

**STATE OF FLORIDA
AGENCY FOR HEALTHCARE ADMINISTRATION**

**FILED
AHCA
AGENCY CLERK**

DADE SNF, LLC,

2015 JUN 22 A 10: 26

Petitioner,

DOAH No. 15-1785CON

vs.

AHCA No. 2015002598

CON Nos. 10342

10343

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION, and
FLORIDA MEDICAL SYSTEMS, LLC,

Respondents.

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the preliminary denial of Certificate of Need (“CON”) 10342 filed by Dade SNF, LLC, to establish a new 120-bed community nursing home, and the preliminary approval of CON 10343 filed by Florida Medical Systems, LLC, to establish a new 168-bed community nursing home, with respect to the fixed need pool for Sub-District 11-1.

1. The Agency comparatively reviewed CON applications for other beds and programs batching cycle with an application due date of November 19, 2014, for the fixed need pool for Sub-District 11-1. For the case at hand, the reviews included in relevant part:

10342	Dade SNF, LLC	120 Beds	Denied
10343	Florida Medical Systems, LLC	168 Beds	Approved

2. On February 23, 2015, the Agency published notice in the Florida Administrative Register of its decisions regarding the preliminary denial of CON 10342 and the preliminary approval of CON 10343.

3. On March 13, 2015, Dade SNF, LLC, filed a Petition for Formal Hearing challenging the denial of its CON 10342 and the approval of CON 10343 to Florida Medical

Systems, LLC.

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

5. On June 8, 2015, Dade SNF, LLC, filed a Notice of Voluntary Dismissal voluntarily dismissing its Petition for Formal Hearing.

6. On June 10, 2015, the ALJ entered an Order Closing File and Relinquishing Jurisdiction to the Agency.

It is therefore **ORDERED**:

1. The denial of CON 10342 is UPHELD.
2. The approval of CON 10343 is UPHELD. The Agency shall issue CON 10343 to Florida Medical Systems, LLC.

ORDERED in Tallahassee, Florida, on this 19 day of June, 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 22nd day of June, 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)

John F. Gilroy, III, Esquire
John F. Gilroy III, P.A.
1695 Metropolitan Circle, Suite 2
Tallahassee, Florida 32308
Attorney for Florida Medical Systems, LLC
john@jgilroylaw.com

Donna Holshouser Stinson, Esquire
Duane Morris, LLP
200 South Biscayne Boulevard, Suite 3400
Miami, Florida 33131
Attorney for Dade SNF, LLC
mamadhs@tds.net

Jason Watson, Esquire
Consulate Health Care Office of Corporate Counsel
3102 West Laurel Street, Suite 700
Tampa, Florida 33607
Attorney for Dade SNF, LLC
jason.a.watson@consulatemgt.com

Richard Joseph Saliba, Assistant General Counsel
Kevin Michael Marker, Assistant General Counsel
Office of the General Counsel
Agency for Health Care Administration
(Electronic Mail)

Janice K. Mills, Government Analyst II
Facilities Intake Unit
Agency for Health Care Administration
(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)