

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

FILED
AHCA
AGENCY CLERK

2009 AUG -5 A 10: 30

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

Petitioner,

v.

CASE NO. 2009005805

**PLANNED PARENTHOOD SERVICES
OF GREATER ORLANDO, INC.,**

Respondent.

FINAL ORDER

Having reviewed the administrative complaint dated June 15, 2009, attached hereto and incorporated herein (Ex. 1), and all other matters of record, the Agency for Health Care Administration (hereinafter "Agency") finds and concludes as follows:

FINDINGS OF FACT

1. The Agency issued an administrative complaint stating the intent to impose an administrative fine against the Respondent, PLANNED PARENTHOOD SERVICES OF GREATER ORLANDO, INC., (hereinafter "Respondent"), an abortion clinic.

2. The Respondent acknowledged acceptance of the administrative complaint and selected Option (1) within the Election of Rights (Ex.2),

admitting the allegations of fact contained in the administrative complaint and expressly waiving the right to a hearing.

3. The facts, as alleged and found, establish that Respondent failed to have an orientation program and in-service training program for all employees, violating Rule 58A-9.023, Fla. Admin. Code, a deficiency. The fine sought is \$1,000.00.

CONCLUSIONS OF LAW

1. Respondent is an abortion clinic over which the Agency has jurisdiction pursuant to the provisions of Chapter 408, Part II, and Sections 20.42, 120.60, and 390.14, Florida Statutes (2008).

2. As alleged in the administrative complaint, Respondent is in violation of Chapter 59A-9, Florida Administrative Code. The violation consists of one 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 of \$1,000.00 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 Admin.
Office of Finance and Accounting
Revenue Management Unit
2727 Mahan Drive, MS #14
Tallahassee, Florida 32308

3. Unpaid amounts 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 3rd day of August, 2009

in Tallahassee, Leon County, Florida.



Holly Benson, Secretary
Agency for Health Care Administration

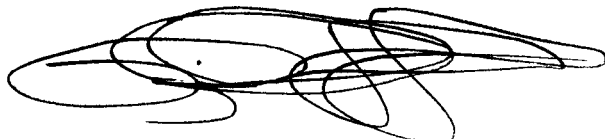
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY, ALONG WITH FILING FEE AS PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT 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:

Carol A. Henrion, CFO 726 S. Tampa Avenue Orlando, Florida 32805 (U.S. Mail)	Agency for Health Care Admin. Office of Finance and Accounting Revenue Management Unit 2727 Mahan Drive, MS #14 Tallahassee, Florida 32308 (Interoffice Mail)
James H. Harris, Esq. Agency for Health Care Admin. 525 Mirror Lake Dr. N., #330D St. Petersburg, Florida 33701 (Interoffice Mail)	Jan Mills Agency for Health Care Admin. 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 5th day of August, 2009.



Richard Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Building #3
Tallahassee, Florida 32308-5403
(850) 922-5873

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

vs.

Case No. 2009005805

PLANNED PARENTHOOD SERVICES OF
GREATER ORLANDO, INC.,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW the Agency for Health Care Administration ("Agency") and files this Administrative Complaint against Planned Parenthood Services of Greater Orlando, Inc. (Respondent" or "Respondent Facility"), pursuant to Sections 120.569 and 120.57, Florida Statutes, and alleges:

NATURE OF THE ACTION

This is an action to impose an administrative fine in the sum of one thousand dollars (\$1,000.00) based upon one cited uncorrected deficiency pursuant to Section 390.018, Florida Statutes.

JURISDICTION AND VENUE

1. The Agency has jurisdiction pursuant to Sections 20.42, 120.60, and 390.014, and Chapter 408, Part II, Florida Statutes.

EXHIBIT 1

2. Venue lies pursuant to Florida Administrative Code R. 28-106.207.

PARTIES

3. The Agency is the regulatory authority responsible for licensure of abortion clinics and enforcement of all applicable state statutes and rules governing abortion clinics pursuant to Chapter 408, Part II, and Chapter 390, Florida Statutes, and Chapter 59A-9, Florida Administrative Code.

4. Respondent operates an abortion clinic located at 726 South Tampa Avenue, Orlando, Florida 32805, and is licensed as an abortion clinic, license number 901.

5. Respondent was at all times material to the allegations of this complaint a licensed facility under the licensing authority of the Agency, and was required to comply with all applicable rules and statutes.

COUNT I

6. The Agency re-alleges and incorporates paragraphs one (1) through five (5), as if fully set forth in this count.

7. Rule 58A-9.023, Florida Administrative Code, requires:

(4) Orientation. Each facility shall have and execute a written orientation program to familiarize each new staff member, including volunteers, with the facility and its policies and procedures, to include, at a minimum, fire safety and other safety measures, medical emergencies, and infection control.

(5) In-service Training. In-service training programs

shall be planned and provided for all employees including full time, part time and contract employees, at the beginning of employment and at least annually thereafter and will also apply to all volunteers to insure and maintain their understanding of their duties and responsibilities. Records shall be maintained to reflect program content and individual attendance. The following training shall be provided at least annually, and for surgical assistants and volunteers, must include training in counseling, patient advocacy and specific responsibilities associated with the services they provide:

- (a) Infection control, to include at a minimum, universal precautions against blood-borne diseases, general sanitation, personal hygiene such as hand washing, use of masks and gloves, and instruction to staff if there is a likelihood of transmitting a disease to patients or other staff members.
- (b) Fire protection, to include evacuating patients, proper use of fire extinguishers, and procedures for reporting fires;
- (c) Confidentiality of patient information and records, and protecting patient rights;
- (d) Licensing regulations; and
- (e) Incident reporting.

8. Section 390.018, Florida Statutes, provides:

In addition to the requirements of part II of chapter 408, the agency may impose a fine upon the clinic in an amount not to exceed \$1,000 for each violation of any provision of this chapter, part II of chapter 408, or applicable rules.

9. On January 6, 2009, the Agency conducted a survey of the Respondent facility.

10. Based on interview, the facility failed to have a written orientation program regarding review of the facility's policies and procedures, medical emergencies and infection control; failed to have a planned in-service training program for employees at the beginning of employment and annually;

failed to provide documentation that 4 of 4 employees, employees #1, #2, #4 and #5, who are assigned to patient counseling, received any counseling training or annual counseling training; 5 of 8 employees, employees #2, #3, #5, #7 and #8, failed to receive annual infection control in-service training; 4 of 8 employees, employees #1, #3, #4 and #7, failed to receive annual fire protection in-service training including patient evacuation, proper use of fire extinguishers and procedure for reporting fires; 3 of 8 employees, employees #1, #3 and #7, failed to receive annual in-service training regarding patient confidentiality and protecting patient rights; 7 of 8 employees, employees #1, #2, #3, #4, #5, #7 and #8, failed to receive annual licensing regulation in-service training; and 4 of 8 employees, employees #1, #3, #4 and #7, failed to receive annual incident reporting in-service training.

a. The Director of Patient Services (DPS) was interviewed on 01/06/09 at approximately 1:00 p.m., and the Agency surveyor asked the DPS to present the facility's written staff orientation program for review.

b. The DPS stated that new employees, upon hire and annually, received the Planned Parenthood of Greater Orlando Security Manual (PPGO) to review and sign. The PPGO was reviewed with the DPS. The PPGO

failed to include and identify that the new employees reviewed the facility's policies and procedures, medical emergencies and infection control. The DPS confirmed these omissions to the Agency surveyor.

c. The DPS was interviewed on 01/06/09 at approximately 1:00 p.m. and asked to present the facility's planned in-service training program provided to newly hired staff and annually for review. She stated the facility did not have a planned staff in-service training program developed for new hired staff or annually thereafter.

d. The DPS was interviewed on 01/06/09 at approximately 1:15 p.m. and asked which employees provided patient counseling. The DPS told the Agency surveyor that employees #1, #2, #4 and #5 provided patient counseling. The personnel records for these employees -- employees #1, #2, #4 and #5, assigned to patient counseling -- were reviewed with the DPS. Documented evidence was not found to indicate any counseling training was provided to these employees. The DPS confirmed the findings.

e. The personnel files for employees #2, #3, #5, #7 and #8 were reviewed with the DPS on 01/06/09 at approximately 1:30 p.m. Documented evidence was

not found to indicate these employees received annual infection control in-service training. The DPS confirmed that these employees had not received annual infection control in-service training.

f. The personnel files for employees #1, #3, #4 and #7 were reviewed with the DPS on 01/06/09 at approximately 1:40 a.m. Documentation was not found to indicate these employees received annual fire protection in-service training, including patient evacuation, proper use of fire extinguishers and procedure for reporting fires. The DPS confirmed the findings.

g. The personnel files for employees #1, #3 and #7 were reviewed with the DPS on 01/06/09 at approximately 2 p.m. Documented evidence was not found to indicate these employees received annual in-service training regarding patient confidentiality and protecting patient rights. The DPS confirmed the findings.

h. The personnel files for employees #1, #2, #3, #4, #5, #7 and #8 were reviewed with the DPS on 01/06/09 at approximately 2:15 p.m. Documentation was not found to indicate these employees received annual licensing regulation in-service training. The DPS

confirmed the findings.

i. The personnel files for employees #1, #3, #4 and #7 were reviewed with the DPS on 01/06/09 at approximately 2:30 p.m. Documentation was not found to indicate these employees received annual incident reporting in-service. The DPS confirmed the findings.

11. The Agency provided Respondent with a mandatory correction date of January 28, 2009.

12. On March 4, 2009, the Agency conducted a follow-up survey to the survey of January 6, 2009.

13. Based on personnel record review and interview, the facility failed to ensure that: (1) annual in-service training programs regarding infection control, fire protection including patient evacuation, proper use of fire extinguishers and procedures for reporting fires, confidentiality of patient records and information and incident reporting, were provided for one employee, employee #4; (2) an annual counseling in-service training program was provided for three employees, employees #1, #2 and #4; and (3) an annual licensing regulations in-service training program was provided for four employees, employees #1, #2, #3 and #4, of 8 sampled employees.

a. Employee #4's personnel record was reviewed, and the date of hire was 08/31/99. Documentation to

indicate annual in-service training regarding infection control, fire protection including patient evacuation, proper use of fire extinguishers, procedures for reporting fires, confidentiality of patient records and information and incident reporting was not found in the personnel record. The Director of Patient Services (DPS) was interviewed on 03/04/09 at 12:50 p.m. and confirmed that this training was not provided to employee #4.

b. Personnel records for employees #1, 2 and 4 who provided patient counseling were reviewed with respective hire dates of 05/23/06, 01/07/08 and 08/31/99. Documentation was not found to indicate these employees received annual counseling in-service training.

c. The DPS was interviewed on 03/04/09 at 12:20 p.m. She stated these employees viewed a video entitled "Talking About Abortion" but was not able to provide documentation of employee attendance. The DPS confirmed the findings.

d. Personnel records for employees #1, 2, 3, 4 were reviewed with respective hire dates of 05/23/06, 01/07/08, 03/12/07 and 08/31/99. Documentation was not found to indicate these employees received annual

in-service training regarding licensing regulations.

The DPS was interviewed on 03/04/09 at 12:29 p.m. and confirmed the findings.

14. The deficiency cited on the January 6, 2009, survey, being uncorrected on the revisit survey of March 4, 2009, the March 4, 2009, is an uncorrected deficiency.

WHEREFORE, the Agency intends to impose an administrative fine in the amount of \$1,000.00 against Respondent, an abortion clinic in the State of Florida, pursuant to Section 390.018, Florida Statutes.

NOTICE

Respondent is notified that it has a right to request an administrative hearing pursuant to Section 120.569, Florida Statutes. Respondent has the right to retain, and be represented by an attorney in this matter. Specific options for administrative action are set out in the attached Election of Rights.

All requests for hearing shall be made to the Agency for Health Care Administration, and delivered to **Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Bldg #3, MS #3, Tallahassee, FL 32308; Telephone (850) 922-5873.**

RESPONDENT IS FURTHER NOTIFIED THAT THE FAILURE TO REQUEST A HEARING WITHIN 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.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Administrative Complaint and Election of Rights form has been served by U.S. Certified Mail, Return Receipt No. 7004 2890 0000 5526 6516 to Susan R. Idtensohn, Registered Agent for Planned Parenthood Services of Greater Orlando, Inc., 726 South Tampa

Avenue, Orlando, Florida 32805, on this 15 day of June, 2009.



James H. Harris, Esq.
Fla. Bar. No. 817775
Assistant General Counsel
Agency for Health Care Administration
525 Mirror Lake Drive, 330D
St. Petersburg, FL 33701
Office: 727-552-1435
Facsimile: 727-552-1440

Copies furnished to:

Susan R. Idtensohn, Registered Agent for Planned Parenthood Services of Greater Orlando, Inc., 726 South Tampa Avenue, Orlando, Florida 32805 (U.S. Certified Mail)	James H. Harris, Esq. Agency for Health Care Admin. 525 Mirror Lake Drive, 330H St. Petersburg, Florida 33701 (Interoffice)
Diane King, Field Office Manager Hurstons South Tower 400 W. Robinson, Suite S309 Orlando, Florida 32801 (U.S. Mail)	



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STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
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RE: PLANNED PARENTHOOD SERVICES OF
GREATER ORLANDO, INC.,

2009 JUL 13 P 1:08
CASE NO: 2009005805

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 Notice of Intent to Impose a Late Fee, Notice of Intent to Impose a Late Fine or 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 (2006) 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: 850-922-5873 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 Late Fee or Fee, or 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 Notice of Intent to Impose a Late Fee, the Notice of Intent to Impose a Late Fine, or 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 Notice of Intent to Impose a Late Fee, the Notice of Intent to Impose a Late Fine, or 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 a formal hearing. You also must file a written petition in order to obtain a

EXHIBIT

3

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 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: _____ (ALF? nursing home? medical equipment? Other type?)

Licensee Name: _____ License number: _____

Contact person: CAROL A. HENRION CFO

	Name	Title
Address:	<u>726 S TAMPA AVENUE</u>	<u>ORLANDO, FL 32805</u>
	Street and number	City Zip Code

Telephone No.	<u>407-872-8495</u>	Fax No.	<u>321-299-1041</u>	Email(optional)	<u>carol.henrion@ppgo.org</u>
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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: [Signature] Date: 6/18/09

Print Name: SUSAN JOTENSOHN Title: PRES/CEO