

FILED  
AHCA  
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STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS SEP 30 A 8:48

**TENET ST. MARY'S, INC. D/B/A  
ST. MARY'S MEDICAL CENTER,**

**Petitioner,**

**DOAH CASE NO.: 11-3635CON  
AHCA CASE NO.: 2011007880  
CON NO.: 10118**

**STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION  
AND HEALTHSOUTH  
REHABILITATION HOSPITAL OF  
MARTIN COUNTY, LLC,**

**Respondents.**

\_\_\_\_\_  
**JFK MEDICAL CENTER LIMITED  
PARTNERSHIP D/B/A JFK MEDICAL  
CENTER,**

**Petitioner,**

**DOAH CASE NO.: 11-3638CON  
AHCA CASE NO.: 2011007869  
CON NOS.: 10117 & 10118**

**STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION  
AND HEALTHSOUTH  
REHABILITATION HOSPITAL OF  
MARTIN COUNTY, LLC**

**Respondent,**

**and**

**BETHESDA HEALTHCARE SYSTEM,  
INC.; TENET ST. MARY'S, INC.  
D/B/A ST. MARY'S MEDICAL CENTER  
AND DELRAY MEDICAL CENTER, INC.  
D/B/A DELRAY MEDICAL CENTER,**

**Intervenors.**

**HEALTHSOUTH REHABILITATION  
HOSPITAL OF MARTIN COUNTY, LLC**

**Petitioner,**

**vs.**

**DOAH CASE NO.: 11-3848  
AHCA CASE NO.: 2011008374  
CON NOS.: 10117 & 10118**

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

**Respondent.**

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**FINAL ORDER**

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") regarding Certificate of Need ("CON") CON Application No. 10117. This matter concerned the establishment of a 24-bed comprehensive medical rehabilitation program for which the Agency issued a notice of preliminary intent to deny. This matter also concerned Application No. 10118, which proposed the establishment of a 34-bed comprehensive medical rehabilitation hospital which the Agency had preliminarily approved as submitted by Healthsouth Rehabilitation Hospital of Martin County, LLC.

On July 22, 2011, JFK Medical Center Limited Partnership d/b/a JFK Medical Center ("JFK") filed a Petition for Formal Administrative Proceeding to contest the noticed preliminary intent to deny its CON Application No. 10117 and to contest the preliminary approval of HealthSouth Rehabilitation Hospital of Martin County, LLC of CON 10118, which the Agency Clerk forwarded to the Division of Administrative Hearings ("DOAH") and assigned DOAH Case No. 11-3638CON.

On July 22, 2011, TENET ST. MARY'S, INC. D/B/A ST. MARY'S MEDICAL CENTER ("Tenet St. Mary") filed a Petition for Formal Administrative Hearing to contest the Agency's preliminary approval of CON 10118 to HealthSouth Rehabilitation Hospital, which was forwarded to DOAH and assigned DOAH Case No. 11-3635CON.

On September 2, 2011, JFK filed a Notice of Voluntary Dismissal.

On September 6, 2011, DOAH entered an Order Severing Cases DOAH Case Nos. 11-3638CON and 11-3848CON from 11-3635CON so that an Order Closing File could be entered in DOAH Case No. 11-3638CON and as to Case No: 11-3648CON which the ALJ determined was rendered moot by the voluntary dismissal.

On September 6, 2011, Tenet St. Mary filed a Notice of Voluntary Dismissal dismissing its Petition (DOAH Case No. 11-3635CON).

On September 7, 2011, DOAH entered an Order Closing File in DOAH Case No. 11-3635CON.

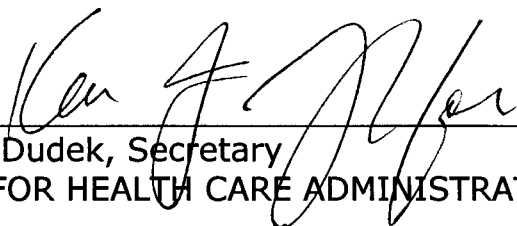
**IT IS THEREFORE ORDERED AND ADJUDGED THAT:**

1. The voluntary dismissals of JFK and St. Mary and the Order Closing File by DOAH are hereby acknowledged and accepted.
2. The Petitions filed by Tenet St. Mary and JFK are hereby dismissed.
3. Each party shall be solely responsible for its respective costs and attorney's fees.

4. The Agency action regarding CON 10118, awarding the establishment of a 34-bed comprehensive medical rehabilitation hospital to Healthsouth Rehabilitation Hospital of Martin County, LLC is upheld.

5. The above-styled cases is hereby closed.

**DONE and ORDERED** this 29 day of September,  
2011, in Tallahassee, Florida.

  
\_\_\_\_\_  
Elizabeth Dudek, 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 30<sup>th</sup> day of September, 2011.



RICHARD J. SHOOP, Agency Clerk  
Agency for Health Care Administration  
2727 Mahan Drive, Mail Stop #3  
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**COPIES FURNISHED TO:**

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