

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D17-5387

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AMANDA SOTO,

Appellant,

v.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

Appellee.

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On appeal from the Division of Administrative Hearings.  
R. Bruce McKibben, Judge.

November 18, 2020

PER CURIAM.

The appellant argues that the administrative law judge (ALJ) erred when he determined that she was not entitled to a reduction in the Agency for Health Care Administration's (AHCA) Medicaid lien that was imposed against the proceeds from her settlement with a third-party tortfeasor. The ALJ concluded that the appellant was not entitled to a reduction because she failed to prove that her pro rata methodology was sanctioned by the Legislative mandate for the Medicaid lien to be paid in full.

Since this case was decided by the ALJ, the Florida Supreme Court and this Court have accepted the use of the pro rata method to reduce the Medicaid lien when the Medicaid recipient has

presented competent, substantial, and uncontradicted evidence to support her position that only a portion of the settlement should be allocated for past medical expenses.\* *Giraldo v. Agency for Health Care Admin.*, 248 So. 3d 53, 56 (Fla. 2018); *Bryan v. State*, 291 So. 3d 1033, 1036 (Fla. 1st DCA 2020); *Mojica v. Agency for Health Care Admin.*, 285 So. 3d 393, 398 (Fla. 1st DCA 2019); *Eady*, 279 So. 3d at 1259.

The record shows that the appellant presented competent, substantial, and uncontradicted evidence to support the reduction of her Medicaid lien by using a pro rata method. AHCA failed to present any evidence that the appellant’s proposed pro rata methodology was inaccurate or that another method would be more appropriate to apply. For those reasons, the ALJ erred as a matter of law by concluding that the appellant failed to prove that her Medical lien should have been reduced. *See Mojica*, 285 So. 3d at 396–98. Accordingly, we reverse and remand the cause to the Department of Administrative Hearings for the ALJ to reduce AHCA’s Medicaid lien to \$26,641.59.

REVERSED and REMANDED.

B.L. THOMAS, ROBERTS, and ROWE, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Floyd B. Faglie of Staunton & Faglie, PL, Monticello, for Appellant.

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\* While this case was pending, other similar cases were pending, and another panel had already set *Eady v. State*, 279 So. 3d 1249 (Fla. 1st DCA 2019), for oral arguments. Consequently, multiple supplemental authorities had been filed that this panel was required to consider.

Alexander R. Boler of Boler Legal, PLLC, Tallahassee, for Appellee.