

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2015 MAR 10 A 10: 26

**NORTH BREVARD COUNTY
HOSPITAL DISTRICT, d/b/a
PARRISH MEDICAL CENTER,**

Petitioner,

vs.

**STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,**

Respondent.

**DOAH CASE NO. 15-0133
AHCA NO. 2014012452
CON NO. 10234**

**HEALTHSOUTH OF SEA PINES LIMITED
PARTNERSHIP, d/b/a HEALTHSOUTH
SEA PINES REHABILITATION HOSPITAL,**

Petitioner,

vs.

**STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION, and
NORTH BREVARD COUNTY HOSPITAL
DISTRICT, d/b/a PARRISH MEDICAL CENTER,**

Respondents.

**DOAH CASE NO. 15-0132
AHCA NO. 2014012453
CON NO. 10234**

FINAL ORDER

THIS CAUSE comes before the State of Florida, Agency for Health Care Administration ("the Agency") concerning the denial of the Certificate of Need ("CON") Application No. 10234, filed by North Brevard County Hospital District d/b/a Parrish Medical Center ("Parrish").

1. On December 5, 2014, the Agency issued a State Agency Action Report ("SAAR") preliminarily denying CON Application 10234 seeking to establish a new 20-bed comprehensive rehabilitation unit in District 7, Brevard County. The decision was published in

the Florida Administrative Register on December 8, 2014. Exhibit 1.

2. On December 29, 2014, Parrish petitioned for a formal administrative proceeding to appeal the Agency's initial denial of its CON application. The case was referred to DOAH and assigned Case No. 15-0133.

3. On December 29, 2014, Healthsouth of Sea Pines Limited Partnership, d/b/a Healthsouth Sea Pines Rehabilitation Hospital ("HealthSouth Sea Pines") petitioned for a formal administrative proceeding in support of the Agency's preliminary denial of CON Application No. 10234. The case was referred to DOAH and assigned Case No. 15-0132.


4. On January 26, 2015, Parrish filed a Notice of Voluntary Dismissal of Case No. 15-0133. Exhibit 2.

5. On January 26, 2015, HealthSouth Sea Pines filed a Notice of Voluntary Dismissal of Case No. 15-0132. Exhibit 3.

It is therefore **ORDERED**:

6. The denial of Parrish's CON Application No. 10234 is UPHELD.

ORDERED in Tallahassee, Florida, on this 10 day of March, 2015.

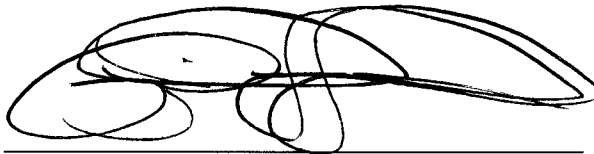

Elizabeth Dudek, Secretary
Agency for Health Care Administration

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 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 10th day of March, 2015.



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

R. Bruce McKibben Administrative Law Judge Division of Administrative Hearings www.doah.state.fl.us (Electronic Mail)	Lorraine M. Novak, Esquire Office of the General Counsel Agency for Health Care Administration Lorraine.novak@ahca.myflorida.com (Electronic Mail)
David C. Ashburn, Esquire Michael J. Cherniga, Esquire M. Hope Keating, Esquire Greenberg Traurig, P.A. 101 East College Avenue Post Office Drawer 1838 Tallahassee, Florida 32301 ashburnd@gtlaw.com chernigam@gtlaw.com keatingh@gtlaw.com	R. Terry Rigsby, Esquire Brian A. Newman, Esquire Pennington, Moore, Wilkinson, Bell and Dunbar, P.A. 215 South Monroe Street, Second Floor Post Office Box 10095 Tallahassee, Florida 32302 Ttrigsby@penningtonlaw.com Brian@penningtonlaw.com (Electronic Mail)
Marisol Fitch Health Services & Facilities Consultant Certificate of Need Unit Agency for Health Care Administration Marisol.fitch@ahca.myflorida.com (Electronic Mail)	

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 Hospital Beds and Facilities batching cycle with an application due date of September 3, 2014:

County: Brevard Service District: 7
CON #10233 Decision Date: 12/5/2014 Decision: A
Applicant/Facility/Project: Indian River Behavioral Health, LLC
Project Description: Establish a 74-bed child/adolescent psychiatric hospital
Approved Cost: \$16,737,262

County: Brevard Service District: 7
CON #10234 Decision Date: 12/5/2014 Decision: D
Facility/Project: Parrish Medical Center
Applicant: North Brevard County Hospital District
Project Description: Establish a 20-bed comprehensive medical rehabilitation unit

County: Broward Service District: 10-1
CON #10235 Decision Date: 12/5/2014 Decision: A
Facility/Project: Plantation General Hospital
Applicant: Plantation General Hospital Limited Partnership
Project Description: Establish a 200-bed replacement acute care hospital
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.

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

NORTH BREVARD COUNTY HOSPITAL
DISTRICT d/b/a Parrish Medical Center,

CASE NO.: 15-0133CON
CON NO. 10234

Petitioner,

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondents.

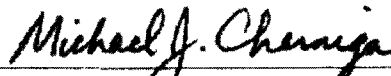
NOTICE OF VOLUNTARY DISMISSAL

North Brevard County Hospital District d/b/a Parrish Medical Center, by and through its undersigned counsel, hereby provides notice of its voluntary dismissal of its Petition for Formal Administrative Proceedings, by which it initiated Case No. 05-0133CON on January 8, 2015.

Respectfully submitted this 26th day of January, 2015.

GREENBERG TRAURIG, P.A.

101 East College Avenue
Post Office Drawer 1838
Tallahassee, FL 32302
Telephone: (850) 222-6891
Facsimile: (850) 681-0207



MICHAEL J. CHERNIGA

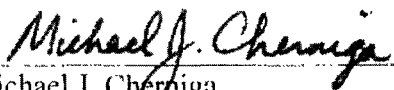
Florida Bar No. 328014
chernigam@gtlaw.com

*Counsel for North Brevard County Hospital
District d/b/a Parrish Medical Center*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed by eALJ with the Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and copy furnished to the following by electronic delivery this 26th day of January, 2015:

Lorraine M. Novak, Esquire
Agency for Health Care Administration
2727 Mahan Drive
Tallahassee, Florida 32308
Lorraine.Novak@ahca.myflorida.com



Michael J. Cherniga

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

HEALTHSOUTH OF SEA PINES LIMITED
PARTNERSHIP, d/b/a HEALTHSOUTH
SEA PINES REHABILITATION
HOSPITAL,

Petitioner,

Case No. 15-0132CON

vs.

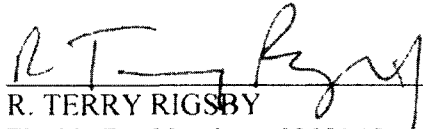
NORTH BREVARD COUNTY HOSPITAL
DISTRICT, d/b/a PARRISH MEDICAL
CENTER and AGENCY FOR HEALTH
CARE ADMINISTRATION,

Respondents.

**HEALTHSOUTH OF SEA PINES LIMITED PARTNERSHIP, d/b/a HEALTHSOUTH
SEA PINES REHABILITATION HOSPITAL'S NOTICE OF VOLUNTARY DISMISSAL**

Petitioner, HealthSouth of Sea Pines Limited Partnership, d/b/a HealthSouth Sea Pines Rehabilitation Hospital, by and through the undersigned counsel, hereby voluntarily dismisses its petition in the above-styled proceedings.

Respectfully submitted this 26 day of January, 2015.

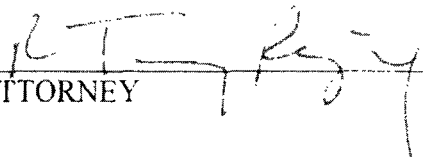

R. TERRY RIGSBY
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E-Mail: trigsby@penningtonlaw.com
brian@penningtonlaw.com
Attorneys for HealthSouth Sea Pines
Rehabilitation Hospital

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with by eALJ with the Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, and copy furnished to the following by electronic delivery this 26 day of January, 2015:

Lorraine M. Novak, Esquire
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ATTORNEY