

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

FILED

JAN 22 2010

OFFICE OF APPEAL HEARINGS
DEPT. OF CHILDREN & FAMILIES

APPEAL NO. 09F-06853

PETITIONER,

Vs.

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

RESPONDENT.
_____ /

FINAL ORDER

Pursuant to notice, a telephonic administrative hearing was convened before the undersigned hearing officer on January 15, 2010, at 1:17 p.m. The petitioner was not present and was represented by her mother,

Present on behalf of the petitioner was _____ registered nurse with the petitioner's nursing agency. The respondent was represented by Stephanie Lang, registered nurse specialist. Witness for the respondent from KePRO was Gary Erickson, registered nurse reviewer.

ISSUE

The petitioner was appealing the notice of September 17, 2009 for the respondent's action to reduce private duty nursing.

FINDINGS OF FACT

1. The respondent offered to authorize private duty nursing 24 hours a day, 7 days a week for the certification of September 19, 2009 through March 17,

2010. The condition with that offer was that training must be conducted and the training must be documented. The hearing officer received a written copy of the offer on January 15, 2010. The petitioner agreed to the offer. The petitioner had no further issues at this time.

CONCLUSIONS OF LAW

By agreement between the Agency for Health Care Administration and the Department of Families and Children, the Agency for Health Care Administration has conveyed jurisdiction to the Office of Appeal Hearings to conduct this hearing pursuant to Chapter 120.80 F.S. The rules for private duty nursing are set forth in the Florida Administrative Code at 59G-1 and 59G-4 and the Home Health Services Coverage and Limitation Handbook. The parties have reached an agreement. As there is no further issue to be decided by the hearing officer, the appeal is dismissed.

DECISION


The 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.)
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DONE and ORDERED this 22nd day of January, 2010,
in Tallahassee, Florida.


Linda Jo Nicholson
Hearing Officer
Building 5, Room 255
1317 Winewood Boulevard
Tallahassee, FL 32399-0700
850-488-1429

Copies Furnished To