED**.

DONE and ORDERED this 29th day of June, 2020, in Tallahassee, Leon County, Florida.


MARY C. MAYHEW, 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.

<p>ABA Way, LLC 10700 NW 66th Street, Apt #306 Doral, FL 33178-5507 (U.S. Mail)</p>	<p>Christopher A. Parrella, J.D., CHC, CPC, CPCO The Health Law Offices of Anthony C. Vitale, P.A. 2333 Brickell Ave., suite A-1 Miami, FL 33129 CParrella@vitalehealthlaw.com (Via Electronic Mail)</p>
<p>Kelly Bennett, Chief, MPI (Electronic Mail)</p>	<p>Division of Health Quality Assurance Bureau of Central Services CSMU-86@ahca.myflorida.com (Via Electronic Mail)</p>
<p>Stefan R. Grow, Esquire General Counsel (Via Electronic Mail)</p>	<p>Division of Health Quality Assurance Bureau of Health Facility Regulation BHFR@ahca.myflorida.com (Via Electronic Mail)</p>
<p>Shena L. Grantham, Esquire MAL & MPI Chief Counsel (Via Electronic Mail)</p>	<p>Bureau of Financial Services (Via Electronic Mail)</p>
<p>Bradley Butler, Jr, Esquire Medicaid Administrative Legal Counsel (by Electronic Mail)</p>	

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 Electronic Mail on this the 25th day of June, 2020.



Richard J. Shoop, Esquire
Agency Clerk
State of Florida
Agency for Health Care Administration
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