

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

FILED
AHCA
AGENCY CLERK

PELICAN BAY RETIREMENT SERVICES,
INC. d/b/a THE PREMIER PLACE
AT THE GLENVIEW,

2016 JAN -5 P 1:16

Petitioner,
vs.

DOAH CASE NO.: 15-1836CON
AHCA CASE NO.: 2015002605
CON NO.: 10338

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

TERRACINA II, LLC,

Petitioner,
vs.

DOAH CASE NO.: 15-1837CON
AHCA CASE NO.: 2015003344
CON NO.: 10339

PELICAN BAY RETIREMENT SERVICES,
INC. d/b/a THE PREMIER PLACE
AT THE GLENVIEW

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") 10338 filed by Pelican Bay Retirement Services, Inc. d/b/a Premier Place at the Glenview ("Pelican Bay") to add 14 community nursing home beds through the conversion of 14 sheltered nursing home beds and a partial of 10 beds and the preliminary approval of CON 10339 filed by Terracina II, LLC ("Terracina") to establish a new 30-bed community nursing home, with respect to the fixed need pool for Sub-District 8-2.

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 8-2. For the case at hand, the reviews included in relevant part:

10338	Pelican Bay Retirement Services, Inc. d/b/a The Premier Place at the Glenview	14 Beds/Conversion	Denied
10339	Terracina II, LLC.	30 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 10338 and the preliminary approval of CON 10339.

3. On March 16, 2015, Pelican Bay filed a Petition for Formal Administrative Hearing challenging the denial of its CON 10338 as well as the approval of CON 10339 to Terracina.

4. On March 26, 2015, Terracina filed a Petition Challenging Co-Batched Applicant challenging the Agency’s decision on the co-batched application and Terracina challenges the co-batched application filed by Pelican Bay and supports the Agency denial of Pelican Bay’s application.

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

6. On April 22, 2015, the ALJ entered an Order of Consolidating Pelican Bay (DOAH 15-1836CON) and Terracina (DOAH 15-1836CON).

7. On September 3, 2015, Pelican Bay filed an Uncontested and Stipulated Motion to Relinquish Jurisdiction.

8. On September 9, 2015, the ALJ entered an Order Closing Files and Relinquishing Jurisdiction.

9. On December 14, 2015, Pelican Bay filed a Notice of Voluntary Withdrawal of Petition and Dismissal.

It is therefore **ORDERED**:

1. The denial of CON 10338 filed by Pelican Bay is UPHeld.
2. The approval of CON 10339 filed by Terracina is UPHeld. The Agency shall issue CON 10339 to Terracina.

ORDERED in Tallahassee, Florida, on this 5 day of January, 2016.



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 5th day of January, 2016.



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W. David Watkins
Administrative Law Judge
Division of Administrative Hearings
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