

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

2013 MAY 28 A 9:55

VITAS HEALTHCARE CORPORATION OF
FLORIDA,

Petitioner,
vs.

DOAH CASE NO.: 13-0834CON
AHCA CASE NO.: 2013002602
CON NO.: 10174

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

RENDITION NO.: AHCA-13 - 529 -S-CON

Respondent,
_____ /

FINAL ORDER

THIS CAUSE comes before the AGENCY FOR HEALTH CARE ADMINISTRATION (the "Agency") regarding Certificate of Need ("CON") Application No. 10174 which was filed by Vitas Healthcare Corporation of Florida ("VITAS") in the Second Batching Cycle of 2012. This matter concerned the establishment of an eight-bed freestanding inpatient hospice facility in Service District 9C, Palm Beach County.

The Agency issued the State Agency Action Report preliminarily denied CON 10174.

VITAS filed a Petition for Formal Administrative Proceeding challenging the Agency's denial of CON 10174 which the Agency Clerk forwarded to the Division of Administrative Hearings ("DOAH") and assigned DOAH Case No. 13-0834CON.

On March 15, 2013, Hospice Of Palm Beach County, Inc. ("HPBC") filed a Petition to Intervene.

On March 22, 2013, DOAH entered an Order the Petition to Intervene.

On April 25, 2013, HPBC filed a Notice of Dismissal.

On May 13, 2013, VITAS filed a Joint Motion to Relinquish Jurisdiction.


On May 13, 2013, DOAH entered an Order Closing File and Relinquishing Jurisdiction.

Prior to Final Hearing, the Agency and VITAS entered into a settlement in the matter (“Exhibit A”).

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

1. The Settlement Agreement attached as Exhibit A is hereby adopted and the parties are hereby directed to comply with the terms and conditions of that Agreement.
2. The Agency shall approve and issue CON 10174 with the conditions as set forth within the Settlement Agreement.
3. Each party shall be solely responsible for its respective costs and attorney’s fees.
4. The above-styled case is hereby closed.

DONE and ORDERED this 28 day of May, 2013, 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 28th day of May, 2013.



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
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