

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

FILED
FEB 16 2010
OFFICE OF APPEAL HEARINGS
DEPT. OF CHILDREN & FAMILIES

APPEAL NO. 09F-08643

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 2:45 p.m. The petitioner was not present and was represented by his father, . The respondent was represented by Patricia Cobb, registered nurse specialist. Witness for the respondent from KePRO were Bonny Wallington, registered nurse review supervisor and Rakesh Mittal, M.D.

The telephonic hearing was reconvened on February 9, 2010 at 9:45 a.m.

, Ms. Cobb and Ms. Wallington were present.

ISSUE

The petitioner was appealing the notices of December 7 and 18, 2009 for the respondent's action to reduce private duty nursing.

FINDINGS OF FACT

1. The respondent offered to authorize private duty nursing for the hours requested by the petitioner for eight hours a day, Monday through Friday, for the certification period of December 17, 2009 through June 14, 2010. The petitioner agreed to the offered hours. The hearing officer received a written copy of the agreed hours on February 9, 2010 and a reconsideration notice on February 11, 2010. 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 (Cont.)

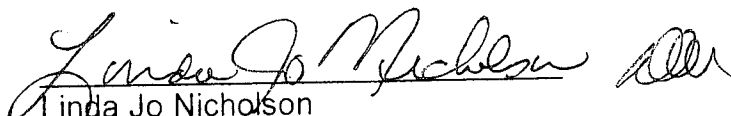
09F-08643

PAGE - 3

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.

DONE and ORDERED this 16th day of February 2010,

in Tallahassee, Florida.



Linda Jo Nicholson

Hearing Officer

Building 5, Room 255

1317 Winewood Boulevard

Tallahassee, FL 32399-0700

352 488 1420

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