

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED  
AHCA  
AGENCY CLERK

DELRAY GROUP, LLC, d/b/a  
LAKE VIEW CARE CENTER AT DELRAY,

2015 JAN 28 P 2:46

Petitioner,

DOAH NO.: 14-5945CON

vs.

AHCA NO. 2014009299

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

CON NO.: 10231  
RENDITION NO.: AHCA- 15 - 0027 -S-OLC

Respondent.

FINAL ORDER

THIS CAUSE comes before the Agency For Health Care Administration ("the Agency") concerning Certificate of Need ("CON") Application No. 10231, which was filed by Delray Group, LLC d/b/a Lake View Care Center at Delray ("Delray"), but was preliminarily denied by the Agency.

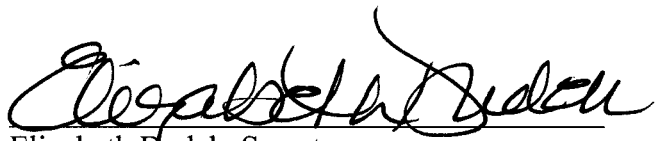
1. Delray filed expedited CON Application 10231 for the transfer of CON 10176 from SF Palm Beach, LLC to Delray in Palm Beach County, District 9, Subdistrict 4.
2. CON Application 10231 is an existing 120-bed nursing home in Delray, Florida, with an Exemption (#40013) to replace the existing home. Delray sought to transfer CON 10176 to add 60 additional beds to the 120-bed replacement nursing home. The Agency denied CON Application 10231. (Ex. 1)
3. The parties have since entered into the attached Settlement Agreement. (Ex. 2)

It is **ORDERED**:

1. The attached Settlement Agreement is approved and adopted as part of this Final Order. The parties are directed to comply with the terms of the Settlement Agreement.
2. The Agency shall issue CON 10231 to Delray.

3. Each party shall be responsible for its own costs and attorney's fees.

**ORDERED** in Tallahassee, Florida, on this 28 day of January, 2015.



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 28<sup>th</sup> day of

January, 2015.



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

Copies:

Division of Administrative Hearings  
(Electronic Mail)

Peter A. Lewis, Esquire  
Law Offices of Peter A. Lewis, P.L.  
3023 North Shannon Lakes Drive, Suite 101  
Tallahassee, Florida 32309

Richard Joseph Saliba, Esquire  
Assistant General Counsel  
Agency for Health Care Administration  
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Janice Mills, Government Analyst II  
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Marisol Fitch, Unit Manager  
Certificate of Need Unit  
Agency for Health Care Administration  
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Bernard Hudson, Unit Manager  
Long Term Care Unit  
Agency for Health Care Administration  
(Electronic Mail)



RICK SCOTT  
GOVERNOR

ELIZABETH DUDEK  
SECRETARY

September 3, 2014

Mr. Abraham Shaulson  
Authorized Representative for  
Delray Group, LLC  
d/b/a Lake View Care Center at Delray  
10800 Biscayne Boulevard, Suite 600  
Miami, Florida 33161-7499

Dear Mr. Shaulson:

RE: CON Action Number 10231

The proposal by Delray Group, LLC to transfer CON #10176 from SF Palm Beach, LLC to Delray Group, LLC in Palm Beach County, District 9, Subdistrict 4, has been reviewed by this office according to Section 408.039, Florida Statutes, and Chapter 59C-1, Florida Administrative Code. It is the determination of this office that your proposal is denied.

Reasons and explanations for this denial are found in the attached State Agency Action Report.

You have the right to challenge this decision by requesting an administrative hearing under the provisions of Florida's Administrative Procedure Act, Chapter 120, Florida Statutes, and under Rule 59C-1.010, Florida Administrative Code. A request for hearing, if any, must be in writing and must be actually received by this Agency within 21 days after the publication in the Florida Administrative Register.

A request for hearing must contain the information required in Rule 28-106.201, Florida Administrative Code, and must make reference to the "CON Action Number" mentioned in this letter. In addition, a request for hearing must indicate whether your proposal was reviewed comparatively with any other proposals and, if so, make reference to the names and CON Action Numbers of those proposals. The original and one copy of each request for hearing must be filed with or mailed to the following location: Agency Clerk, Agency for Health Care Administration, Fort Knox Executive Center, 2727 Mahan Drive, Building 3, Mail Stop #3, Tallahassee, Florida 32308.

Sincerely,

James B. McLemore  
Health Services & Facilities Consultant Supervisor  
Certificate of Need

cc: Health Council of Southeast Florida

**EXHIBIT 1**

