

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

2010 OCT -7 P 1:45

Petitioner,

v.

AHCA NO. 2010008598

HIALEAH WOMEN'S CENTER,

Respondent.

FINAL ORDER

Having reviewed the Notice of Intent to Impose Fine, and all other matters of record, the Agency for Health Care Administration finds and concludes as follows:

1. The Agency issued the above-named Respondent the attached Notice of Intent to Impose Fine and Election of Rights form. (Ex. 1) The Election of Rights form advised the Respondent of the right to an administrative hearing pursuant to Sections 120.57(1) and 120.57(2), Florida Statutes. The Respondent received the Notice of Intent and Election of Rights form (Ex. 2). The Respondent failed to timely file the Election of Rights form or other response with the Agency Clerk.

2. The Agency has jurisdiction over the Respondent pursuant to Chapter 408, Part II, Florida Statutes, and the applicable authorizing statutes and administrative code provisions.

3. By failing to timely respond, the Respondent waived the right to a hearing and waived the right to contest the allegations within the Notice of Intent. Cann v. Department of Children and Family Services, 813 So.2d 237 (Fla. 2d DCA 2002). The findings of fact, conclusions of law and proposed sanction set forth within the Notice of Intent are adopted and incorporated by reference.

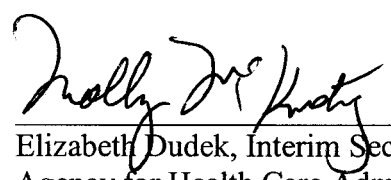
Based upon the foregoing, it is **ORDERED**:

1. An administrative fine of \$257.00 is imposed upon the Respondent, to be paid within 30 days of the service of the Final Order. A check payable to the "Agency for Health Care Administration" and containing the AHCA case number should be sent directly to:

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

2. Overdue amounts are subject to statutory interest and may be referred to collections.

ORDERED at Tallahassee, Florida, on this 7 day of October, 2010.



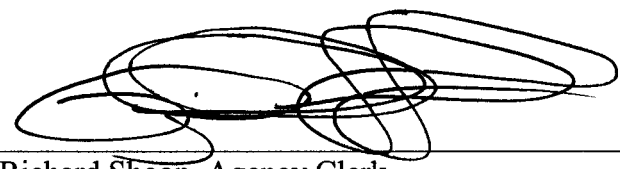
Elizabeth Dudek, Interim Secretary
Agency for Health Care Administration

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 7th day of October, 2010.



Richard Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Bldg. #3, Mail Stop #3
Tallahassee, Florida 32308-5403
Telephone: (850) 412-3630

Copies furnished to:

<p>Jan Mills Facilities Intake Unit (Interoffice Mail)</p> <p>Finance & Accounting Revenue Management Unit (Interoffice Mail)</p>	<p>Maria Peguero Hialeah Women's Center 952 East 25th St Hialeah, FL 33013 (U.S. Mail)</p>
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Better Health Care for all Floridians

2010 AUG 23 A 11: 06

Certified Article Number
7160 3901 9848 8170 2660
SENDERS RECORD

THOMAS W. ARNOLD
SECRETARY

CHARLIE CRIST
GOVERNOR

August 19, 2010

MARIA PEGUERO
HIALEAH WOMEN'S CENTER
952 EAST 25TH ST
HIALEAH, FL 33013

RECEIVED
AHCA
GENERAL COUNSEL

LICENSE NUMBER: 824

CASE #: 2010008598

NOTICE OF INTENT TO IMPOSE LATE RENEWAL FINE

Pursuant to Section 408.806(2) and Chapter 390, Florida Statutes (F.S.), a fine of \$257 is hereby imposed for late filing of your license renewal application. Your renewal application was not received sixty (60) days prior to the expiration of your Abortion Clinic license pursuant to Section 408.806(2)(a), F.S. Your renewal application was due July 30, 2010 but was not received until August 6, 2010 making the application 7 days late. Pursuant to Section 408.806(2)(d), F.S., failure to timely submit a renewal application and license fee shall result in a \$50 per day late fee; the aggregate amount of the late fee may not exceed 50 percent of the licensure fee or \$500, whichever is less.

TO PAY NOW, PAYMENT SHOULD BE MADE WITHIN 21 DAYS AND MAILED WITH A COPY OF THIS NOTICE OF INTENT TO:

Agency for Health Care Administration
Finance and Accounting, Revenue Section
OMC Manager
2727 Mahan Drive, MS #14
Tallahassee, FL 32308

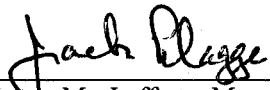
Include License Number: 824 and Case Number: 2010008598 in check memo field

EXPLANATION OF RIGHTS

Pursuant to Section 120.569, F.S., you have the right to request an administrative hearing. In order to obtain a formal proceeding before the Division of Administrative Hearings under Section 120.57(1), F.S., your request for an administrative hearing must conform to the requirements in Section 28-106.201, Florida Administrative Code (F.A.C), and must state the material facts you dispute.

SEE ATTACHED ELECTION AND EXPLANATION OF RIGHTS FORMS.

Agency for Health Care Administration



Lata MacLafferty, Manager
Hospital And Outpatient Services Unit

cc: Agency Clerk, Mail Stop 3
Legal Intake Unit, Mail Stop 3



Exhibit
1

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

RE: HIALEAH WOMEN'S CENTER

CASE NO: 2010008598

ELECTION OF RIGHTS

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

An Election of Rights must be returned by mail or by fax within twenty-one (21) days of the day you receive the attached Notice of Intent to Impose a Fine, Administrative Complaint or any other proposed action by AHCA.

If an 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, you will have given up your right to contest the Agency's proposed action and a **final order will be issued.**

(Please reply using this Election of Rights form unless you, your attorney or your representative prefer to reply according to Chapter 120, Florida Statutes (2006) and Rule 28, Florida Administrative Code.)

Please return your ELECTION OF RIGHTS to:

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 Notice of Intent to Impose a Fine, Administrative Complaint, or other notice of intended action by AHCA and I waive my right to object and 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 proposed penalty, fine or action.

OPTION TWO (2) _____ I admit to the allegations of facts and law contained in the Notice of Intent to Impose a Fine, Administrative Complaint, or other proposed action by AHCA, 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 facts and law contained in the Notice of Intent to Impose a Fine, Administrative Complaint, or other proposed action by AHCA, and I request a formal hearing (pursuant to Section 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 twenty-one (21) days** of your receipt of this proposed 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 License number: 824

Licensee Name: HIALEAH WOMEN'S CENTER

Contact person: _____
Name Title

Address: _____
Street and number City Zip Code

Telephone No. _____ Fax No. _____

Email (optional) _____

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: _____ **Date:** _____

Print Name: _____ Title: _____



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[Track & Confirm](#)

[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **7160 3901 9848 8170 2660**
Service(s): **Certified Mail™**
Status: **Delivered**

Your item was delivered at 10:09 am on August 23, 2010 in HIALEAH, FL 33013.

Detailed Results:

- **Delivered, August 23, 2010, 10:09 am, HIALEAH, FL 33013**
- **Arrival at Unit, August 23, 2010, 8:21 am, HIALEAH, FL 33013**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Return Receipt (Electronic)

Verify who signed for your item by email. [Go >](#)

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

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No FEAR Act EEO Data

FOIA



United States Postal Service



United States Postal Service

Exhibit
2