

**STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION**

FILED
ANCA
AGENCY CLERK

**STATE OF FLORIDA,
AGENCY FOR HEALTH CARE
ADMINISTRATION,**

2010 DEC 13 A 8:37

Petitioner,

CASE NO. 2010010835

v.

**A WOMAN'S WORLD MEDICAL
CENTER, INC.,**

Respondent.

FINAL ORDER

Having reviewed the administrative complaint dated November 8, 2010, attached hereto and incorporated herein (Ex. 1), and all other matters of record, the Agency for Health Care Administration ("Agency") finds and concludes as follows:

FINDINGS OF FACT

1. The Agency issued an administrative complaint stating an intent to impose an administrative fine against Respondent, A Woman's World Medical Center, Inc., an abortion clinic.

2. The Respondent was served the administrative complaint on November 10, 2010, Certified U.S. Mail, Return Receipt Requested, attached hereto and incorporated herein. (Ex. 2). Enclosed with the administrative complaint was an Election of Rights form which advised Respondent of its

right to a hearing pursuant to Section 120.57(1) or Section 120.57(2), Florida Statutes (2010).

3. Respondent selected Option (1) within the Election of Rights (Ex.3), admitting the allegations of fact contained in the administrative complaint and expressly waiving the right to a hearing.

4. The facts, as alleged and found, establish that Respondent failed to provide an orientation program; job descriptions; and in-service training related to confidentiality and incident reporting, violating Rule 59A-9.023(4) and (5), Florida Administrative Code, an uncorrected deficiency pursuant to Section 390.018, Florida Statutes. The fine sought is \$500.00.

CONCLUSIONS OF LAW

1. Respondent is an abortion clinic over which the Agency has jurisdiction pursuant to the provisions of Chapter 390, Florida Statutes, Section 20.42, Florida Statutes, Chapter 408, Part II, Florida Statutes, and Chapter 59A-9, Florida Administrative Code.

2. As alleged in the administrative complaint, Respondent is in violation of Rule 59A-9.023(3) and (5), Florida Administrative Code. The violation consists of one uncorrected deficiency.

3. Respondent expressly waived its right to a hearing and consented to the entry of a Final Order adopting the allegations and conclusions set forth in the administrative complaint and imposing the sanction sought.

Based on the foregoing findings of fact and conclusions of law, it is

ORDERED:

1. An administrative fine in the amount of \$500.00 is hereby imposed upon Respondent. The administrative fine is due and payable within thirty (30) days of the date of rendition of this Order.

2. Checks should be made payable to the "Agency for Health Care Administration." The check, along with a reference to this case number, should be sent directly to:

Agency for Health Care Administration
Office of Finance and Accounting
Revenue Management Unit
2727 Mahan Drive, MS #14
Tallahassee, Florida 32308

3. Unpaid amounts pursuant to this Order will be subject to statutory interest and may be collected by all methods legally available.

4. The above-styled case is hereby closed.

DONE and **ORDERED** this 9 day of December, 2010,

in Tallahassee, Leon County, Florida.


Elizabeth Dudek, Interim Secretary
Agency for Health Care Administration

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.

Copies furnished to:

Candace M. Dye
Administrator
A Woman's World Medical Center,
Inc.
503 South 12th Street
Fort Pierce, Florida 34950
(U.S. Mail)

Nelson E. Rodney
Assistant General Counsel
Agency for Health Care
Administration
8333 NW 53rd Street, Suite 300
Miami, Florida 33166
(Interoffice Mail)

Finance & Accounting
Agency for Health Care
Administration
Revenue Management Unit
2727 Mahan Drive, MS #14
Tallahassee, Florida 32308
(Interoffice Mail)

Abortion Clinic Unit
Agency for Health Care
Administration
2727 Mahan Drive
MS #31
Tallahassee, Florida 32308
(Interoffice Mail)

Jan Mills
Agency for Health Care
Administration
2727 Mahan Drive, Bldg #3, MS #3
Tallahassee, Florida 32308
(Interoffice Mail)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of this Final Order was served on the above-named person(s) and entities by U.S. Mail, or the method designated, on this the 13th day of December, 2010.



Richard Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Building #3
Tallahassee, Florida 32308-5403
(850) 412-3630

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

STATE OF FLORIDA,
AGENCY FOR HEALTH CARE
ADMINISTRATION

Petitioner,
v.

AHCA No.: 2010010835
Return Receipt Requested:
7009 0080 0000 0586 3637

A WOMAN'S WORLD MEDICAL CENTER,
INC.,

Respondent.
_____ /

ADMINISTRATIVE COMPLAINT

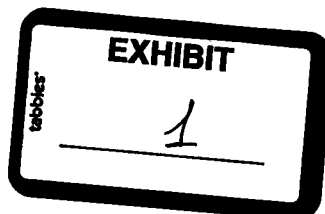
COMES NOW the Agency for Health Care Administration ("AHCA"), by and through the undersigned counsel, and files this administrative complaint against A Woman's World Medical Center, Inc. (hereinafter "A Woman's World Medical Center"), pursuant to Chapter 390, and Section 120.60, Florida Statutes (2010), and alleges:

NATURE OF THE ACTION

1. This is an action to impose an administrative fine in the amount of \$500.00 pursuant to Section 390.018, Florida Statutes for the protection of the public health, safety and welfare pursuant to 408, Part II, Florida Statutes.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to Sections 120.569 and 120.57 Florida Statutes, Chapter 28-106, Florida Administrative Code.



3. Venue lays pursuant Rule 28-106.207, Florida Administrative Code.

PARTIES

4. AHCA is the regulatory authority responsible for licensure and enforcement of all applicable statutes and rules governing birth centers pursuant to Chapter 390, Florida Statutes (2010), and Chapter 59A-9, Florida Administrative Code.

5. A Woman's World Medical Center operates an abortion clinic located at 503 South 12th Street, Fort Pierce, Florida 34950. A Woman's World Medical Center is licensed as an abortion clinic facility license number 820, with an expiration date of September 18, 2012. A Woman's World Medical Center was at all times material hereto a licensed facility under the licensing authority of AHCA and was required to comply with all applicable rules and statutes.

COUNT I

A WOMAN'S WORLD MEDICAL CENTER FAILED TO PROVIDE AN ORIENTATION PROGRAM; JOB DESCRIPTIONS; AND IN-SERVICE TRAINING RELATED TO CONFIDENTIALITY AND INCIDENT REPORTING Rule 59A-9.023(4) AND (5), Florida Administrative Code (CLINIC PERSONNEL-2nd TRIMESTER)

UNCORRECTED VIOLATION

6. AHCA re-alleges and incorporates paragraphs (1) through (5) as if fully set forth herein.

7. During the re-licensure survey conducted on 8/10/2010 and based on record review and interview, it was determined that the clinic did not ensure that each staff member has

documentation of an orientation; a job description; and required annual in-service trainings for 7 of 7 employees and contractors.

8. During personnel record review and interview with the Administrator, conducted on 08/10/2010 beginning at approximately 11:00 AM, she stated that some staff does not have personnel files and for the others she has only maintained a copy of current licensure. There was no documented evidence of a job description; orientation; or annual in-service training related to fire safety, infection control, confidentiality, licensing regulations, and incident reporting for the following employees and/or contractors:

- (a) Contractor #1: contracted since 1995
- (b) Contractor #2: contracted since 1997
- (c) Contractor #3: contracted since 2005
- (d) Employee #4: employed since 02/27/2010
- (e) Employee #5: employed since 1997
- (f) Employee #6: employed since November 2004
- (g) Employee #7: employed since April 1991

9. The Administrator stated that she did not have any knowledge of the requirement to maintain job descriptions, orientation records, or annual in-service training records for employees and contractors.

10. During a re-visit conducted on 9/27/2010 and based on record review and interview, it was determined that the facility

did not provide an orientation program; job descriptions; and in-service training related to confidentiality and incident reporting for each of the 8 staff members employed with the facility.

11. During record review and interview with the Administrator, conducted on 09/27/2010 at approximately 2:00 PM, the Administrator was asked to provide the following items for each of the facility's 8 employees:

- (a) Job description
- (b) Documentation of orientation
- (c) Documentation of annual confidentiality training
- (d) Documentation of annual incident reporting training

12. The Administrator acknowledged that the above noted documentation was not available as it had not been completed for each of the 8 employees of the facility.

13. Based on the foregoing, A Woman's World Medical Center violated Rule 59A-9.023(4) and (5), Florida Administrative Code, an uncorrected deficiency, which warrants an assessed fine of \$500.00.

CLAIM FOR RELIEF

WHEREFORE, the Agency requests the Court to order the following relief:

1. Enter a judgment in favor of the Agency for Health Care Administration against A Woman's World Medical Center on Count I.

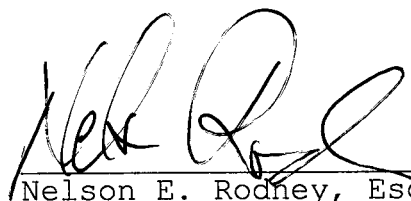
2. Assess an administrative fine of \$500.00 against A Woman's World Medical Center on Count I for the violation cited above.

3. Grant such other relief as this Court deems is just and proper.

Respondent is notified that it has a right to request an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes (2010). Specific options for administrative action are set out in the attached Election of Rights form. All requests for hearing shall be made to the Agency for Health Care Administration, and delivered to the **Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, MS #3, Tallahassee, Florida 32308.**

RESPONDENT IS FURTHER NOTIFIED THAT THE FAILURE TO RECEIVE A REQUEST FOR A HEARING WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THIS COMPLAINT WILL RESULT IN AN ADMISSION OF THE FACTS ALLEGED IN THE COMPLAINT AND THE ENTRY OF A FINAL ORDER BY THE AGENCY.

IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THE MATTER



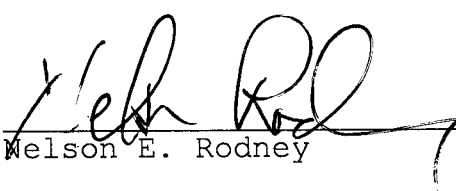
Nelson E. Rodney, Esq.
Assistant General Counsel
Agency for Health Care
Administration
8333 NW 53RD Street,
Suite 300
Miami, Florida 33166

Copies furnished to:

Field Office Manager
Agency for Health Care Administration
5150 Linton Boulevard, Room 500
Delray Beach, Florida 33484
(U.S. Mail)

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by U.S. Certified Mail, Return Receipt Requested to Candace M. Dye, Owner/Administrator, A Woman's World Medical Center, 503 South 12th Street, Fort Pierce, Florida 34950, on this 8th day of November, 2010.


Nelson E. Rodney

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Candace M. Dye
A Woman's World
Medical Center
503 South 12th Street
Fort Pierce, FL 34950

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Candace M. Dye Agent
 Addressee

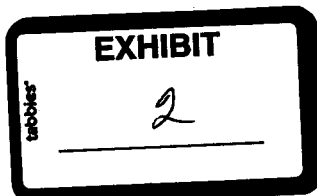
B. Received by (Printed Name) C. Date of Delivery
Candace M. Dye 11/10/10

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number: 7009 0080 0000 0586 3637
(Transfer from service label)



STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION 2010 NOV 15 A 11: 34

RE: A Woman's World Medical Center, Inc. d/b/a

AHCA No. 2010010835

ELECTION OF RIGHTS

This Election of Rights form is attached to a proposed action by the Agency for Health Care Administration (AHCA). The title may be Notice of Intent to Impose a Late Fee, Notice of Intent to Impose a Late Fine or Administrative Complaint.

Your Election of Rights must be returned by mail or by fax within 21 days of the day you receive the attached Administrative Complaint.

If your Election of Rights with your selected option is not received by AHCA within twenty-one (21) days from the date you received this notice of proposed action by AHCA, you will have given up your right to contest the Agency's proposed action and a final order will be issued.

(Please use this form unless you, your attorney or your representative prefer to reply according to Chapter 120, Florida Statutes (2008) and Rule 28, Florida Administrative Code.)

PLEASE RETURN YOUR ELECTION OF RIGHTS TO THIS ADDRESS:

Agency for Health Care Administration
Attention: Agency Clerk
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308.
Phone: 850-412-3630 Fax: 850-921-0158.

PLEASE SELECT ONLY 1 OF THESE 3 OPTIONS

OPTION ONE (1) I admit to the allegations of facts and law contained in the Administrative Complaint and I waive my right to object and to have a hearing. I understand that by giving up my right to a hearing, a final order will be issued that adopts the proposed agency action and imposes the penalty, fine or action.

OPTION TWO (2) I admit to the allegations of facts contained in the Administrative Complaint, but I wish to be heard at an informal proceeding (pursuant to Section 120.57(2), Florida Statutes) where I may submit testimony and written evidence to the Agency to show that the proposed administrative action is too severe or that the fine should be reduced.

OPTION THREE (3) I dispute the allegations of fact contained in the Administrative Complaint, and I request a formal hearing (pursuant to Subsection 120.57(1), Florida Statutes) before an Administrative Law Judge appointed by the Division of Administrative Hearings.

PLEASE NOTE: Choosing OPTION THREE (3), by itself, is NOT sufficient to obtain a formal hearing. You also must file a written petition in order to obtain a formal hearing before the Division of Administrative Hearings under Section 120.57(1), Florida Statutes. It must be received by the Agency Clerk at the address above within 21 days of your receipt of this proposed

EXHIBIT
3

administrative action. The request for formal hearing must conform to the requirements of Rule 28-106.2015, Florida Administrative Code, which requires that it contain:

1. Your name, address, and telephone number, and the name, address, and telephone number of your representative or lawyer, if any.
2. The file number of the proposed action.
3. A statement of when you received notice of the Agency's proposed action.
4. A statement of all disputed issues of material fact. If there are none, you must state that there are none.

Mediation under Section 120.573, Florida Statutes, may be available in this matter if the Agency agrees.

License type: Abortion Clinic (ALF? nursing home? medical equipment? Other type?)

Licensee Name: A Woman's World Medical Center, Inc. License number: 820

Contact person: Candace M Dye Administrator

Address: 503 S. 12th Street Fort Pierce FL 34950
Street and number City Zip Code

Telephone No. 772-460-1506 Fax No. 466-7267 Email(optional) AWoman's@... .com

I hereby certify that I am duly authorized to submit this Notice of Election of Rights to the Agency for Health Care Administration on behalf of the licensee referred to above.

Signed: Candace M Dye Date: 11-23-10

Print Name: Candace M Dye Title: Administrator