

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

2019 FEB 20 P 1:18

AMERICAN FAMILY PLANNING,

Petitioner,

AHCA No. 2018009860

v.

RENDITION NO.: AHCA- 19 - 0124 -S-OLC

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

FINAL ORDER

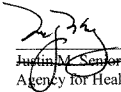
THIS CAUSE came on for consideration before the Agency for Health Care Administration ("the Agency"), which finds and concludes as follows:

1. The Agency issued the Petitioner the attached Notice of Intent to Deny the Initial Application (Ex. 1). The parties have since entered into the attached Settlement Agreement (Ex. 2), which is adopted and incorporated by reference.

2. The parties shall comply with the terms of the Settlement Agreement. If the Agency has not already completed its review of the application, it shall resume its review of the application. The Petitioner shall pay the Agency an administrative fine of \$2,000.00 and an administrative fee of \$500.00 within thirty (30) days of the entry of this Final Order. A check made payable to the "Agency for Health Care Administration" and containing the AHCA ten-digit case number should be sent to:

Central Intake Unit
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop 61
Tallahassee, Florida 32308

ORDERED in Tallahassee, Florida, on this 19 day of February, 2019



Justin M. Senior, Secretary
Agency for Health Care Administration

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party that is adversely affected by this Final Order is entitled to seek 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 HEREBY CERTIFY that a true and correct copy of this Final Order was served on the below-named persons by the method designated on this 20 day of February, 2018.



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

Facilities Intake Unit Agency for Health Care Administration (Electronic Mail)	Warren J. Bird, Assistant General Counsel Office of the General Counsel Agency for Health Care Administration (Electronic Mail)
Central Intake Unit Agency for Health Care Administration (Electronic Mail)	Julie Gallagher, Esquire Grossman, Furlow, and Bayo, LLC 2022-2 Raymond Diehl Road Tallahassee, Florida 32308 (U.S. Mail)



RICK SCOTT
GOVERNOR

JUSTIN M. SENIOR
SECRETARY

Certified Article Number

9414 7266 9904 2120 3278 40

SENDER'S RECORD

July 9, 2018

Roneika Pettermon, Administrator
American Family Planning
6115 Village Oaks Drive
Pensacola, FL 32504

File Number: 13960123

Provider Type: Abortion Clinic

RE: Case Number 2018009860, 6115 Village Oaks Drive, Pensacola

Notice of Intent to Deny

Pending the outcome of the legal process, it is the intent of the Agency that the initial application for American Family Planning be denied. The specific basis for this determination is:

On May 25, 2018, the Agency received an initial application for the above-referenced location. The applicant licensee had previously operated an abortion clinic at this location; its license expired April 28, 2018. Based on observation, record review and interview during an onsite inspection conducted on June 26, 2018, the Agency substantiated the licensee has continuously operated an abortion clinic without a proper license in violation of sections 408.804(1), 408.812 and 390.014(1) Florida Statutes (F.S.). A review of applicant and patient records confirmed 99 procedures performed from April 29, 2018 to May 11, 2018.

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.

If you need further assistance, please contact the Office of the General Counsel at (850) 412-3630

Jack Plagge, Unit Manager
Hospital and Outpatient Services Unit
Agency for Health Care Administration

cc: Legal Intake Unit, MS 3

EXHIBIT 1



STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AMERICAN FAMILY PLANNING,

Petitioner,

vs.

AHCA No. 2018009860

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

SETTLEMENT AGREEMENT

The Petitioner ("the Applicant") and the Respondent ("the Agency") voluntarily enter into this Settlement Agreement ("Agreement") and agree as follows:

1. **Parties/Background.** The Applicant filed an application seeking licensure within the jurisdiction of the Agency. After initial review, the Agency issued the Applicant an omissions letter and thereafter a Notice of Intent to Deny for Initial Application ("NOI"). The Applicant has since tendered to the Agency additional information and/or documentation in support of the application, which the Agency is willing to review.

2. **Purpose and Effect of Settlement.** Both parties wish to resolve this case without further litigation and recognize that by entering into this Agreement, both are expressly waiving their right to any legal proceeding they are entitled, including, but not limited to, formal and informal proceedings under Section 120.57, Florida Statutes, and appellate review. Both parties consent to the withdrawal of any request for formal or informal hearing if such a request has been made, as well as the relinquishment of jurisdiction of the informal hearing officer or administrative law judge.

3. **Resumption of Application Review.** The parties agree that this Agreement shall supersede the NOI. If the Agency has not already completed its review of the application, it shall resume its review of the application upon entry of the Final Order adopting this Agreement. Nothing in this Agreement, however, shall prohibit the Agency from denying the application based upon any statute, rule, or regulation, and, if applicable, an unsatisfactory licensure survey.

4. **Administrative Fine and Fee.** The Applicant agrees to pay the Agency an administrative fine of \$2,000 and an administrative fee of \$500.00 within 30 days of the entry of the Final Order.

5. **Release.** The Applicant releases and forever discharges the Agency, its employees and agents, both past and current, from any and all claims, including, but not limited to, damages, attorney's fees and costs, arising from or relating to the issuance or litigation of this NOI.

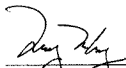
6. **Costs and Attorney's Fees.** Each party shall bear their own costs and attorney's fees.

7. **Right to Counsel.** The Applicant acknowledges the right to retain independent counsel and has either obtained its own counsel or voluntarily waived the right to counsel. The Applicant further acknowledges that Agency counsel represents solely the Agency and that Agency counsel has not provided any legal advice to, or influenced, the Applicant in the voluntary decision to enter into this Agreement.

8. **Entire Agreement.** This Agreement contains the entire understandings of both parties. This Agreement supersedes any prior oral or written agreements that may have existed between the parties. This Agreement may not be amended by either party except in writing.

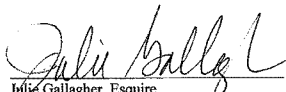
9. **Execution of Agreement.** Both parties agree that an electronic signature suffices for an original signature, that an electronic or facsimile copy suffices for an original document, and that this Agreement may be executed in counterparts. This Agreement shall be effective upon full execution by all parties and adoption into a Final Order. After full execution of this Agreement, the Agency will enter a Final Order adopting this Agreement and closing the case.

The following representatives have read and understand this Agreement, are signing it freely and voluntarily, and acknowledge that they are authorized to enter into this Agreement.



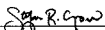
Molly McKinstry, Deputy Secretary
Health Quality Assurance
Agency for Health Care Administration
2727 Mahan Drive, Bldg. #3
Tallahassee, Florida 32308

DATED: 2/19/19




Julie Gallagher, Esquire
Grossman, Furlow, and Bayo, LLC
2022-2 Raymond Diehl Road
Tallahassee, Florida 32308

DATED: 9/28/18



Stefan Grow, General Counsel
Office of the General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308

DATED: 2/18/2019



Warren J. Bird, Assistant General Counsel
Office of the General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308

DATED: 10-08-2018