

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
AHCA
AGENCY CLERK

2010 DEC -8 A 8:37

ST. VINCENT'S MEDICAL
CENTER, INC.,

Petitioner,

DOAH CASE NO.: 10-0390CON

AHCA CASE NO.: 2010000533

vs.

CON NO.: 10059

RENDITION NO.: AHCA-10-1320-S-OLC

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION
AND WEST JACKSONVILLE MEDICAL
CENTER, INC.

Respondent.

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") concerning the Certificate of Need ("CON") 10059 Application which was filed by West Jacksonville Medical Center, Inc. (hereinafter West Jacksonville) to establish an 85-bed acute care hospital in the Second Batching Cycle of 2009. The Agency preliminarily approved West Jacksonville's application.

On January 26, 2010, St. Vincent filed a Petition for Formal Administrative Hearing challenging the Agency's approval, which was forwarded to the Division of Administrative Hearings ("DOAH"), by the Agency and assigned to an Administrative Law Judge.

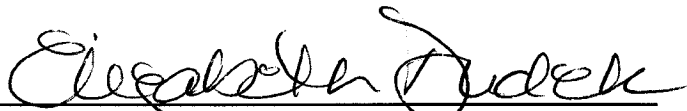
The parties have entered into a Settlement Agreement (Exhibit 2) which is attached hereto, and has been approved by the Antitrust Unit of the Office of the Attorney General, and being otherwise well advised in the premises:

It is ORDERED AND ADJUDGED:

1. The attached Settlement Agreement is approved and adopted as part of this Final Order, and the parties are directed to comply with the terms of the Settlement Agreement.

2. CON No. 10059 is approved per the Settlement Agreement.

DONE and ORDERED this 7 day of December, 2010, in Tallahassee, Florida.


Elizabeth Dudek, Interim 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 8th day of December, 2010.



RICHARD J. SHOOP, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308
(850) 412-3630

COPIES FURNISHED TO:

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

Lorraine M. Novak, Esquire
Assistant General Counsel
Agency for Health Care Administration
2727 Mahan Drive, Bldg. #3, MS #3
Tallahassee, Florida 32308
(By Interoffice Mail)

R. David Prescott, Esquire
Stephen A. Ecenia, Esquire
Richard M. Ellis, Esquire
Rutledge, Ecenia, & Purnell, P.A.
Post Office Box 551
Tallahassee, Florida 32302-0551
Attorneys for West Jacksonville
Medical Center, Inc.

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

Stephen C. Emmanuel, Esquire
C. Gary Williams, Esquire
Ausley & McMullen, P.A.
227 South Calhoun Street
Post Office Box 391
Tallahassee, Florida 32302
Attorneys for St. Vincent's Medical
Center, Inc.