

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2015 JUN 16 P 12: 25

HILLSBOROUGH COUNTY CON, LLC,

Petitioner,

DOAH No. 15-1832CON

v.

AHCA No. 2015002633

CON Nos. 10289

10291

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION, and
HILLSBOROUGH SNF, LLC,

Respondents.

/

SUN CITY CENTER ASSOCIATES,
LTD (L.P.), d/b/a SUN TERRACE HEALTH
CARE CENTER,

Petitioner,

DOAH No. 15-1833CON

vs.

AHCA No. 2015002593

CON No. 10291

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION, and
HILLSBOROUGH SNF, LLC,

Respondents.

/

HILLSBOROUGH SNF, LLC,

Cross-Petitioner,

DOAH No. 15-1834CON

v.

AHCA No. 2015003228

HILLSBOROUGH COUNTY CON, LLC,

Cross-Respondent.

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”) 10289 filed by Hillsborough County CON, LLC to establish a new 110-bed community nursing home and the preliminary approval of CON 10291 filed by Hillsborough SNF, LLC, to establish a new 110-bed community nursing home, with respect to the fixed-need pool for District 6.

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 District 6. For the case at hand, the reviews included in relevant part:

| | | | |
|-------|------------------------------|----------|----------|
| 10289 | Hillsborough County CON, LLC | 110 Beds | Denied |
| 10291 | Hillsborough SNF, LLC, | 110 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 10289 and the preliminary approval of CON 10291.

3. On March 16, 2015, Hillsborough County CON, LLC, filed a Petition for Formal Hearing challenging the denial of its CON 10289 and challenging the approval of CON 10291 to Hillsborough SNF, LLC.

4. On March 16, 2015, Sun City Center Associates, Ltd. (L.P.) d/b/a Sun Terrace Health Care Center, filed a Petition for Formal Hearing challenging the approval of CON 10291 to Hillsborough SNF, LLC.

5. On March 27, 2015, Hillsborough SNF, LLC, filed a Cross-Petition supporting the approval of its CON 10291 and supporting the denial of CON 10289 filed by Hillsborough County CON, LLC.

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

7. On May 28, 2015, Sun City Center Associates, LTD (L.P.) d/b/a Sun Terrace

Health Care Center, filed a Notice of Voluntary Dismissal voluntarily dismissing its Petition for Formal Hearing.

8. On June 2, 2015, Hillsborough County CON, LLC, filed a Notice of Voluntary Dismissal voluntarily dismissing its Petition for Formal Hearing.


9. On June 2, 2015, Hillsborough SNF, LLC, filed a Notice of Voluntary Dismissal voluntarily dismissing its Cross-Petition.

10. On June 4, 2015, the ALJ entered an Order Closing Files and Relinquishing Jurisdiction to the Agency.

It is therefore **ORDERED**:

1. The denial of CON 10289 is UPHELD.
2. The approval of CON 10291 is UPHELD. The Agency shall issue CON 10291 to Hillsborough SNF, LLC.

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



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Administrative Law Judge
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