

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

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**TALLAHASSEE MEMORIAL HEALTHCARE,
INC. d/b/a TALLAHASSEE MEMORIAL
HOSPITAL,**

Petitioner,

vs.

**STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION
AND BAY HOSPITAL, INC.
d/b/a GULF COAST MEDICAL CENTER,**

Respondent.

**DOAH CASE NO.: 11-3643CON
AHCA CASE NO.: 2011007881
CON NO.: 10111**

RENDITION NO.: AHCA-11-1174 -S-CON

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") concerning the Certificate of Need ("CON") 10111 Application which was filed by BAY HOSPITAL, INC. d/b/a GULF COAST MEDICAL CENTER (hereinafter "Gulf Coast") to establish a 6-bed Level III NICU in Bay County, Florida. The Agency preliminarily approved Gulf Coast's application.

On July 14, 2011, Tallahassee Memorial Healthcare, Inc. d/b/a Tallahassee Memorial Hospital (hereinafter "TMH") filed a Petition for Administrative Hearing challenging the Agency's approval. This petition was forwarded to the Division of Administrative Hearings ("DOAH"), by the Agency and assigned to an Administrative Law Judge.

On October 27, 2011, the parties entered into a settlement agreement and a Joint Motion to Relinquish Jurisdiction was filed.

On October 28, 2011, the Department of Administrative Hearings (hereinafter "DOAH") issued an Order Relinquishing Jurisdiction and Closing the File.

Prior to Final Hearing, the parties entered into a Settlement Agreement (Exhibit 1) which is attached hereto, and the Agency 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.

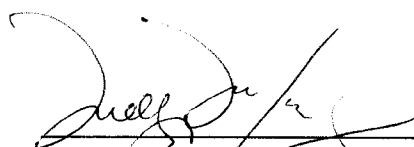
2. The Agency shall issue CON 10111 to Gulf Coast.

3. The Parties shall abide by the terms and conditions of the Settlement Agreement.

4. Each Party shall be responsible for its respective own costs and attorney's fees.

5. The above-styled case is hereby closed.

DONE and ORDERED this 14 day of November, 2011, in Tallahassee, Florida.



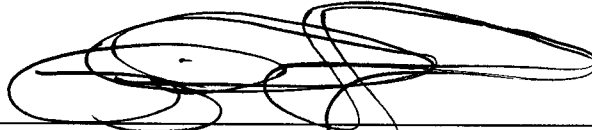
ELIZABETH DUDEK, Secretary
AGENCY FOR HEALTH CARE ADMINISTRATION

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 15th day of November, 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:

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Administrative Law Judge
Division of Administrative Hearings
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