

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2014 JUN 16 A 9:49

HOPE HOSPICE AND COMMUNITY
SERVICES, INC.,

Petitioner,

v.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

DOAH Case No. 13-3275

CON No. 10194

AHCA No. 2013008980

RENDITION NO.: AHCA-14 - 0542 -S-OLC

FINAL ORDER

THIS CAUSE comes before the State of Florida, Agency for Health Care Administration ("the Agency") concerning Certificate of Need ("CON") Application No. 10194, submitted by Hope Hospice and Community Services, Inc. ("Hope Hospice"), to establish a 24-bed freestanding inpatient hospice facility in Lee County, AHCA District 8, Service Area 8C.

1. On August 19, 2013, the Agency published notice of its preliminary decision to deny CON Application No. 10194. (Ex. 1)

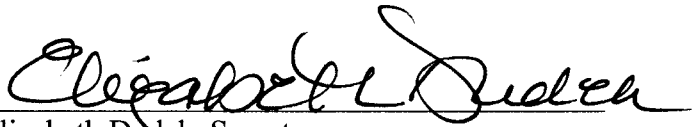
2. On August 23, 2013, Hope Hospice filed a petition for hearing challenging the preliminary denial of CON Application No. 10194. The matter was referred to the Division of Administrative Hearings ("DOAH").

3. The parties have since entered into the attached settlement agreement (Ex. 2), which is adopted and incorporated into this Final Order.

It is therefore **ORDERED**:

4. CON Application No. 10194 is approved subject to the terms and conditions set forth in the Settlement Agreement.

ORDERED in Tallahassee, Florida, on this 13 day of June, 2014.



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 one copy of a notice of appeal with the Agency Clerk of AHCA, and a second copy, along with filing fee as 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 of proceedings shall be conducted in accordance with the Florida appellate rules. The Notice of Appeal must be filed within 30 days of rendition of the order to be reviewed.

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of this Final Order was served on the below-named persons by the method designated on this 16th day of June, 2014.


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

Facilities Intake Unit Agency for Health Care Administration (Electronic Mail)	Lorraine M. Novak, Esquire Office of the General Counsel Agency for Health Care Administration (Electronic Mail)
David M. Maloney Administrative Law Judge Division of Administrative Hearings www.doah.state.fl.us (Electronic Mail)	John Robert Griffin, Esquire Hope Hospice and Community Services, Inc. 9470 HealthPark Circle Fort Myers, Florida 33908 Bob.Griffin@hopehcs.org (Electronic Mail)

	James McLemore, Supervisor Certificate of Need Unit Agency for Health Care Administration (Electronic Mail)
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**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

NONE

**Section XII
Miscellaneous**

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of May 15, 2013:

County: Hillsborough Service District: 6
CON # 10191 Decision Date: 8/16/2013 Decision: D
Facility/Project/Applicant: LifePath Hospice, Inc.

Project Description: Establish an eight-bed inpatient hospice facility
Approved Cost: \$0

County: Charlotte Service District: 8
CON # 10192 Decision Date: 8/16/2013 Decision: A
Facility/Project/Applicant: Tidewell Hospice, Inc.

Project Description: Establish a seven-bed inpatient hospice facility
Approved Cost: \$73,113.00

County: Desoto Service District: 8
CON # 10193 Decision Date: 8/16/2013 Decision: A
Facility/Project/Applicant: Tidewell Hospice, Inc.

Project Description: Establish an eight-bed inpatient hospice facility
Approved Cost: \$49,035.00

County: Lee Service District: 8
CON # 10194 Decision Date: 8/16/2013 Decision: D
Facility/Project/Applicant: Hope Hospice and Community Services, Inc.

Project Description: Establish a 24-bed inpatient hospice facility

Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Darren Henry Combass, P.T.A., License # PTA 18687. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michelle C. Broach, O.T., License # OT 9470. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Melissa Terpos, R.P.T., License # RPT 39879. This Emergency Suspension Order was predicated upon the State