

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

GOOD SHEPHERD HOSPICE, INC.,

2009 AUG 12 A 8:14

Petitioner,

DOAH CASE NO. 09-1753CON
AHCA CASE NO. 2009003916
CON NOS. 10036-10038

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

HOPE HOSPICE AND COMMUNITY
SERVICES, INC.,

Petitioner,

DOAH CASE NO. 09-1754CON
AHCA CASE NO. 2009004034
CON NOS. 10036-10038

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION and
COMPASSIONATE CARE HOSPICE OF
MIAMI-DADE, INC.,

Respondent.

ODYSSEY HEALTH CARE OF
COLLIER COUNTY, INC.,

Petitioner,

DOAH CASE NO. 09-1755CON
AHCA CASE NO. 2009003644
CON NO. 10038

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION

Respondent.

FINAL ORDER

FILED
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AGENCY CLERK
2009 AUG 12 10:40
DIVISION OF ADMINISTRATIVE HEARINGS

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") concerning Certificate of Need ("CON") Application No. 10038 which was filed by ODYSSEY HEALTHCARE OF COLLIER COUNTY, INC. (hereinafter "Odyssey") in the Second Batching Cycle of 2008, requesting a CON to establish a hospice program. The application was denied.

Thereafter, Odyssey timely filed a Petition for Formal Administrative Hearing with respect to the denial, which was forwarded by the Agency Clerk to the Division of Administrative Hearings ("DOAH").

On July 24, 2009, Odyssey filed its voluntary dismissal of the DOAH case. Notice of Voluntary Dismissal is attached hereto as Exhibit A.

On July 28, 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 Odyssey and the Order Closing File by DOAH are hereby acknowledged and accepted.
2. CON Application No. 10038 is hereby denied.
3. The above-styled case is hereby closed.

DONE and ORDERED this 16th day of August, 2009,

in Tallahassee, Florida.



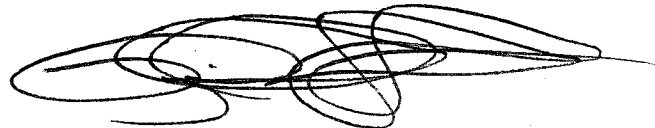
HOLLY BENSON, Secretary
AGENCY FOR HEALTH CARE ADMINISTRATION

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:

David M. Maloney
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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

GOOD SHEPHERD HOSPICE, INC.,)

Petitioner,)

vs.)

Case No. 09-1753CON

AGENCY FOR HEALTH CARE)
ADMINISTRATION,)

Respondent.)

HOPE HOSPICE AND COMMUNITY)
SERVICES, INC.,)

Petitioner,)

vs.)

Case No. 09-1754CON

AGENCY FOR HEALTH CARE)
ADMINISTRATION and)
COMPASSIONATE CARE HOSPICE OF)
MIAMI-DADE, INC.,)

Respondents.)

ODYSSEY HEALTH CARE OF COLLIER)
COUNTY, INC.,)

Petitioner,)

vs.)

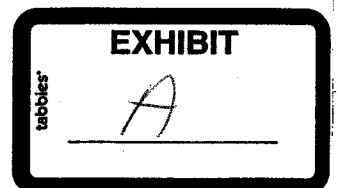
Case No. 09-1755CON

AGENCY FOR HEALTH CARE)
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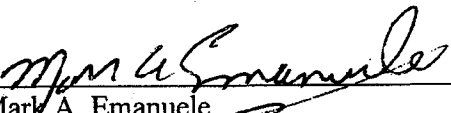

Respondent.)

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW, Petitioner, Odyssey Healthcare of Collier County, Inc., by and through undersigned counsel, and hereby gives notice of the voluntary dismissal, with prejudice, of its Petition For Formal Administrative Hearing in the above-captioned case, and dismissal of its CON Application Number 10038.



Respectfully submitted this 24th day of July, 2009.


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3600 North Federal Highway
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Attorneys for Odyssey Healthcare of Collier County,
Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing have been furnished by email to the following this 23rd day of July, 2009.

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