

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

COMPASSIONATE CARE HOSPICE
OF THE GULF COAST, INC.,

Petitioner,

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent,

and

TIDEWELL HOSPICE, INC.

Intervenor.

2015 SEP 17 P 12:00
Case No. 15-1961CON
AHCA No. 2015002662
CON No. 10293

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") 10293 filed by Compassionate Care Hospice of the Gulf Coast, Inc. ("CCH"), to establish a new hospice program for Hospice Service Area 6C in the absence of published numeric need.

1. The Agency reviewed CCH's CON application to establish a new hospice program for Hospice Service Area 6C and issued a State Agency Action Report on Application for Certificate of Need on February 20, 2015, wherein the Agency denied CCH's CON Application No. 10293.

2. On February 23, 2015, the Agency published notice in the Florida Administrative Register of its decision regarding the preliminary denial of CON Application No. 10293.

3. On March 13, 2015, CCH filed a Petition for Formal Administrative Hearing challenging the denial of its CON Application No. 10293.

4. The Agency referred the Petition to the Division of Administrative Hearings and

an Administrative Law Judge (“ALJ”) was assigned.

5. On April 21, 2015, Tidewell Hospice, Inc. filed a Renewed Motion to Intervene, wherein it supported the Agency’s determination that there is no need for a new hospice program in Hospice Service Area 6C and that CON Application No. 10293 filed by CCH should be denied. Tidewell Hospice, Inc.’s request to intervene was ultimately granted by the ALJ.

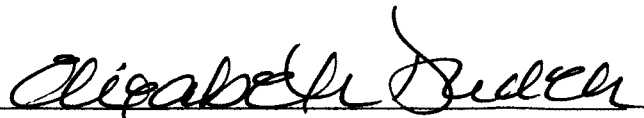
6. On July 16, 2015, CCH filed a Notice of Voluntary Dismissal of its Petition for Formal Administrative Hearing.

7. On July 17, 2015, the ALJ entered an Order Closing File and Relinquishing Jurisdiction to the Agency as to CON Application No. 10293.

It is therefore **ORDERED**:

1. The denial of CON Application No. 10293 is UPHELD.

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


Elizabeth Dudek, Secretary
Agency For Health Care Administration

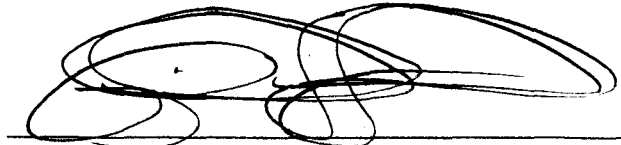
NOTICE OF RIGHT TO JUDICIAL REVIEW

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 17th day of

September, 2015.



Richard J. Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308
(850) 412-3630

David M. Maloney
Administrative Law Judge
Division of Administrative Hearings
(Electronic Filing)

Robert D. Newell, Jr., Esquire
Newell, Terry & Douglas, P.A.
817 N. Gadsden Street
Tallahassee, Florida 32303
Attorney for Tidewell Hospice, Inc.
rdnew@newellandterry.com
(Electronic Mail)

Geoffrey D. Smith, Esquire
Susan C. Smith, Esquire
Smith & Associates
3301 Thomasville Road, Suite 201
Tallahassee, Florida 32308
Attorney for Compassionate Care Hospice of the Gulf Coast, Inc.
Geoff@smithlawtlh.com
Susan@smithlawtlh.com
(Electronic Mail)

Lorraine M. Novak, Assistant General Counsel
Daniel A. Johnson, 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)

Noël Cronin Lawrence, Unit Manager
Home Care Unit
Agency for Health Care Administration
(Electronic Mail)