

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF HUMAN SERVICES

In the Matter of the SIRS Appeal of
Platinum Health Care, Inc.

**FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION**

This matter is before Administrative Law Judge Beverly Jones Heydinger pursuant to a Notice of and Order for Hearing issued on January 18, 2007, to address whether the Department of Human Services properly terminated the provider number for Platinum Health Care, Inc., and whether the Department properly determined that it had overpaid Platinum Health Care, Inc. \$10,053.14 for personal care services. The parties agreed to proceed to hearing solely on the issue of the proper termination of the provider number. A Recommendation for Partial Summary Disposition addressing termination of the provider number was issued on June 20, 2007. At that time Platinum Health Care, Inc. was directed to notify the Administrative Law Judge if it intended to pursue an appeal of the Department's determination that Platinum Health Care, Inc. had been overpaid. By letter dated June 27, 2007, Platinum Health Care, Inc. notified the undersigned that it did not intend to pursue its appeal of the overpayment.

Appearances:

Erika Schneller Sullivan, Assistant Attorney General, 445 Minnesota Street, Suite 900, Saint Paul, MN 55101, appeared on behalf of the Department of Human Services.

Douglas B. Fink, Fink Law Offices, P.A., U.S. Bank Center, 101 East Fifth Street, Suite 800, St. Paul, MN 55101, appeared on behalf of Iola McCullough.

Randall K. Strand, Attorney at Law, Rosedale Towers, Suite 200, 1700 W. Highway 36, Roseville, MN 55113, appeared on behalf of Ebizimo Nagberi and Platinum Health Care, Inc.

Since there are no remaining issues to be decided in this contested case proceeding,

RECOMMENDATION

It is hereby respectfully recommended that:

1. The Commissioner AFFIRM the termination of Platinum Health Care, Inc.'s provider number, effective December 31, 2006, for the reasons set forth in the Recommendation for Partial Summary Disposition issued June 20, 2007, and incorporated herein by reference.

2. The Commissioner DISMISS Iola McCullough's request to recover attorney's fees, representative fees, costs and expenses under Minnesota's Equal Access to Justice Act as premature, for the reasons set forth in the Recommendation for Partial Summary Disposition issued June 20, 2007, and incorporated herein by reference;

3. Since Platinum Health Care's appeal of the overpayment of \$10,053.14 has been withdrawn, the Department's determination shall be considered final.

Dated this 2nd day of July, 2007

/s/ Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge

NOTICE

This report is a recommendation, not a final decision. The Commissioner of Human Services will make the final decision after a review of the record and may adopt, reject or modify these Findings of Fact, Conclusions, and Recommendation. Under Minn. Stat. § 14.61, the Commissioner shall not make a final decision until this Report has been made available to the parties for at least ten days. The parties may file exceptions to this Report and the Commissioner must consider the exceptions in making a final decision. Parties should contact Cal Ludeman, Commissioner of Human Services, Box 64998, St. Paul MN 55155, (651) 431-2907 to learn the procedure for filing exceptions or presenting argument.

If the Commissioner fails to issue a final decision within 90 days of the close of the record, this report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a. The record closes upon the filing of exceptions to the report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. The Commissioner must notify the parties and the Administrative Law Judge of the date on which the record closes.

Pursuant to Minn. Stat. § 14.62, subd. 1, the Commissioner is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.