

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2015 SEP 17 A 11: 59

CCRC-FREEDOM POINTE AT THE
VILLAGES, LLC, d/b/a FREEDOM POINTE
AT THE VILLAGES REHABILITATION
AND HEALTHCARE CENTER,

Petitioner,

DOAH No. 15-1968CON

vs.

AHCA No. 2015002585
CON No. 10264

INNOVATIVE MEDICAL MANAGEMENT
SOLUTIONS, LLC, AND STATE OF
FLORIDA, AGENCY FOR HEALTH CARE
ADMINISTRATION,

Respondents.

CON APP SUMTER, LLC,

Petitioner,

DOAH No. 15-1969CON

vs.

AHCA No. 2015002635
CON No. 10265

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

FOUNTAIN INN NURSING AND
REHABILITATION CENTER, INC.,

Cross-Petitioner,

DOAH No. 15-1964CON

vs.

AHCA No. 2015003326
CON No. 10266

CON APP SUMTER, LLC,

Cross-Respondent.

INNOVATIVE MEDICAL MANAGEMENT
SOLUTIONS, INC.,

Cross-Petitioner,

DOAH No. 15-1965CON

vs.

AHCA No. 2015003332
CON No. 10267

CCRC-FREEDOM POINTE AT THE
VILLAGES REHABILITATION AND
HEALTHCARE CENTER; CON APP
SUMTER, LLC; AND AGENCY FOR
HEALTH CARE ADMINISTRATION,

Cross-Respondents.

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) pursuant to relinquishment of each of the consolidated cases referenced above to the Agency for entry of a final order.

1. The pleadings in these cases involved four certificate of need (CON) applicants:
 - a. CON Application No. 10264, filed by CCRC-Freedom Pointe at the Villages, LLC (hereinafter “Freedom Pointe”)- preliminarily denied by the Agency
 - b. CON Application No. 10265 filed by CON APP Sumter, LLC (hereinafter “CON APP Sumter”) - preliminarily denied by the Agency
 - c. CON Application No. 10266 filed by Fountain Inn Nursing & Rehabilitation Center, Inc. (hereinafter “Fountain Inn”) – preliminarily approved by the Agency
 - d. CON Application No. 10267 filed by Innovative Medical Management Solutions, LLC (hereinafter “Innovative”) - preliminarily approved by the Agency.¹

2. The above-referenced cases were referred to the Division of Administrative Hearings (hereinafter “DOAH”) and consolidated. The following constitutes a summary of the

¹ An application regarding CON Application No. 10268 was by Wesley Village SNF Operations, LLC, which was preliminarily denied by the Agency. Wesley did not file a petition challenging the denial of its application.

relief requested within each petition:

a. Freedom Pointe challenged the denial of its application (CON 10264) and the approval of Innovative's application (CON 10267).

b. CON APP Sumter challenged the denial of its application (CON 10265) and the approval of both Fountain Inn's application (CON 10266) and Innovative's application (CON 10267).

c. Fountain Inn filed a cross-petition supporting the denial of the CON APP Sumter's application (CON 10265).

d. Innovative filed a cross-petition supporting the denial of Freedom Pointe's application (CON 10264) and supporting the denial of CON APP Sumter's application (CON 10265).

3. On July 29, 2015, CON APP Sumter filed a Notice of Voluntary Dismissal of its petition, resulting in a dismissal of its challenge to the denial of its application (CON 10265) and the approval of Fountain Inn's application (CON 10266).

4. The DOAH closed this part of the case and relinquished jurisdiction to the Agency for entry of an order denying CON APP Sumter's application (CON 10265) and approving Fountain Inn's application (CON 10266). CON APP Sumter was also removed as party with respect to the approval of Innovative's application.

5. On September 1, 2015, Freedom Pointe filed an Amended Notice of Voluntary Dismissal of its petition, resulting in a dismissal of its challenge to the denial of its application (CON 10264) and the approval of Innovative's application (CON 10267). With this dismissal, there were no remaining challenges to the approval of Innovative's application.

IT IS ORDERED

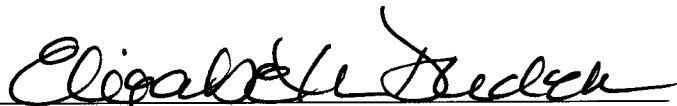
1. The Agency action denying CON Application No. 10264, filed by CCRC-Freedom Pointe at the Villages, LLC is UPHeld.

2. The Agency action denying CON Application No. 10265 filed by CON APP Sumter, LLC, is UPHeld.

3. The Agency action approving CON Application No. 10266 is UPHeld and Certificate of Need 10266 shall be issued to Fountain Inn Nursing & Rehabilitation Center, Inc.

4. The Agency action approving CON Application No. 10267 is UPHeld and Certificate of Need 10267 shall be issued to Innovative Medical Management Solutions, LLC.

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



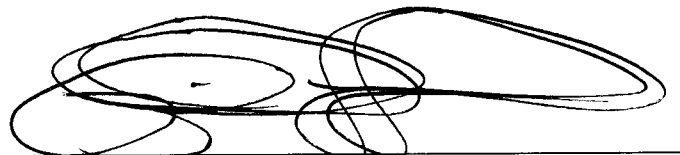
Elizabeth Dudek, Secretary
Agency for Health Care Administration

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.



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Division of Administrative Hearings
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