

STATE OF FLORIDA
AGENCY FOR HEALTHCARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2015 SEP 17 P 12: 00

CIRCLES OF CARE, INC.,

Petitioner,

DOAH No. 15-0128CON

vs.

AHCA No. 2014012449
CON No. 10233

INDIAN RIVER BEHAVIORAL HEALTH,
LLC, AND AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondents.

_____ /

THE DEVEREUX FOUNDATION, INC.,

Petitioner,

DOAH No. 15-0131CON

vs.

AHCA No. 2014012447
CON No. 10233

INDIAN RIVER BEHAVIORAL HEALTH,
LLC, AND AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondents.

_____ /

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the preliminary approval of Certificate of Need (“CON”) 10233 filed by Indian River Behavioral Hospital (“IRBH”) to establish a 74 bed child/adolescent psychiatric hospital in Service Area 7, Brevard County.

1. On December 8, 2014, the Agency published notice in the Florida Administrative Register of its preliminary approval of CON application No. 10233 filed by Indian River Behavioral Hospital (“IRBH”).

2. On December 24, 2014, The Devereux Foundation Inc. (“Devereux”) filed a

Petition for Formal Administrative Hearing challenging the preliminary approval of IRBH's CON application No. 10233.

3. On December 24, 2014, Circles of Care, Inc. ("Circles") filed a petition for a Formal Administrative Hearing seeking full party or intervenor status to challenge the preliminary approval of IRBH's CON application No. 10233.

4. The Agency referred the Petitions to the Division of Administrative Hearings and an Administrative Law Judge ("ALJ") was assigned.

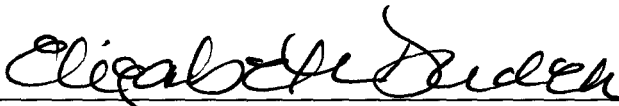
5. On May 6, 2015, Circles of Care, Inc. filed Voluntary Dismissal.

6. On May 21, 2015, Devereux filed a Notice of Voluntary Dismissal of its petition for formal administrative proceeding.

It is therefore **ORDERED:**

1. The approval of CON 10233 is UPHeld. The Agency shall issue CON 10233 to Indian River Behavioral Hospital.

ORDERED in Tallahassee, Florida, on this 16 day of September 2015.

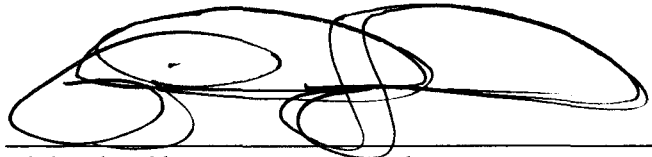

Elizabeth Dudek, Secretary
Agency for Health Care Administration

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 of 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 the method designated to the persons named below on this 17th day of September, 2015.



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

John D. C. Newton, II Administrative Law Judge Division of Administrative Hearings (Electronic Filing)	Mark A. Emmanuel, Esquire Lydecker Diaz 1221 Brickell Avenue, 19th Floor Miami, Florida 33131 mae@lydeckerdiaz.com (Electronic Mail)
Richard R. D'Lugo, Esquire Wicker Smith 390 North Orange Avenue, Suite 1000 Orlando, Florida 32801 mdlugo@wickersmith.com (Electronic Mail)	Geoffrey D. Smith, Esquire Smith & Associates 3301 Thomasville Rd., Ste. 201 Tallahassee, FL 32308 geoff@smithlawtlh.com (Electronic Mail)
Janice K. Mills, Government Analyst II Facilities Intake Unit Agency for Health Care Administration (Electronic Mail)	Susan E. Smith, Esquire Smith & Associates 3301 Thomasville Rd., Ste. 201 Tallahassee, FL 32308 susan@smithlawtlh.com (Electronic Mail)
Marisol M. Fitch, Unit Manager Certificate of Need Unit Agency for Health Care Administration (Electronic Mail)	Bernard Hudson, Unit Manager Long Term Care Unit Agency for Health Care Administration (Electronic Mail)