



TEXAS HEALTH AND HUMAN SERVICES COMMISSION

KYLE L. JANEK, M.D.
EXECUTIVE COMMISSIONER

October 10, 2012

J. A. "Tony" Canales
Canales & Simonson, P. C.
P O Box 5624
Corpus Christi, Texas 78465

**CERTIFIED MAIL – 7011 1150 0000 5775 9315
RETURN RECEIPT REQUESTED**

John Medlock & Corrie Alvarado
Office of Inspector General
Health and Human Services Commission
1110 Metric Blvd, Bldg I, **MC:134-0**
Austin, Texas 78758

**RE: SOAH Docket No. 529-13-3180 Harlingen Family Denistry,
vs. Texas Health and Human Services Commission**

Dear Mr. Canales, Mr. Medlock, and Ms. Alvarado:

Enclosed, please find an Order in the above-referenced case.

If you have any further questions, you may reach me at (512) 231-5746.

Sincerely,

A handwritten signature in black ink, appearing to read "SNF".

Susan N. Fekety
Administrative Law Judge
Appeals Division

FACSIMILE: (512) 231-5779

SNF:kc
Enclosure

**APPEALS DIVISION
TEXAS HEALTH AND HUMAN SERVICES COMMISSION
AUSTIN, TEXAS**

**HARLINGEN FAMILY DENTISTRY
PETITIONER**

VS.

**TEXAS HEALTH AND HUMAN SERVICES
COMMISSION OFFICE OF
INSPECTOR GENERAL,
RESPONDENT**

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SOAH DOCKET NO. 529-12-3180

FINAL ORDER

On the 10th day of October 2012, the undersigned Administrative Law Judge, a designee of the Executive Commissioner of the Texas Health and Human Services Commission, finds that, after proper and timely notice was given, the above-styled case was heard by a State Office of Administrative Hearings Administrative Law Judge, who made and filed a proposal for decision containing findings of fact and conclusions of law. This proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record. Petitioner and Respondent filed Exceptions; Petitioner filed a Reply to Respondent's Exceptions

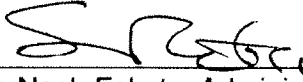
The Texas Health and Human Services Commission, after review and due consideration of the proposal for decision, attached as Exhibit A, the Exceptions and Reply filed by the parties, and the Exceptions Letter from the Administrative Law Judge, adopts the findings of fact and conclusions of law of the Administrative Law Judge contained in the proposal for decision and incorporates those findings of fact and conclusions of law into this Final Order as if such were fully set out and separately stated in this Final Order.

IT IS, THEREFORE, ORDERED by the Texas Health and Human Services Commission that the action imposing a payment hold on Petitioner **BE SUSTAINED IN PART** and **BE REVERSED IN PART**, and that the payment hold against Petitioner **BE REDUCED** to 9 percent of

Petitioner's total Medicaid reimbursement that is related to orthodontics, or 4 percent of
Petitioner's total Medicaid reimbursement.

Entered this 10th day of October 2012.

Executive Commissioner of the Texas Health and
Human Services Commission

By: 
Susan Nash Fekety, Administrative Law Judge
On behalf of the Executive Commissioner