

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

ALACHUA COUNTY HRC, LLC,

2015 OCT 15 P 2:33

Petitioner,

DOAH No. 15-1925CON

vs.

AHCA No. 2015002581

CON Nos. 10250

10252

10254

HSP CITRUS, LLC, and
STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondents.

PRUITTHEALTH-ALACHUA COUNTY, LLC,

Petitioner,

DOAH No. 15-1926CON

vs.

AHCA No. 2015002631

CON No. 10254

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

HSP CITRUS, LLC,

Petitioner,

DOAH No. 15-1938CON

vs.

AHCA No. 2015003331

CON Nos. 10250

10251

10254

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION;
ALACHUA COUNTY, HRC, LLC,
CROSS CITY REHABILITATION
& HEALTH CARE CENTER; AND
PRUITTHEALH-ALACHA COUNTY,

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") 10250 filed by Alachua County HRC, LLC ("Alachua HRC"), to establish a new 140-bed community nursing home; the preliminary denial of CON 10254 filed by PruittHealth-Alachua County LLC ("PruittHealth-Alachua") to establish a new 120-bed community nursing home and a partial of 90 beds, and the preliminary approval of CON 10251 filed by Cross City Rehabilitation & Health Care Center ("Cross City"), with respect to the fixed need pool for Sub-District 3-2.

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 3-2. For the case at hand, the reviews included in relevant part:

10250	Alachua County HRC, LLC	140 Beds	Denied
10251	Cross City Rehabilitation & Health Care Center	30 Beds	Approved
10252	HSP Citrus, LLC	120 Beds	Approved
10253	Oak Hammock at the University of Florida	17 Beds ¹	Approved
10254	PruittHealth-Alachua County, LLC	120 Beds	Denied

2. On February 23, 2015, the Agency published notice in the Florida Administrative Register of its decisions regarding the preliminary denial of CON 10250 and 10254 and the preliminary approvals of CON 10251, CON 10252 and CON 10253.

3. On March 13, 2015, Alachua HRC filed a Petition for Formal Administrative Hearing contesting the Agency's preliminary denial of the denial of its CON 10250. Alachua HRC also contested the Agency's preliminary approval of CON 10252 filed by HSP Citrus, LLC, supported the denial of PruittHealth-Alachua's CON 10254. Alachua HRC did not challenge the Agency's preliminary approvals of co-batched CONs 10251 and 10253.

4. On March 16, 2015, PruittHealth-Alachua filed a Petition for Formal Administrative Hearing contesting the denial of its CON 10254 and the approval of CONs 10251 to Cross City Rehabilitation & Health Care Center and CON 10252 to HSP Citrus, LLC.

¹ The 17 beds were through the conversion of 17 sheltered nursing home beds. No party contested the preliminary approval of CON 10253 to Oak Hammock at the University of Florida.

5. On March 30, 2015, HSP Citrus, LLC, filed a Cross-Petition for Formal Administrative Hearing supporting the approval of its CON 10252 and the denials of CON 10250, 10251 and 10254.

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

7. On April 16, 2015, the ALJ entered an Order of Consolidation consolidating the cases for the three petitions.

8. On July 7, 2015, PruittHealth-Alachua filed a Notice of Voluntary Dismissal (DOAH Case No. 15-1926 CON) withdrawing its Petition for Formal Administrative Hearing and voluntarily dismissing its administrative appeal in the proceeding.

9. On July 7, 2015, DOAH entered an Order Severing DOAH Case No. 15-1926CON and Closing File and Relinquishing Jurisdiction.

10. On July 22, 2015, Alachua HRC filed a Notice of Voluntary Dismissal with prejudice (DOAH Case No. 15-1925CON) of its Petition for Formal Administrative Proceeding.

11. On July 29, 2015, DOAH entered an Order Severing DOAH Case No. 15-1925CON and Closing File and Relinquishing Jurisdiction.

12. On July 29, 2015, DOAH entered an Order Severing Party with regard to HSP’s Partial Voluntary Dismissal as to CON 10251.

13. On July 30, 2015, HSP filed an Unopposed Motion to Close File and Relinquish Jurisdiction (DOAH Case No. 15-1938CON) for entry of a final order granting its CON 10252.


14. On July 31, 2015, DOAH entered an Order Closing File and Relinquishing Jurisdiction with regard to 15-1938CON.

It is therefore **ORDERED**:

1. The denial of CON 10250 is UPHELD.

2. The denial of CON 10254 is UPHeld.
3. The approval of CON 10251 is UPHeld. The Agency shall issue CON 10251 to Cross City Rehabilitation & Health Care Center.
4. The approval of CON 10252 is UPHeld. The Agency shall issue CON 10252 to HSP Citrus, LLC.

ORDERED in Tallahassee, Florida, on this 15 day of October, 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 15th day of October, 2015.



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