

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED  
AHCA  
AGENCY CLERK

2007 APR -3 A 10:51

NORTH CENTRAL FLORIDA HOSPICE,  
INC.,

Petitioner,

vs.

DOAH Case No. 05-3789CON  
AHCA Case No. 2005008599  
AHCA CON 9843

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION;  
HOSPICE OF THE NATURE COAST;  
HOSPICE OF THE PALM COAST, INC.; and  
HEARTLAND SERVICES OF FLORIDA, INC.,

RENDITION NO.: AHCA-07-0182-S-OLC

Respondents.

HEARTLAND SERVICES OF FLORIDA, INC.

Petitioner,

vs.

DOAH Case No. 05-3790CON  
AHCA Case No. 2005008579  
AHCA CON 9846

STATE OF FLORIDA, AGENCY FOR HEALTH  
CARE ADMINISTRATION; HOSPICE OF CITCUS  
COUNTY, INC. d/b/a HOSPICE OF THE NATURE  
COAST; and HOSPICE OF THE PALM COAST, INC.,

Respondents.

HOSPICE OF THE PALM COAST, INC.,

Petitioner,

vs.

DOAH Case No. 05-3791CON  
AHCA Case No. 2005008235  
AHCA CON 9844

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION, and

HOSPICE OF CITRUS COUNTY, INC.,  
d/b/a HOSPICE OF THE NATURE COAST,

Respondents.

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DIVISION OF  
ADMINISTRATIVE  
HEALTH CARE

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HOSPICE OF CITRUS COUNTY, INC.,  
d/b/a HOSPICE OF THE NATURE COAST,

2007 APR -4 A 10: 58

Petitioner,

DOAH Case No. 05-3976CON  
AHCA Case No. 2005008858  
AHCA CON 9843  
ADMINISTRATIVE  
HEARINGS

STATE OF FLORIDA, AGENCY FOR HEALTH  
CARE ADMINISTRATION; HOSPICE OF THE  
PALM COAST, INC.; and HEARTLAND  
SERVICES OF FLORIDA, INC.,

Respondents.

AMENDED FINAL ORDER

The Final Order in this cause dated March 13, 2007, which contained a scrivener's error, is amended as follows. This cause concerns Petitions for Formal Administrative Proceedings. Petitioners Hospice of The Palm Coast, Inc. filed a Petition on or about September 16, 2005, North Central Florida Hospice, Inc. filed a Petition on or about September 28, 2005, Heartland Services of Florida, Inc. filed a Petition on or about September 29, 2005, and Hospice of Citrus County, Inc. filed a Petition on or about October 11, 2005. The Petitions related to the Agency's denial of Certificate of Need Applications 9844, and 9846, and approval of Certificate of Need application 9843.

FINDINGS OF FACT

1. On or about April 25, 2006, Heartland Services of Florida, Inc. withdrew its CON application No. 9846 and then filed a Notice of Voluntary Dismissal of its Petition at DOAH, attached hereto as Ex. A.
2. On or about May 01, 2006, Hospice of the Palm Coast, Inc. withdrew its CON application No. 9844 and then filed a Notice of Voluntary Dismissal of its Petition at DOAH, attached hereto as Ex. B.
3. On or about June 1, 2006, North Central Hospice, Inc. ("NCFH"), and Hospice of Citrus County, Inc. ("HOCC"), filed a Joint Motion for Remand, based upon serious settlement negotiation, attached hereto as Ex. C.

4. On or about April 28, 2006, the Administrative Law Judge assigned to the case issued an Order Closing File based on the Notice of Voluntary Dismissal (Heartland Services of Florida, Inc.), attached hereto as Ex. D.
5. On May 03, 2006, the Administrative Law Judge assigned to the case issued an Order Closing File based on the Notice of Voluntary Dismissal (Hospice of the Palm Coast, Inc.), attached hereto as Ex. E.
6. On June 08, 2006, the Administrative Law Judge assigned to the case issued an Order Remanding without Prejudice based on North Central Hospice, Inc.'s ("NCFH"), and Hospice of Citrus County, Inc.'s ("HOCC"), Joint Motion for Remand, attached hereto as Ex. F.
7. On or about December 29, 2006, North Central Hospice, Inc. ("NCFH"), and Hospice of Citrus County, Inc. ("HOCC"), withdrew their Petitions with respect to CON application No. 9843 and then filed a Notice of Voluntary Dismissal of its Petition at DOAH, attached hereto as Ex. G.
8. The Agency hereby adopts and incorporates by reference the attached Notices of Voluntary Dismissals; Order Closing Files, Joint Motion for Remand, and Order Remanding Without Prejudice.
9. There are no remaining disputed issues of fact or law.

#### CONCLUSIONS OF LAW

The Agency for Health Care Administration has jurisdiction over the parties and subject matter pursuant to Sections 120.569 and 120.57, Fla. Stat. (2005).

Based on the foregoing,


#### **IT IS ADJUDGED THAT:**

1. The subjects' Petitions for Formal Administrative Proceedings pending before the Agency are hereby dismissed. The Agency's denial of Certificate of Need Applications 9844 and 9846 are upheld.

2. The Agency's approval of Certificate of Need Application 9843 is upheld and the Agency is directed to issue the Certificate of Need.

3. This Amended Final Order supersedes and replaces the Final Order in this cause dated March 13, 2007.

DONE and ORDERED this ~~24th~~ day of March, 2007, in Tallahassee, Florida.

  
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Andrew C. Agwunobi, M.D., Secretary  
Agency for Health Care Administration

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY, ALONG WITH THE FILING FEES AS PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA RULES OR APPELLATE PROCEDURE. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished to:

Thomas F. Panza, Esquire  
Panza, Maurer & Maynard, P.A.  
Bank of America Building, Third Floor  
3600 North Federal Highway  
Ft. Lauderdale, FL 33308-6225  
(by U.S. Mail)

Stephen A. Ecenia, Esquire  
Rutledge, Ecenia, Purnell &  
Hoffman, P.A.  
215 South Monroe Street, Suite 420  
Post Office Box 551  
Tallahassee, Florida 32302-0551  
(by U.S. Mail)

R. Terry Rigsby, Esquire  
Carlton Fields, P.A.  
Post Office Drawer 190  
Tallahassee, Florida 32302  
(by U.S. Mail)

H. Darrell White, Esquire  
H. Darrell White, P.A.  
223 South Gadsden Street  
Tallahassee, Florida 32301  
(by U.S. Mail)

Paul H. Amundsen, Esquire  
Amundsen & Smith, P.A.  
Post Office Box 1759  
Tallahassee, Florida 32302-1759  
(by U.S. Mail)

David M. Maloney  
Administrative Law Judge  
Division of Administrative Hearings  
The DeSoto Building  
1230 Apalachee Parkway  
Tallahassee, FL 32399  
(by U.S. Mail)

Michael O. Mathis, Esq.  
Assistant General Counsel  
Agency for Health Care Administration  
2727 Mahan Drive Bldg #3 Mail Stop Code #3  
Tallahassee, Florida 32308  
(Interoffice Mail)


Elizabeth Dudek  
Deputy Secretary  
Agency for Health Care Administration  
2727 Mahan Drive Bldg #1 Mail Stop Code #9  
Tallahassee, Florida 32308  
(Interoffice Mail)

Jeffrey Gregg  
Chief Bureau of Health Facility Regulation  
Agency for Health Care Administration  
2727 Mahan Drive Bldg #1 Mail Stop Code #28  
Tallahassee, Florida 32308  
(Interoffice Mail)

Jan Mills  
(Interoffice Mail)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by  
U.S. Mail, this 3<sup>rd</sup> day of April, 2007, to the ~~above-named people~~



Richard Shoop, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop #3  
Tallahassee, Florida 32308  
(850) 922-5873