

STATE OF FLORIDA
DEPARTMENT OF CHILDREN AND FAMILIES
OFFICE OF APPEAL HEARINGS

FILED

NOV 13 2009

OFFICE OF APPEAL HEARINGS
DEPT. OF CHILDREN & FAMILIES

APPEAL NO. 09F-05243

PETITIONER,

Vs.

AGENCY FOR HEALTH CARE ADMINISTRATION
CIRCUIT: 06 Pinellas
UNIT: AHCA

RESPONDENT.

FINAL ORDER

Pursuant to notice, an administrative hearing was scheduled before the undersigned hearing officer on October 30, 2009, at 11:16 a.m. in St. Petersburg, Florida. The respondent represented by Patricia Cobb, AHCA registered nurse specialist. Witnesses for the respondent from Keystone Peer Review Organization (KePRO) were Robert Buzzeo, M.D., physician reviewer, and Melanie Clyatt, register nurse review operation supervisor.

The hearing officer left the record open for confirmation. Confirmation was received on November 2, 2009. The record was closed on November 2, 2009.

ISSUE

The petitioner was appealing the notices of August 6 and 13, 2009 for the respondent's action to deny 540 hours of private duty nursing for the period of August 1, 2009 through January 27, 2010.

FINDINGS OF FACT

1. The respondent offered to approve the petitioner's private duty nursing for 24 hours a day, seven days a week of private duty nursing for certification period of August 1, 2009 through January 27, 2010. All hours requested by the petitioner were approved. On November 2, 2009, the hearing officer received a letter which indicated that the petitioner's private duty nursing was authorized for 24 hours a day, seven days a week of private duty nursing for certification period of August 1, 2009 through January 27, 2010.

CONCLUSIONS OF LAW

The rules for home health services are set forth in the Florida Administrative Code at 59G-4.130 and the Home Health Services and Limitations Handbook in Chapter 2. The evidence demonstrates that the matter under appeal has been resolved. As the matter has been resolved, the appeal is dismissed.

DECISION

This appeal is dismissed.

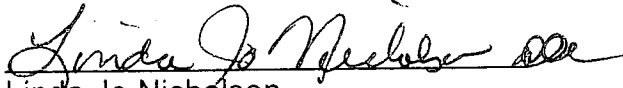
NOTICE OF RIGHT TO APPEAL

This decision is final and binding on the part of the agency. If the petitioner disagrees with this decision, the petitioner may seek a judicial review. To begin the judicial review, the petitioner must file one copy of a "Notice of Appeal" with the Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308-5403. The petitioner must also file another copy of the "Notice of Appeal" with the appropriate District Court of Appeal. The Notices must be filed within thirty (30) days of the date stamped on the first page of the final order. The petitioner must either pay the court fees required by law or seek an order of indigency to waive those fees. The agency has no funds to assist in this review, and any financial obligations incurred will be the petitioner's responsibility.

FINAL ORDER (Cont.)
09F-05243
PAGE - 3

DONE and ORDERED this 13th day of November 2009,

in Tallahassee, Florida.



Linda Jo Nicholson
Hearing Officer
Building 5, Room 255
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Tallahassee, FL 32399-0700
850-488-1429

Copies Furnished To:

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