

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

2012 JUN -5 P 12:11

Petitioner,

AHCA NO.: 2012003592

CASE NO.: 12-252PH

vs.

RENDITION NO.: AHCA-12-594 -FOI-OLC

SOUTHWEST FLORIDA WOMEN'S CLINIC, INC.
d/b/a SOUTHWEST FLORIDA WOMEN'S CLINIC,

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 Southwest Florida Women's Clinic, Inc. d/b/a Southwest Florida Women's Clinic, ("Respondent"), the attached Notice of Intent to Impose Fine (Ex. 1). The parties entered into the attached Settlement Agreement (Ex. 2), which is adopted and incorporated by reference.

2. The Respondent shall pay the Agency an administrative fine of \$200.00 within 30 days of the entry of this Final Order. A check made payable to the "Agency for Health Care Administration" containing the AHCA number(s) should be sent to:

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

3. The parties shall comply with the terms of the Settlement Agreement.

DONE and ORDERED in Tallahassee, Florida, on this 5 day of June, 2012.



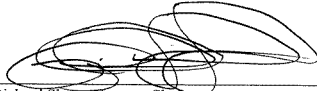
Elizabeth Dudek, Secretary
Agency for Health Care Administration

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/entities by the method designated on this 5th day of June, 2012.



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

Thomas J. Walsh, II Hearing Officer Agency for Health Care Administration (Interoffice Mail)	Bradford C. Herter Office of the General Counsel Agency for Health Care Administration (Interoffice Mail)
Jan Mills Office of the General Counsel Agency for Health Care Administration (Interoffice Mail)	Laura MacLafferty Hospital and Outpatient Services Unit Agency for Health Care Administration (Interoffice Mail)
Finance and Accounting Revenue Management Unit Agency for Health Care Administration (Interoffice Mail)	Sally R. Azima Office Manager Southwest Florida Women's Clinic, Inc. 710 Pondella Road, Unit 12 North Fort Myers, Florida 33903 (U. S. Mail)

2012003592

Certified Article Number
7196 4008 4113 3678 4064
SENDER'S RECORD



RICK SCOTT
GOVERNOR

ELIZABETH DUDEK
SECRETARY

April 2, 2012

2012 APR -2 P 12:46

SALLY R AZIMA, ADMINISTRATOR
Southwest Florida Women's Clinic
710 Pondella Road, Unit 12
North Fort Myers, FL 33903

RECEIVED
AHCA
GENERAL COUNSEL

License Number: 883
Case Number: 2012003592

NOTICE OF INTENT TO IMPOSE FINE

Pursuant to Section 408.813 and Section 390.0112(4), Florida Statutes (F.S.), a fine of \$200 is hereby imposed for not submitting your monthly report of induced terminations of pregnancy for the month of February, 2012. The monthly report is due no later than 30 days following the preceding month. Pursuant to Section 390.0112(4) F.S., any person required to report who fails to report may be subject to a \$200 fine.

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: 883 and Case Number: 2012003592 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

Laura MacLafferty
Laura MacLafferty, Manager
Hospital And Outpatient Services Unit

cc: Agency Clerk, Mail Stop 3

2727 Mahan Drive, MS#31
Tallahassee, Florida 32308



Visit AHCA online at
ahca.myflorida.com

EXHIBIT 1

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Petitioner,

AHCA NO.: 2012003592
CASE NO.: 12-252PH

vs.

SOUTHWEST FLORIDA WOMEN'S CLINIC, INC.
d/b/a SOUTHWEST FLORIDA WOMEN'S CLINIC,

Respondent.

SETTLEMENT AGREEMENT

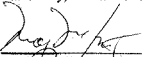
The Petitioner ("the Agency") and Southwest Florida Women's Clinic, Inc. d/b/a Southwest Florida Women's Clinic ("Respondent") voluntarily enter into this Settlement Agreement ("Agreement") and agree as follows:

1. **Parties/Background.** The Respondent failed to timely submit a monthly report of induced terminations of pregnancy for the month of February 2012. The Agency issued the Respondent a letter of Notice of Intent to Impose Fine ("NOI").
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. **Administrative Fine.** The Respondent agrees to pay the Agency an administrative fine of (\$200.00) within 30 days of the entry of the Final Order.
4. **Release.** The Respondent 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.
5. **Costs and Attorney's Fees.** Each party shall bear their own costs and attorney's fees.
6. **Right to Counsel.** The Respondent acknowledges the right to retain independent counsel and has either obtained its own counsel or voluntarily waived the right to counsel. The Respondent further acknowledges that Agency counsel represents solely the Agency and that Agency counsel has not provided any legal advice to, or influenced, the Respondent in the voluntary decision to enter into this Agreement.

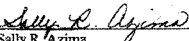
7. **Entire Agreement.** This Agreement contains the entire understandings of both parties. This Agreement supersedes any prior oral or written agreements that may have existed between the parties. This Agreement may not be amended by either party except in writing.

8. **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.

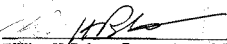
The following representatives have read and understand this Agreement, are signing it freely and voluntarily, and acknowledge that they are authorized to enter into this Agreement.


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


DATED: 5/15/12


Sally R. Azima
Office Manager
Southwest Florida Women's Clinic, Inc.
710 Pondella Road, Unit 12
North Fort Myers, Florida 33903

DATED: 5/15/12


William H. Roberts, Deputy General Counsel
Office of the General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308

DATED: 5/15/12


Bradford C. Herter, Assistant General Counsel
Office of the General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308

DATED: 5/15/12