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AHCA
AGENCY CLERK

2020 AUG 25 A 11: 00

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

HAPPY DAYS ASSISTED LIVING, LLC,

Petitioner,

DOAH Case No. 20-1371
AHCA Case No. 2019017385

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

FILED
DIVISION OF
ADMINISTRATIVE HEARINGS
2020 AUG 26 PM 2:15

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

DOAH Case No. 20-1742
AHCA Case No. 2020002214

vs.

HAPPY DAYS ASSISTED LIVING, LLC d/b/a
HAPPY DAYS ASSISTED LIVING,

Respondent.

DOAH Case No. 20-1741
AHCA Case Nos. 2020000744
2020004234

AHCA Case No. 2020011608

RENDITION NO.: AHCA- 20 - 590 -S-OLC

FINAL ORDER

THIS CAUSE came on for consideration before the Agency for Health Care Administration ("the Agency"), which finds and concludes as follows:

1. The Agency issued Happy Days Assisted Living, LLC d/b/a Happy Days Assisted Living (hereinafter "Happy Days") the attached Notice of Intent to Deny for Upgrade to a Standard License [2019017385] (Ex. 1); Administrative Complaint [2020002214] (Ex. 2); and, Administrative Complaint [2020000744, 2020004234] (Ex. 3). The Agency was prepared to issue Happy Days an Administrative Complaint [2020011608].
2. The parties have since entered into the attached Settlement Agreement (Ex. 4).
3. The Settlement Agreement is adopted and incorporated by reference into this Final Order. The parties shall comply with the terms of the Settlement Agreement.
4. Happy Days shall pay the Agency \$4,800.00. If full payment has been made, the cancelled

check acts as receipt of payment and no further payment is required. If full payment has not been made, payment is due within 30 days of the entry of this Final Order and prior to the provisional license being issued to the CHOW applicant. Overdue amounts are subject to statutory interest and may be referred to collections. A check made payable to the "Agency for Health Care Administration" and containing the AHCA ten-digit case number should be sent to:

Central Intake Unit
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 61
Tallahassee, Florida 32308

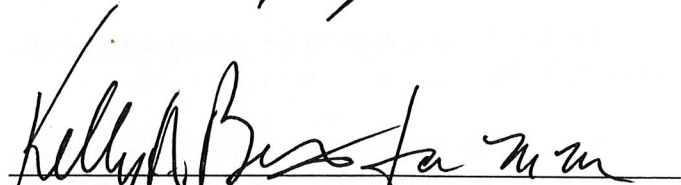
5. Upon receipt of payment referenced above, the Notice of Intent will be withdrawn, and the Agency shall issue Happy Days a conditional license for the assisted living facility with a license expiration date of November 30, 2020. The conditional license will be for the sole purpose of allowing the individual operator of Happy Days to apply for an adult family care home (AFCH) license at the location of Happy Days. The conditional license shall expire on November 30, 2020, without any further agency action and shall not be extended for any purpose.

6. Happy Days is responsible for any refunds that may be due to any clients.

7. Happy Days shall remain responsible for retaining and appropriately distributing client records as prescribed by Florida law. Happy Days is advised of Section 408.810, Florida Statutes. Happy Days should also consult the applicable authorizing statutes and administrative code provisions as well as any other statute that may apply to health care practitioners regarding client records.

8. Happy Days is given notice of Florida law regarding unlicensed activity. Happy Days is advised of Section 408.804 and Section 408.812, Florida Statutes. Happy Days should also consult the applicable authorizing statutes and administrative code provisions.

ORDERED in Tallahassee, Florida, on this 29th day of August 2020.



Mary C. Mayhew, Secretary
Agency for Health Care Administration

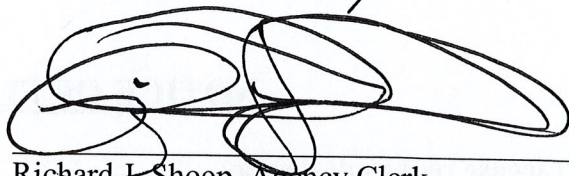
NOTICE OF RIGHT TO JUDICIAL REVIEW

A party that is adversely affected by this Final Order is entitled to seek 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 of 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order was served on the below-named persons by the method designated on this 25th day of August 2020.



Richard J. Shoop, Agency Clerk
 Agency for Health Care Administration
 2727 Mahan Drive, Mail Stop 3
 Tallahassee, Florida 32308
 Telephone (850) 412-3630

Keisha Woods, Manager Assisted Living Unit Agency for Health Care Administration (Electronic Mail)	Cathline Reid, Administrator Happy Days Assisted Living, LLC d/b/a Happy Days Assisted Living 23 Pepperdine Drive Palm Coast, Florida 32164 (U.S. Mail)
Central Intake Unit Agency for Health Care Administration (Electronic Mail)	Shaddrick A. Haston, Esquire Ullman Bursa Law Attorney for Happy Days Assisted Living, LLC d/b/a Happy Days Assisted Living 3812 Coconut Palm Drive, Suite 200 Tampa, Florida 33619 shaston@ublawoffices.com
Rob Dickson, Manager Field Office 4 Agency for Health Care Administration (Electronic Mail)	Teresita A. Vivó, Senior Attorney Office of the General Counsel Agency for Health Care Administration (Electronic Mail)
Facilities Intake Unit Agency for Health Care Administration (Electronic Mail)	Katrina Derico-Harris Medicaid Accounts Receivable Agency for Health Care Administration (Electronic Mail)

<p>Nicholas Constantino Medicaid Fiscal Agent Operations Agency for Health Care Administration (Electronic Mail)</p>	<p>Robert J. Telfer, III Administrative Law Judge Division of Administrative Hearings The DeSoto Building 1230 Apalachee Parkway Tallahassee, Florida 32399-3060 (U.S. Mail)</p>
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NOTICE OF FLORIDA LAW

408.804 License required; display.--

- (1) It is unlawful to provide services that require licensure, or operate or maintain a provider that offers or provides services that require licensure, without first obtaining from the agency a license authorizing the provision of such services or the operation or maintenance of such provider.
- (2) A license must be displayed in a conspicuous place readily visible to clients who enter at the address that appears on the license and is valid only in the hands of the licensee to whom it is issued and may not be sold, assigned, or otherwise transferred, voluntarily or involuntarily. The license is valid only for the licensee, provider, and location for which the license is issued.

408.812 Unlicensed activity. --

- (1) A person or entity may not offer or advertise services that require licensure as defined by this part, authorizing statutes, or applicable rules to the public without obtaining a valid license from the agency. A licenseholder may not advertise or hold out to the public that he or she holds a license for other than that for which he or she actually holds the license.
- (2) The operation or maintenance of an unlicensed provider or the performance of any services that require licensure without proper licensure is a violation of this part and authorizing statutes. Unlicensed activity constitutes harm that materially affects the health, safety, and welfare of clients. The agency or any state attorney may, in addition to other remedies provided in this part, bring an action for an injunction to restrain such violation, or to enjoin the future operation or maintenance of the unlicensed provider or the performance of any services in violation of this part and authorizing statutes, until compliance with this part, authorizing statutes, and agency rules has been demonstrated to the satisfaction of the agency.
- (3) It is unlawful for any person or entity to own, operate, or maintain an unlicensed provider. If after receiving notification from the agency, such person or entity fails to cease operation and apply for a license under this part and authorizing statutes, the person or entity shall be subject to penalties as prescribed by authorizing statutes and applicable rules. Each day of continued operation is a separate offense.
- (4) Any person or entity that fails to cease operation after agency notification may be fined \$1,000 for each day of noncompliance.

(5) When a controlling interest or licensee has an interest in more than one provider and fails to license a provider rendering services that require licensure, the agency may revoke all licenses and impose actions under s. 408.814 and a fine of \$1,000 per day, unless otherwise specified by authorizing statutes, against each licensee until such time as the appropriate license is obtained for the unlicensed operation.

(6) In addition to granting injunctive relief pursuant to subsection (2), if the agency determines that a person or entity is operating or maintaining a provider without obtaining a license and determines that a condition exists that poses a threat to the health, safety, or welfare of a client of the provider, the person or entity is subject to the same actions and fines imposed against a licensee as specified in this part, authorizing statutes, and agency rules.

(7) Any person aware of the operation of an unlicensed provider must report that provider to the agency.