

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2017 JAN 18 A 9: 27

VITAS HEALTHCARE CORPORATION OF FLORIDA,

Petitioner,

DOAH CASE NO.: 15-2006CON

vs.

AHCA CASE NO.: 2015002669
CON NO.: 10301

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION, AND
WEST FLORIDA HEALTH, INC.

Respondent.

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") 10302 filed by VITAS Healthcare Corporation of Florida ("VITAS") to establish a new hospice program, with respect to the fixed need pool for Sub-District 6-A.

1. The Agency comparatively reviewed CON applications for other beds and programs batching cycle with an application due date of February 20, 2015 for Sub-District 6-A.

For the case at hand, the reviews included in relevant part:

10294	Gulfside Hospice & Pasco Palliative Care, Inc.	New Hospice Program	Denied
10295	Odyssey Healthcare of Marion County, LLC	New Hospice Program	Denied
10296	Palm Garden Hospice, LLC	New Hospice Program	Denied
10297	Regency Hospice of Northwest Florida, Inc.	New Hospice Program	Denied
10298	Seasons Hospice & Palliative Care of Tampa, LLC	New Hospice Program	Denied
10299	Suncoast Bay Care Hospice of Hillsborough	New Hospice Program	Denied
10300	Tidewell Hospice, Inc.	New Hospice Program	Denied
10301	VITAS Healthcare Corporation of Florida	New Hospice Program	Denied
10302	West Florida Health, Inc.	New Hospice Program	Approved

2. On February 23, 2015, the Agency published notice in the Florida Administrative Register of its decisions regarding the preliminary denial of CON 10301 and the preliminary approval of CON 10302.

3. On March 16, 2015, VITAS filed a Petition for Formal Administrative Hearing contesting the denial of its CON 10301, as well as the approval of CON 10302 to West Florida Health (“West Florida”)

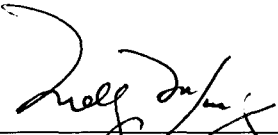
4. On September 23, 2015, VITAS filed VITAS Healthcare Corporation of Florida’s Notice of Voluntary Dismissal.

5. On September 28, 2015, the ALJ entered an Order Closing File.

It is therefore **ORDERED**:

1. The Agency denial of VITAS; Application No. 10301 is UPHELD.

ORDERED in Tallahassee, Florida, on this 17 day of January, 2017.


Justin M. Senior, 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 18th day of

January, 2017.



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

R. Bruce McKibben
Administrative Law Judge
Division of Administrative Hearings
(Electronic Filing)

Stephen K. Boone, Esquire
Boone, Boone, Boone, and Koda, P.A.
1001 Avenida Del Circo
PO Box 1596
Venice, Florida 34284-1596
ATTORNEY FOR WEST FLORIDA HEALTH INC.
sboone@boone-law.com

Seann M. Frazier, Esquire
Parker, Hudson, Rainer and Dobbs, LLP
215 South Monroe Street, Suite 750
Tallahassee, Florida 32301
ATTORNEY FOR LIFE PATH HOSPICE, INC.
sfrazier@phrd.com
twd@phrd.com
(Electronic Mail)

Jonathan L. Rue, Esquire
Parker, Hudson, Rainer & Dobbs LLP
285 Peachtree Center Avenue Northeast, Suite 1500
Atlanta, Georgia 30303-1233
jrue@phrd.com
(Electronic Mail)

Michael J. Glazer, Esquire
Ausley & McMullen
123 South Calhoun Street
Post Office Box 391
Tallahassee, Florida 32302
mglazer@ausley.com
(Electronic Mail)

Jay Adams, Esquire
Frank P. Rainer, Esquire
Broad and Cassel
215 South Monroe Street, Suite 400
Tallahassee, Florida 32301
jadams@broadandcassel.com
frainer@broadandcassel.com
kdilworth@broadandcassel.com
(Electronic Mail)

Robert A. Weiss, Esquire
Moyle Law Firm, P.A.
118 North Gadsden Street
Tallahassee, Florida 32301
mqualls@moylelaw.com
rweiss@moylelaw.com

Stephen C. Emmanuel, Esquire
Ausley & McMullen
Post Office Box 391
Tallahassee, FL 32302-0391
semmanuel@ausley.com
(Electronic Mail)

R. Terry Rigsby, Esquire
Pennington, P.A.
215 South Monroe Street, Second Floor
Tallahassee, Florida 32301
trigsby@penningtonlaw.com
(Electronic Mail)

Karl D. Acuff, Esquire
Law Office of Karl David Acuff
1615 Village Square Boulevard
1615 Village Square Boulevard Suite 2
Tallahassee, Florida 32309-2770
Kd_acuff@floridacourts.com

Richard Joseph Saliba, Assistant General Counsel
Michael Hardy, 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)

Bernard Hudson, Unit Manager
Long Term Care Unit
Agency for Health Care Administration
(Electronic Mail)