

DISTRICT COURT OF APPEAL, FIRST DISTRICT
2000 Drayton Drive
Tallahassee, Florida 32399-0950
Telephone No. (850)488-6151

October 03, 2017

CASE NO.: 1D17-3858
L.T. No.: 2017-0007728

Rehabilitation Center at Hollywood Hills, LLC v.

State of Florida, Agency for Health etc.

Appellant / Petitioner(s),

Appellee / Respondent(s)

BY ORDER OF THE COURT:

Appellee's motion for leave to file a reply to appellant's response, filed on September 29, 2017, is granted. Within 10 days from the date of this order, appellee shall file a reply to appellant's response.

The portion of appellant's motion to remand or relinquish jurisdiction filed on September 22, 2017, seeking to determine confidentiality of the attached proposed amended order is granted, and the clerk is directed to maintain exhibits 7 and 11 of the order under seal as set forth below. The information required by Florida Rule of Judicial Administration 2.420(e)(3) is as follows:

(A) This case is an appeal of an immediate suspension final order suspending appellant from participation in the Florida Medicaid program;

(B) Federal and state law restrict the disclosure of information concerning Medicaid applicants and recipients to purposes directly connected with the administration of the Medicaid State plan. 42 U.S.C. § 1396a(a)(7)(A)(i); 42 C.F.R. §§ 431.300-431.306; § 414.295(1)(b), (1)(c), (1)(e), Fla. Stat.; Fla. Admin. Code R. 65A-1.204(2), (3). This information is also exempt from disclosure under Florida's public record law. § 414.295(1)(b), (1)(c), Fla. Stat.;

(C) No party's name is determined to be confidential;

(D) The progress docket is not confidential;

(E) Particular information that is determined to be confidential includes the following: names; addresses; social security numbers; medical data; social and economic conditions or circumstances; medical services provided; agency evaluation of personal information; any information received for verifying income eligibility and amount of medical assistance payments; and any information received in connection with the identification of legally liable third party resources. 42 C.F.R. § 431.305; § 414.295(1)(b), Fla. Stat.; Fla. Admin. Code R. 65A-1.204(3).

(F) Persons who are permitted to view confidential information in this case include the parties and their attorneys only;

(G) This court finds that (i) the degree, duration, and manner of confidentiality ordered by the court are no broader than necessary to protect the interests set forth in subdivision (c); and (ii) no less restrictive measures are available to protect the interests set forth in subdivision (c); and

(H) The clerk of the court is directed to publish this order in accordance with subdivision (e)(4) by posting a copy of this order, within ten (10) days following its entry, on the clerk's website and in a prominent public location in the courthouse, to remain posted in both locations for no less than thirty (30) days; and to provide a copy of this order to the clerk of the lower tribunal, with directions that the lower tribunal clerk is to seal the records identified in the order in accordance with Rule 2.420(g)(4).

I HEREBY CERTIFY that the foregoing is (a true copy of) the original court order.

Served:

Stephen A. Ecenia
Tracy Cooper George, Chief

J. Stephen Menton
Tana Storey

Geoffrey D. Smith
Timothy B. Elliott

Appellate Counsel
Stuart Williams, GC

Corinne T Porcher
Richard J. Shoop, Clerk

Gabriel F. V. Warren

am



JON S. WHEELER, CLERK

