

**STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION**

FILED
AHCA
AGENCY CLERK

2011 FEB 28 A 11:10

THE NEMOURS FOUNDATION,

Petitioner,

vs.

**DOAH CASE NO.: 10-9383CON
AHCA CASE NO.: 2010010148
CON NO.: 10081**

**STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION
AND ADVENTIST HEALTH
SYSTEMS SUNBELT, INC., d/b/a
FLORIDA HOSPITAL,**

**DOAH CASE NO.: 10-9388
ACHA CASE NO.: 2010010135
CON NO.: 10079**

RENDITION NO.: AHCA-11-0199-S-OLC

Respondents.

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") regarding Certificate of Need ("CON") Application Nos. 10078 and 10079, which concerned the establishment of pediatric cardiac catheterization programs and CON Application Nos. 10080 and 10081, which concerned the establishment of pediatric open heart surgery programs. THE NEMOURS FOUNDATION (hereinafter "Nemours") filed CON Application Nos. 10078 and 10080, and Adventist Health Systems Sunbelt, Inc. d/b/a Florida Hospital (hereinafter "Florida Hospital") filed CON Application Nos. 10079 and 10081 in the Second Batching Cycle of 2010. The Agency denied Nemours' CON applications and preliminarily approved the CON Applications for Florida Hospital.

Thereafter, Nemours timely filed a Petition for Formal Administrative Hearing challenging the Agency's denial of its CON applications and the Agency's preliminary approval of Florida Hospital's CON applications. All four CON cases were consolidated.

On December 21, 2010, the parties filed a Joint Motion to Relinquish Jurisdiction.

Thereafter, the parties entered into settlement negotiations. Pursuant to settlement agreement the parties agreed:

A. That a final order be entered approving Florida Hospital's CON Applications Nos. 10079 and 10081 with certain conditions as specified within the Settlement Agreement appearing on the face of each Certificate of Need.

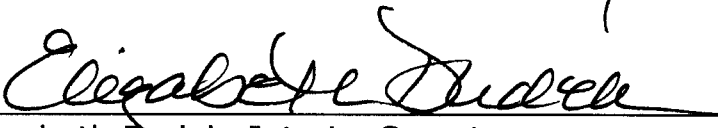
B. That a final order be entered approving Nemours' CON Application Nos. 10078 and 10080 with certain conditions as specified within the Settlement Agreement appearing on the face of the Certificate of Need.

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

1. The Settlement Agreement is attached hereto and made a part hereof. The parties are directed to comply with the terms of the Settlement Agreement.

2. The above-styled cases are hereby closed.

DONE and ORDERED this 28 day of February,
2011, 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 28th day of February, 2011.


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:

Robert S. Cohen
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Stephen K. Boone, Esquire
Boone, Boone, Koda & Fook, P.A.
1001 Avenida Del Circo
Post Office Box 1596
Venice, Florida 34284-1596

Thomas F. Panza, Esquire
Deborah S. Platz, Esquire
Panza, Maurer & Maynard, P.A.
3600 North Federal Highway, 3rd Floor
Fort Lauderdale, Florida 33308

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