

**IN THE MATTER OF:**

Fryeburg Health & Residential Care Center )  
James H. Dutton, Administrator ) **FINAL DECISION**  
P.O. Box 127 )  
Fryeburg, ME 04037 )

This is the Department of Health and Human Services' Final Decision.

The Recommended Decision of Hearing Officer Willis, dated October 26, 2004 has been reviewed.

I hereby adopt the findings of fact and I accept the Recommendation of the Hearing Officer that the Department was correct when it imposed a sanction of \$7.78 per day on Fryeburg Health & Residential Care Center for the period 7/1/03 through 9/30/03.

DATED: 12/7/04 SIGNED: \_\_\_\_\_  
JOHN R. NICHOLAS, COMMISSIONER  
DEPARTMENT OF HEALTH & HUMAN SERVICES

**YOU HAVE THE RIGHT TO JUDICIAL REVIEW UNDER THE MAINE RULES OF CIVIL PROCEDURE, RULE 80C. TO TAKE ADVANTAGE OF THIS RIGHT, A PETITION FOR REVIEW MUST BE FILED WITH THE APPROPRIATE SUPERIOR COURT WITHIN 30 DAYS OF THE RECEIPT OF THIS DECISION.**

**WITH SOME EXCEPTIONS, THE PARTY FILING AN APPEAL (80B OR 80C) OF A DECISION SHALL BE REQUIRED TO PAY THE COSTS TO THE OFFICE OF ADMINISTRATIVE HEARINGS FOR PROVIDING THE COURT WITH A CERTIFIED HEARING RECORD. THIS INCLUDES COSTS RELATED TO THE PROVISION OF A TRANSCRIPT OF THE HEARING RECORDING.**

cc: Carole Kus, Quality Assurance, BMS  
James Lewis, BMS