

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2021 APR 26 A 11:31

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

VILLA SERENA 1, INC.,

Respondent.

DOAH No. 21-0082
AHCA Nos. (ESO) 2020013184
2020014304
License No. 8022
File No. 11912024
Facility Type: ALF

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

VILLA SERENA II, INC,

Respondent.

DOAH No. 20-5129
AHCA Nos. (ESO) 2020013185
2020014305
License No. 8518
File No. 11953233
Facility Type: ALF

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

VILLA SERENA III, INC., d/b/a
VILLA SERENA III,

Respondent.

DOAH No.: 20-5128
AHCA Nos. 2020016306
2020019759
License No. 10792
File No. 11966615
Facility Type: ALF
RENDITION NO.: AHCA- 21 - 415 -S-OLC

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

DOAH No. 20-5120
AHCA No. 2019015653

vs.

SANTA BARBARA BH, INC.,
d/b/a VILLA SERENA VII,
f/k/a SANTA BARBARA HOME I,

Respondent.

VILLA SERENA III, INC., d/b/a
VILLA SERENA III,

Petitioner,

AHCA No. 2021002529

v.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent,

VILLA SERENA IV, INC., d/b/a
VILLA SERENA IV,

Petitioner,

AHCA No. 2021002532

v.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent,

SAN THELMO INVESTMENT GROUP, INC.,
d/b/a VILLA SERENA VI,

Petitioner,

v.

AHCA No. 2021002517

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent,

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 the Respondents, Villa Serena 1, Inc, Villa Serena II, Inc., and Villa Serena III, Inc., d/b/a Villa Serena III, and Santa Barbara BH, Inc., d/b/a Villa Serena VII, f/k/a Santa Barbara Home I, the attached Administrative Complaints and Election of Rights Forms (Exs.1, 2, 3, and 4).
2. The Agency issued the Petitioners Villa Serena III, Inc. d/b/a Villa Serena III, Villa Serena IV, Inc., d/b/a Villa Serena IV and San Thelmo Investment Group, Inc. d/b/a Villa Serena VI, the attached Notices of Intent to Deny the Renewal Application for an Assisted Living Facility (Exs. 5, 6, and 7).
3. The parties have since entered into the attached Settlement Agreement (Ex. 8), which is adopted and incorporated by reference.
4. Count III of the Complaint against Villa Serena III, Inc. d/b/a Villa Serena III which seeks revocation of that facility's assisted living facility licensure is withdrawn.
5. In accordance with Florida law, Respondents Villa Serena 1, Inc. and Villa Serena II, Inc. are responsible for retaining and appropriately distributing all client records within the timeframes prescribed in the authorizing statutes and applicable administrative code provisions. Respondents Villa Serena 1, Inc. and Villa Serena II, Inc. are advised of Section 408.810, Florida Statutes.
6. In accordance with Florida law, Respondents Villa Serena 1, Inc., and Villa Serena II, Inc. are responsible for any refunds that may have to be made to the clients.
7. Respondents Villa Serena 1, Inc. and Villa Serena II, Inc. are given notice of Florida law regarding unlicensed activity. Respondents Villa Serena 1, Inc. and Villa Serena II, Inc. are advised of Section 408.804 and Section 408.812, Florida Statutes. Respondents Villa Serena 1, Inc. and Villa Serena II, Inc. should also consult the applicable authorizing statutes and administrative code provisions. Respondents Villa Serena 1, Inc. and Villa Serena II, Inc. are notified that the cancellation of an Agency

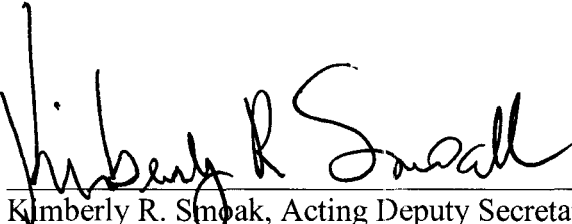
license may have ramifications potentially affecting accrediting, third party billing including but not limited to the Florida Medicaid program, and private contracts.

8. Respondents Villa Serena 1, Inc., Villa Serena II, Inc., Villa Serena III, Inc., d/b/a Villa Serena III, and Santa Barbara BH, Inc., d/b/a Villa Serena VII, f/k/a Santa Barbara Home I shall pay an administrative fine in the total amount of \$23,500.00 within 180 days of the date of the Final Order or prior to the issuance of change of ownership licensure, whichever shall first occur. The fines shall be assessed as \$8,000.00 for Villa Serena 1, Inc.; \$5,000.00 for Villa Serena II, Inc.; \$10,000.00 for Villa Serena III, Inc., d/b/a Villa Serena III; and \$500.00 for Santa Barbara BH, Inc., d/b/a Villa Serena VII, f/k/a Santa Barbara Home I. 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 180 days of the Final Order or prior to the issuance of change of ownership licensure, whichever shall first occur. 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 numbers should be sent to:

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

9. The Parties shall comply with the remaining terms of the Agreement.

ORDERED at Tallahassee, Florida, on this 26th day of April, 2021.




Kimberly R. Smoak, Acting Deputy Secretary
Agency for Health Care Administration

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to 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 CERTIFY that a true and correct copy of this Final Order was served on the below-named persons by the method designated on this 26th day of April, 2021.



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

Facilities Intake Unit Agency for Health Care Administration (Electronic Mail)	Keisha Woods, Unit Manager Licensure Unit Agency for Health Care Administration (Electronic Mail)
Central Intake Unit Agency for Health Care Administration (Electronic Mail)	Arlene Mayo-Davis, Field Office Manager Local Field Office Agency for Health Care Administration (Electronic Mail)
Katrina Derico-Harris Medicaid Accounts Receivable Agency for Health Care Administration (Electronic Mail)	Shaddrick A. Haston, Esq. Counsel for Villa Serena 1, Inc.; Villa Serena II, Inc.; Villa Serena III, Inc., d/b/a Villa Serena III; Villa Serena IV, Inc., d/b/a Villa Serena IV; Villa Serena V, Inc. d/b/a Villa Serena V; San Thelmo Investment Group, Inc., d/b/a Villa Serena VI ; Santa Barbara BH, Inc., d/b/a Villa Serena VII, f/k/a Santa Barbara Home I ; and Roxana Solano Ullman Bursa Law 3812 Coconut Palm Drive Tampa, Florida 33619 shaston@ublawoffices.com (Electronic Mail)
Nicholas Constantino Medicaid Contract Management Agency for Health Care Administration (Electronic Mail)	Gisela Iglesias, Assistant General Counsel Office of the General Counsel Agency for Health Care Administration (Electronic Mail)

<p>The Honorable Mary Li Creasy Administrative Law Judge Division of Administrative Law Hearings The DeSoto Building 1230 Apalachee Parkway Tallahassee, Florida 32399-3060 (Electronic Filing)</p>	<p>The Honorable Brittany O. Finkbeiner Administrative Law Judge Division of Administrative Law Hearings The DeSoto Building 1230 Apalachee Parkway Tallahassee, Florida 32399-3060 (Electronic Filing)</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.