

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

HCR MANOR CARE SERVICES OF
FLORIDA II, INC.,

2009 AUG 12 AM 8:13

Petitioner,

DOAH CASE NO. 08-5980
AHCA CASE NO. 2008013280

and

MEMORIAL HOSPITAL-FLAGLER,
INC. d/b/a FLORIDA HOSPITAL
HOSPICECARE,

Intervenor,

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondent,

and

HOSPICE OF LAKE & SUMTER, INC.
d/b/a CORNERSTONE HOSPICE and
HOSPICE OF THE COMFORTER, INC.,

Intervenors

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") concerning the fixed need pool for hospice programs in Hospice Service Area 7B for the second Other Beds and Services batching cycle of 2008.

On October 3, 2008, the Agency published in the Florida Administrative Weekly a fixed need pool for one new hospice program in Service Area 7B.

On October 20, 2008, HCR MANOR CARE SERVICES OF FLORIDA II, INC. (hereinafter "HCR") timely submitted and the Agency accepted a letter of intent to file a certificate of need ("CON") application in that batching cycle for Service Area 7B.

On October 24, 2008, the Agency published in the Florida Administrative Weekly a revised fixed need pool for Service Area 7B reflecting zero need.

On November 3, 2008, by letter to the Agency, HCR advised the Agency of an identified error in the fixed need pool number published on October 24, 2008 in the Florida Administrative Weekly.

The Agency responded on November 13, 2008 to HCR's notification by declining to accept Petitioner's notice of error and by declining to determine that there is a numeric need for a new hospice program in Service Area 7B.

Thereafter, HCR filed a Petition for Formal Administrative Proceeding on November 14, 2008 challenging the Agency's decision, which was forwarded by the Agency Clerk to the Division of Administrative Hearings ("DOAH").

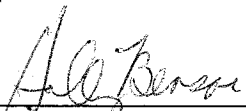
On March 10, 2009, HCR filed a Notice of Voluntary Dismissal of its Petition for Formal Administrative Proceeding. The Notice of Voluntary Dismissal is hereby attached as Exhibit A.

On March 10, 2009, an Order Closing File was issued by DOAH as a result of the voluntary dismissal. Order Closing File is attached hereto as Exhibit B.

It is therefore **ORDERED** and **ADJUDGED**:

1. The voluntary dismissal by HCR and the Order Closing File by DOAH are hereby acknowledged and accepted.
2. The above-styled case is hereby closed.

DONE and ORDERED this 10th day of August, 2009,
in Tallahassee, Florida.



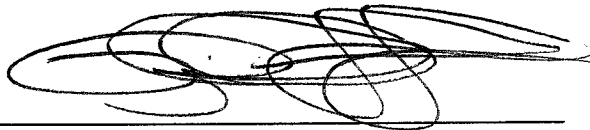
HOLLY BENSON, Secretary
AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW, WHICH SHALL BE INSTITUTED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A COPY ALONG WITH THE FILING FEE 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 APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. or interoffice mail to the persons named below on this 12th day of August 2009.



RICHARD J. SHOOP, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308
(850) 922-5873

COPIES FURNISHED TO:

Charles A. Stampelos
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

R. David Prescott, Esquire
Stephen A. Ecenia, Esquire
Rutledge, Ecenia, and Purnell, P.A.
215 South Monroe Street, Suite 420
Post Office Box 551
Tallahassee, FL 32302-0551
Attorneys for HCR Manor Care Services of Florida II, Inc.

W. David Watkins, Esquire
Karl D. Acuff, Esquire
Watkins and Associates, P A
Post Office Box 15828
Tallahassee, Florida 32317-5828
Attorneys for Hospice of Lake and Sumter, Inc. d/b/a Cornerstone Hospice

Stephen K. Boone, Esquire
Boone, Boone, Koda & Fook, P.A.
1001 Avenida Del Circo
Post Office Box 1596
Venice, Florida 34284-1596
Attorney for Memorial Hospital-Flagler, Inc. d/b/a Florida Hospital
HospiceCare

Robert D. Newell, Jr., Esquire
Newell, Terry & Douglas, P.A.
817 North Gadsden Street
Tallahassee, Florida 32303-6313
Attorney for Hospice of the Comforter, Inc.

Richard Joseph Saliba, Esquire
Assistant General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Building 3, MS #3
Tallahassee, Florida 32308
(Interoffice Mail)

Janice Mills
Government Analyst II
Facilities Intake
Agency for Health Care Administration
2727 Mahan Drive, Building 3, MS #3
Tallahassee, Florida 32308
(Interoffice Mail)

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
09 MAR 10 AM 10:57
DIVISION OF
ADMINISTRATIVE
HEARINGS

HCR MANOR CARE SERVICES OF
FLORIDA II, INC.

Petitioner,

vs.

Case No. 08-5980

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondent,

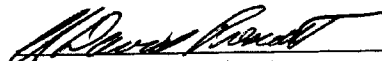
and

MEMORIAL HOSPITAL – FLAGLER, INC.,
et al.,

Intervenors.

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW, Petitioner, HCR Manor Care Services of Florida II, Inc., through undersigned counsel, and hereby gives notice of its voluntary dismissal of its Petition For Formal Administrative Proceeding in the above-captioned cause.



Stephen A. Ecenia, Esq.
R. David Prescott, Esq.
Rutledge, Ecenia & Purnell, P.A.
119 South Monroe Street, Suite 202
Post Office Box 551
Tallahassee, Florida 32302-0551
(850) 681-6788
(850) 681-6515 (fax)

ATTORNEYS FOR HCR MANOR CARE
SERVICES OF FLORIDA II, INC.

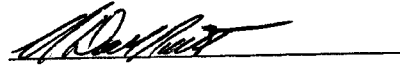
EXHIBIT

tabbies

A

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by Email Transmission and by U.S. Mail to the following: Robert D. Newell, Jr., Esq., Newell, Terry & Douglas, P.A., 817 North Gadsden Street, Tallahassee, Florida 32303-6313; Stephen K. Boone, Esq., Boone, Boone, Boone, Koda & Froom, P.A., 1001 Avenida del Circo, Venice, Florida 34284; Richard Saliba, Esq., Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308; and W. David Watkins, Esq. and Karl David Acuff, Esq., Watkins & Associates, P.A., 3051 Highland Oaks Terrace, Suite D, P.O. Box 15828, Tallahassee, Florida 32317-5828 this 10th day of March, 2009.



Attorney