

STATE OF FLORIDA
AGENCY FOR HEALTHCARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2015 SEP 14 A 11: 59

HERNANDO-PASCO, HOSPICE, INC.,

Petitioner,

DOAH No. 15-2000CON

vs.

AHCA No. 2015002661

CON No. 10283

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
SUNCOAST BAYCARE HOSPICE OF
PASCO, LLC;

Respondents.

COMPASSIONATE CARE HOSPICE OF
THE GULF COAST, INC.,

Petitioner,

DOAH No. 15-2004CON

vs.

AHCA No. 2015002658

CON 10280

CON 10283

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
SUNCOAST BAYCARE HOSPICE OF
PASCO, LLC,

Respondents.

SUNCOAST BAYCARE HOSPICE OF
PASCO, LLC,

Cross-Petitioner,

DOAH No. 15-2002CON

vs.

AHCA No. 2015003351

COMPASSIONATE CARE HOSPICE
OF THE GULF COAST, INC.,

Cross-Respondent.

GULFSIDE HOSPICE & PASCO
PALLIATIVE CARE, INC.

Petitioner,

DOAH No. 15-2009CON

vs.

AHCA No. 2015002659
CON 10283

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
SUNCOAST BAYCARE HOSPICE OF
PASCO, LLC,

Respondents.

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the preliminary approval of Certificate of Need (“CON”) 10283 filed by Suncoast BayCare Hospice of Pasco, LLC (hereinafter “Suncoast”), to establish a new hospice program, and the preliminary denial of CON 10280, to establish a new hospice program, with respect to the fixed need pool for Service Area 5A.

1. The Agency comparatively reviewed CON applications for new hospice program batching cycle with an application due date of November 19, 2014, for the fixed need pool for Sub-District 5A. For the case at hand, the reviews included in relevant part:

| | | |
|-------|--|----------|
| 10280 | Compassionate Care Hospice of the Gulf Coast, Inc. | Denied |
| 10281 | Odyssey Healthcare of Marion County, LLC | Denied |
| 10282 | Regency Hospice of Northwest Florida, Inc. | Denied |
| 10283 | Suncoast Bay Care Hospice of Hillsborough, LLC | Approved |
| 10284 | VITAS Healthcare Corporation of Florida | Denied |
| 10285 | West Florida Health, Inc. | Denied |

2. On February 23, 2015, the Agency published notice in the Florida Administrative Register of its decisions regarding the preliminary denial of CON Applications No. 10280, 10281, 10282, 10284, 10285-and the preliminary approval of CON 10283.

3. On March 13, 2015, Compassionate Care Hospice of the Gulf Coast, Inc. (hereinafter “Compassionate Care”) filed a Petition for Formal Administrative Hearing to contest the preliminary approval of Suncoast’s application for CON No. 10283, and to contest the preliminary denial of its application for CON No. 10280.

4. On March 13, 2015, Gulfside Hospice & Pasco Palliative Care, Inc. filed a Petition for Formal Administrative Proceedings to challenge the approval of Suncoast’s application for CON 10283 and to support the denial of the other co-batched applications.

5. On March 16, 2015, Hernando-Pasco Hospice, Inc. filed a Petition for Formal Administrative Proceedings challenging the preliminary approval of Suncoast’s application for application for CON No. 10283, and supporting the preliminary denial of the other co-batched applications to establish a new hospice program in the same area.

6. On March 30, 2015, Suncoast filed a Cross-Petition for Formal Administrative Proceeding to support the approval of its application for CON No. 10283 and to support the denial of CON Application No. 10280 filed by Compassionate Care.

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

8. On May 22, 2015, Compassionate Care filed a Notice of Voluntary Dismissal of its Petition for Hearing.

9. On May 28, 2015, Suncoast filed a Notice of Withdrawal of Application and Voluntary Dismissal.

10. On June 5, 2015, the ALJ entered an Order Closing Files and Relinquishing Jurisdiction to the Agency.

It is therefore **ORDERED**:

1. The denial of CON Application No. 10280 is UPHELD.
2. The Agency's preliminary approval of CON Application 10283 is RESCINDED.

ORDERED in Tallahassee, Florida, on this 13 day of September 2015.



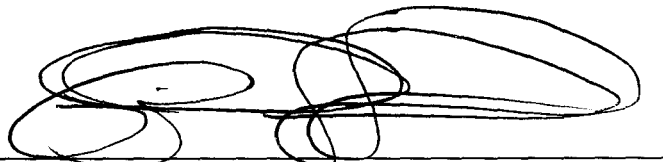
Elizabeth Dudek, Secretary
Agency for Health Care Administration

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 14th day of Sept, 2015.



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

Elizabeth W. McArthur
Administrative Law Judge
Division of Administrative Hearings
(Electronic Filing)

Seann M. Frazier, Esquire
Parker, Hudson, Rainer and Dobbs, LLP
215 South Monroe Street, Suite 750
Tallahassee, Florida 32301
(U.S. Mail)

Jonathan L. Rue, Esquire
Parker, Hudson, Rainer and Dobbs, LLC
1500 Marquis Two Tower
285 Peachtree Center Avenue, Northeast
Atlanta, Georgia 30303
(U.S. Mail)

H. Darrell White, Esquire
12470 Telecom Parkway, Suite 300 West
Temple Terrace, Florida 33637
(U.S. Mail)

Shannon L. Drake, Esquire
Gentiva Health Services, Inc.
3350 Riverwood Parkway, Suite 1400
Atlanta, Georgia 30339
(U.S. Mail)

Corinne T. Porcher, Esquire
Smith and Associates
3301 Thomasville Road, Suite 201
Tallahassee, Florida 32308
(U.S. Mail)

M. Christopher Bryant, Esquire
Oertel, Fernandez, Bryant and Atkinson, P.A.
Post Office Box 1110
2060 Delta Way
Tallahassee, Florida 32302-1110
(U.S. Mail)

Stephen K. Boone, Esquire
Boone, Boone, Boone, and Koda, P.A.
1001 Avenida Del Circo
Post Office Box 1596
Venice, Florida 34284
(U.S. Mail)

R. Terry Rigsby, Esquire
Pennington, Moore, Wilkinson,
Bell and Dunbar, P.A.
215 South Monroe Street, Second Floor
Tallahassee, Florida 32302-2095
(U.S. Mail)

Robert A. Weiss, Esquire
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
(U.S. Mail)

Geoffrey D. Smith, Esquire
Smith and Associates
3301 Thomasville Road, Suite 201
Tallahassee, Florida 32308
(U.S. Mail)

Karl David Acuff, Esquire
Law Office of Karl David Acuff, P.A., Suite 2
1615 Village Square Boulevard
Tallahassee, Florida 32309-2770
(U.S. Mail)

Karen Ann Putnal, Esquire
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
(U.S. Mail)

Facilities Intake Unit
Agency for Health Care Administration
(Electronic Mail)

Lorraine M. Novak, Esquire
Office of the General Counsel
Agency for Health Care Administration
(Electronic Mail)

Marisol 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)