

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2015 MAY 28 A 9:17

HOSPICE OF CITRUS COUNTY,
INC. d/b/a HOSPICE OF CITRUS
AND THE NATURE COAST,

Petitioner,

DOAH NO. 14-5120
AHCA NO.: 2014010604

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent,

and

HERNANDO-PASCO HOSPICE, INC,

Intervenor.

_____ /

FINAL ORDER

THIS CAUSE comes before the Agency for Health Care Administration (“the Agency”) concerning the Fixed Need Pool of Hospice Service Area 3D for Second Batching Cycle for Others Beds.

1. On March 11, 2013, Hernando-Pasco Hospice, Inc. (“Hernando”) filed a Petition for Formal Administrative Hearing challenging the Agency’s initial decision to approve Hospice of Citrus County, Inc. d/b/a Hospice of Citrus and The Nature Coast (“Hospice Citrus”). That matter was the subject of a separate administrative proceeding before the Division of Administrative Hearings (“DOAH”)

2. On October 3, the Agency published the fixed need pool indicating a need of zero for hospice programs in Hospice Service Area 3D for the 2014 Second Batching Cycle for Other Beds and Programs. (Ex. A)

3. On October 13, 2014, Hospice Citrus advised the Agency of what it believed to be an error in the calculations.

4. On October 24, 2014, Hospice Citrus filed a Petition for Formal Administrative Proceeding contesting the Agency's published fixed need pool.

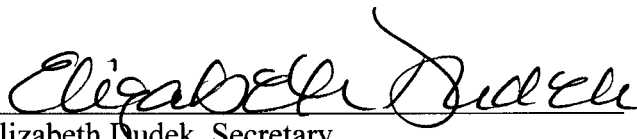
5. On April 14, 2015, Hospice Citrus filed a Notice of Voluntary Dismissal.

6. On April 15, 2015, the DOAH entered an Order Closing File and Relinquishing Jurisdiction.

Based upon the foregoing, it is **ORDERED**:

1. The Agency's decision regarding the Hospice Service Area 3D for the 2014 Second Batching Cycle for Other Beds and Programs is upheld.

ORDERED in Tallahassee, Florida, on this 27 day of May, 2015.

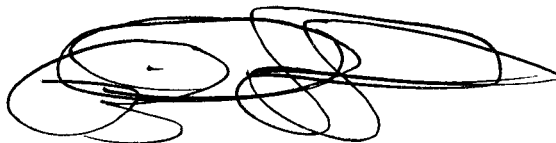

Elizabeth Dudek, Secretary
Agency for Health Care Administration

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party that is adversely affected by this Final Order is entitled to seek 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 HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail or interoffice mail to the persons named below on this 28th day of May, 2015.



Richard J. Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308
(850) 413-3630

John D. C. Newton, II
Administrative Law Judge
Division of Administrative Hearings
(Electronic Mail)

Seann M. Frazier, Esquire
Parker Hudson Rainer & Dobbs
215 South Monroe Street, Suite 750
Tallahassee, Florida 32301-1804
Counsel for Hernando-Pasco Hospice, Inc.
(U. S. Mail)

Susan L. St. John, Esquire
Post Office Box 13545
Tallahassee, Florida 32317
Counsel for Hospice of Citrus and the Nature Coast
(U.S. Mail)

Richard Joseph Saliba
Assistant General Counsel
Agency for Health Care Administration
(Electronic Mail)

Facilities Intake
Agency for Health Care Administration
(Electronic Mail)

authorized by the Owner. The District reserves the right to reject any and all bids. Contract documents for bidding may be obtained at the office of: ARC/4613 Phillips Highway, Suite 202/ Jacksonville, FL 32207/ (904)399-8946. Contract documents for bidding may be examined at the Duval County Public Schools Administration Building located at 1701 Prudential Drive, Jacksonville, FL 32207. Name of A/E Firm: Haddad Engineering, Inc., 2955 Hartley Road, Suite 205, Jacksonville, FL 32257/Telephone (904)262-5066. MBE Participation Goal: 15% overall based on available MBE's. All Contractors submitting bids must be prequalified with Duval County Public Schools at the time of the bid opening. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools. Prequalification forms and information may be obtained at www.duvalschools.org under Departments/Facilities/Forms and Standards/General Documents/Contractor Prequalification Procedures. The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**Section XII
Miscellaneous**

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need**

NOTICE OF PEDIATRIC OPEN HEART SURGERY PROGRAMS AND PEDIATRIC CARDIAC CATHETERIZATION PROGRAMS FIXED NEED POOLS
The Agency for Health Care Administration has projected fixed need pools for pediatric open heart surgery programs and

Pediatric Cardiac Catheterization Programs - Pediatric Open Heart Surgery Programs Net Need			
Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need**

NOTICE OF HOSPICE PROGRAM FIXED NEED POOL
The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for January 2016, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program

pediatric cardiac catheterization programs for January 2017, pursuant to the provisions of Rules 59C-1.008, 59C-1.032 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 1, Room 321, MS 28, Tallahassee, Florida 32308, on or before 5:00 p.m., October 20, 2014.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool numbers will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida, 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Office, 2727 Mahan Drive, Building 1, Room 321, MS 28, Tallahassee, Florida 32308, on or before 5:00 p.m., October 20, 2014.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first

cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of an error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 6C	0
Subdistrict 2A	0	Subdistrict 7A	0
Subdistrict 2B	0	Subdistrict 7B	0
Subdistrict 3A	0	Subdistrict 7C	0
Subdistrict 3B	0	Subdistrict 8A	0
Subdistrict 3C	0	Subdistrict 8B	0
Subdistrict 3D	0	Subdistrict 8C	0
Subdistrict 3E	0	Subdistrict 8D	0
Subdistrict 4A	0	Subdistrict 9A	0
Subdistrict 4B	0	Subdistrict 9B	0
Subdistrict 5A	1	Subdistrict 9C	0
Subdistrict 5B	0	District 10	0
Subdistrict 6A	1	District 11	0
Subdistrict 6B	0	Total	2

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

NOTICE OF FIXED NEED POOLS FOR COMMUNITY NURSING HOME BEDS

The Agency for Health Care Administration has projected a fixed bed need pool for community nursing home beds for July 2017 pursuant to the provisions of Section 408.034(5), Florida Statutes and Rules 59C-1.008 and 59C-1.036, F.A.C. Net bed need projections for community nursing home beds have been adjusted according to occupancy rate thresholds as prescribed by the above-mentioned rules. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, 2727 Mahan Drive, Building 1, Room 321, MS 28, Tallahassee, Florida, 32308, on or before 5:00 p.m., October 20, 2014.

Any person who identifies an error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Register. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Room 3431, MS 3, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Community Nursing Home Bed Need

	Bed Need
District 1	
Subdistrict 1	160
Subdistrict 2	0
Subdistrict 3	0
District 2	
Subdistrict 1	56
Subdistrict 2	63
Subdistrict 3	14
Subdistrict 4	86
Subdistrict 5	19
District 3	
Subdistrict 1	99
Subdistrict 2	227
Subdistrict 3	43
Subdistrict 4	140
Subdistrict 5	65
Subdistrict 6	66
Subdistrict 7	205
District 4	
Subdistrict 1	111
Subdistrict 2	170
Subdistrict 3	167
Subdistrict 4	0