

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED  
AHCA  
AGENCY CLERK

2016 JAN 27 P 1:46

ORANGE SNF, LLC,

Petitioner,

vs.

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION, and  
LP ORLANDO, LLC,

Respondents.

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DOAH NO. 15-1895CON  
AHCA NO. 2015002575  
CON NOS. 10315  
10320

HSP CITRUS, LLC,

Petitioner,

vs.

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION, and  
LP ORLANDO, LLC,

Respondents.

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DOAH NO. 15-1899CON  
AHCA NO. 2015002638  
CON NOS. 10314  
10315

PRESBYTERIAN RETIREMENT  
COMMUNITIES, INC., d/b/a  
WESTMINSTER TOWERS,

Petitioner,

vs.

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION, and  
LP ORLANDO, LLC,

Respondents.

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DOAH NO. 15-1901CON  
AHCA NO. 2015002604  
CON NOS. 10315  
10322

ORANGE COUNTY CON, LLC,

Petitioner,

DOAH NO. 15-1902CON  
AHCA NO. 2015002639  
CON NOS. 10315  
10317

vs.

STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION, and  
LP ORLANDO, LLC,

Respondents.

\_\_\_\_\_ /

LP ORLANDO, LLC,

Petitioner,

DOAH NO. 15-1939CON  
AHCA NO. 2015003338  
CON NO. 10315

vs.

STATE OF FLORIDA, AGENCY FOR  
HEALTHCARE ADMINISTRATION,  
HSP CITRUS, LLC, ORANGE SNF, LLC,  
PRESBYTERIAN RETIREMENT  
COMMUNITIES, INC., d/b/a  
WESTMINSTER TOWERS, and  
ORANGE COUNTY CON, LLC,

Respondents.

\_\_\_\_\_ /

**FINAL ORDER**

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the denial of Certificate of Need (“CON”) 10320 filed by Orange SNF, LLC, to establish a new 120-bed community nursing home, the denial of CON 10314 filed by HSP Citrus, LLC, to establish a new 120-bed community nursing home, the denial of CON 10322 filed by Presbyterian Retirement Communities, Inc. d/b/a Westminster Towers (“Presbyterian”) to add 59 community nursing home beds through the conversion of 59 sheltered nursing home beds at its existing nursing home, the denial of CON 10317 to establish a new 120-

bed community nursing home, the approval of CON 10315 filed by LP Orlando, LLC, to establish a new 180 bed community nursing home, and the cross-petition filed by LP Orlando, LLC, supporting the denials of the aforementioned CONs, all of which with respect to the fixed need pool for Sub-District 7-2.

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 7-3. For the case at hand, the reviews included in relevant part:

10314	HSP Citrus, LLC	120 Beds	Denied
10315	LP Orlando, LLC	180 Beds	Approved
10316	MF Orange, LLC	120 Beds	Denied
10317	Orange County CON, LLC	130 Beds	Denied
10318	Orange County Development, LLC	120 Beds	Denied
10319	Orange Park NH, LLC	120 Beds	Denied
10320	Orange SNF, LLC	120 Beds	Denied
10321	Orlando Lutheran Towers, Inc.	40 Beds	Partial
10322	Westminster Towers	59 Beds	Denied
10323	Tri County Nursing & Rehabilitation Center, Inc.	120 Beds	Denied

2. On February 23, 2015, the Agency published notice in the Florida Administrative Register of its decisions regarding the preliminary approval of CON 10315, the partial approval of 10321<sup>1</sup> and the denials of CON Nos. 10314, 10316, 10317 and 10318, 10319, 10320, 10322 and 10323.

3. On March 13, 2015, Orange SNF, LLC, filed a Petition for Formal Administrative Hearing challenging the denial of its application for CON 10320 and challenging the approval of CON 10315 to LP Orlando, LLC.

4. On March 16, 2015, HSP Citrus, LLC, filed a Petition for Formal Administrative Hearing challenging the denial of its application for CON 10314 and challenging the approval of CON 10315 to LP Orlando, LLC.

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<sup>1</sup> The Agency entered a Final Order upholding the approval of CON 10321P to Orlando Lutheran Towers, Inc., in AHCA Case No. 2015003343.

5. On March 16, 2015, Presbyterian filed a Petition for Formal Administrative Hearing challenging the denial of its application for CON 10322 and challenging the approval of CON 10315 to LP Orlando, LLC.

6. On March 16, 2015, Orange County CON, LLC, filed a Petition for Formal Administrative Hearing challenging the denial of its application for certificate of need 10317 and challenging the approval of CON 10315 to LP Orlando, LLC.

7. On March 27, 2015, LP Orlando, LLC, filed Granted Applicant Petition for Formal Administrative Proceeding to respond to the challenges to the Agency's preliminary approval of CON 10315.

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

9. On April 28, 2015, the ALJ entered an order consolidating Case Nos. 15-1895CON, 15-1896CON, 15-1899CON, 15-1901CON, 15-1902CON and 15-1939CON.

10. On June 15, 2015, Orange SNF, LLC, filed a Notice of Voluntary Dismissal of its Petition for Formal Administrative Hearing and the case was closed.

11. On September 16, 2015, HSP Citrus, LLC, filed a Notice of Voluntary Dismissal of its Petition for Formal Administrative Hearing and the case was closed.

12. On January 8, 2016, Presbyterian filed a Notice of Voluntary Withdrawal of its Petition for Formal Administrative Hearing and the case was closed.

13. On May 26, 2015, Orange County CON, LLC, filed a Notice of Voluntary Dismissal of its Petition for Formal Administrative Hearing and the case was closed.

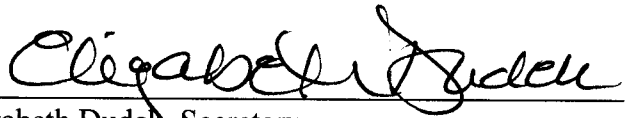
14. At this point, all of the cases in DOAH relative to this matter have been closed.

It is therefore **ORDERED:**

1. The denials of CON 10314, 10317, 10320, and 10322 are UPHELD.
2. The approval CON 10315 is UPHELD. The Agency shall issue CON 10315 to

LP Orlando, LLC,

**ORDERED** in Tallahassee, Florida, on this 27 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 27<sup>th</sup> day of

January, 2016.



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