

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED  
AHCA  
AGENCY CLERK

HEALTHSOUTH REHABILITATION  
HOSPITAL OF POLK COUNTY, LLC,

2013 OCT 18 P 12: 55

Petitioner,

DOAH No. 13-0168CON

v.

AHCA No. 2013000312

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION, and  
LAKELAND REGIONAL MEDICAL  
CENTER, INC.,

CON 10162

\_\_\_\_\_  
LAKELAND REGIONAL MEDICAL  
CENTER, INC.,

Petitioner,

DOAH No. 13-0169CON

v.

AHCA No. 2013000319

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

CON No. 10164

Respondent.  
\_\_\_\_\_

**FINAL ORDER**

THIS CAUSE comes before the State of Florida, Agency for Health Care Administration, (the "Agency") regarding certificate of need ("CON") application No. 10164 filed by Lakeland Regional Medical Center, Inc. ("LRMC").

1. LRMC filed this CON application which sought the establishment of a 32-bed comprehensive medical rehabilitation unit within its hospital located in Polk County, Florida, Service District 6. The Agency approved LRMC's CON application 10164.

2. At the same time, the Agency denied:

(a) CON application 10162 filed by HealthSouth Rehabilitation Hospital of Polk County

("HealthSouth"), which sought the establishment of a 50-bed comprehensive medical rehabilitation unit within its hospital located in Polk County, Florida, Service District 6.

(b) CON application 10163 filed by Haines City, HMA, LLC, d/b/a Heart of Florida Regional Medical Center ("Heart of Florida"), which sought the establishment of a 14-bed comprehensive medical rehabilitation unit within its hospital located in Polk County, Florida, Service District 6.

(c) CON application 10165 filed by Sebring Hospital Management Associates, LLC, d/b/a Highlands Regional Medical Center ("Highlands"), which sought the establishment of a 7-bed comprehensive medical rehabilitation unit within its hospital located in Highlands County, Florida, Service District 6.

3. HealthSouth, Heart of Florida and Highlands each filed a petition for formal hearing challenging the Agency's approval of LRMC's CON application and the denial of their respective CON applications. LRMC filed a petition for formal hearing supporting the approval of its CON application as well as the denial of CON applications filed by HealthSouth, Heart of Florida and Highlands.

4. HealthSouth has since voluntarily dismissed its petition for formal hearing as to both the denial of its CON application and the approval of LRMC's CON application.

5. Heart of Florida has since filed a partial notice of voluntary dismissal of its petition for formal hearing solely as to the approval of LRMC's CON application. The challenge of the denial of its CON application remains pending before the Division of Administrative Hearings.

6. Highlands has since filed a partial notice of voluntary dismissal of its petition for formal hearing solely as to the approval of LRMC's CON application. The challenge of the denial of its CON application remains pending before the Division of Administrative Hearings.

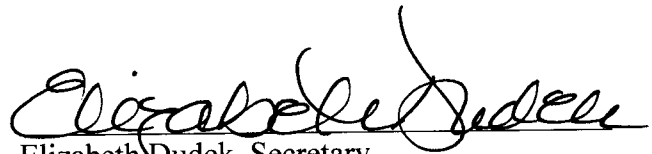
7. Based upon these voluntary dismissals, the Division of Administrative Hearings entered an Order Closing File and Relinquishing Jurisdiction in the above styled matter.

**IT IS THEREFORE ORDERED:**

8. The denial of HealthSouth's CON application 10162 is UPHELD.

9. The approval of LRMC's CON application 10164 is UPHELD.

**ORDERED** in Tallahassee, Florida on this 18 day of October, 2013.

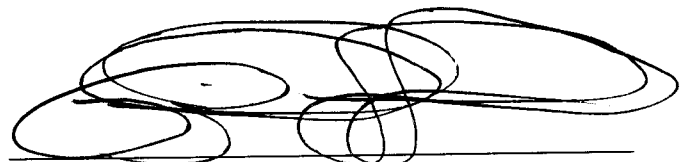
  
Elizabeth Dudek, Secretary  
Agency for Health Care Administration

**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. Mail or electronic mail to the persons named below on this 18<sup>th</sup> day of October, 2013.



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

<p>Janice Mills  Facilities Intake Unit  Agency for Health Care Administration  (Electronic Mail)</p>	<p>James McLemore, Supervisor  Certificate of Need Unit  Agency for Health Care Administration  (Electronic Mail)</p>
<p>R. Bruce McKibben  Administrative Law Judge  Division of Administrative Hearings  (Electronic Mail)</p>	<p>Lorraine M. Novak, Esquire  Assistant General Counsel  Agency for Health Care Administration  (Electronic Mail)</p>
<p>R. Terry Rigsby, Esquire  Pennington, Moore, Wilkinson, Bell  &amp; Dunbar, P.A.  215 South Monroe Street, 2<sup>nd</sup> Floor  Tallahassee, Florida 32301  Counsel for HealthSouth  (U.S. Mail)</p>	<p>Jonathan L. Rue, Esquire  Parker, Hudson, Rainer &amp; Dobbs, LLP  285 Peachtree Center Avenue  1500 Marquis Two Tower  Atlanta, GA 30303  Co-Counsel for LRMC  (U.S. Mail)</p>
<p>Geoffrey D. Smith, Esquire  Smith &amp; Associates  2834 Remington Green Circle, Suite 201  Tallahassee, FL 32308  Counsel for Heart of Florida and Highlands  (U.S. Mail)</p>	<p>John D. Hoppe, Esquire  Peterson &amp; Myers, P.A.  225 East Lemon Street, Suite 300  Lakeland, FL 33802-4628  Co-Counsel for LRMC  (U.S. Mail)</p>