

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
BY
ADD BY CLERK
2016 JUN -1 A 9:33

NORTH BROWARD HOSPITAL DISTRICT
d/b/a BROWARD HEALTH MEDICAL
CENTER,

Petitioner,

v.

SOUTH BROWARD HOSPITAL DISTRICT
d/b/a MEMORIAL REGIONAL HOSPITAL
and STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondents.

DOAH CASE NOS. 15-5549CON
15-5550CON

AHCA CASE NOS. 2015009766
2015009758

RENDITION NO.: AHCA- 16 - 0316 -FOF-CON

FINAL ORDER

This case was referred to the Division of Administrative Hearings (DOAH) where the assigned Administrative Law Judge (ALJ), W. David Watkins, conducted a formal administrative hearing. At issue in this proceeding is whether the Certificate of Need ("CON") Application Nos. 10386 and 10388, filed by South Broward Hospital District d/b/a Memorial Regional Hospital ("Memorial") to establish a pediatric kidney transplantation program at Joe DiMaggio Children's Hospital and an adult kidney transplantation program at Memorial Regional Hospital in Broward County, Florida, Agency for Health Care Administration ("Agency") Organ Transplantation Service Area 4, should be approved, and whether the competing CON Application Nos. 10387 and 10389 filed by North Broward Hospital District d/b/a Broward Health Medical Center ("Broward Health") better satisfy, on balance, the statutory and rule criteria for approval. The Recommended Order entered on May 4, 2016 is attached to this final order and incorporated herein by reference.

RULINGS ON EXCEPTIONS

None of the parties filed any exceptions to the Recommended Order.

FINDINGS OF FACT

The Agency hereby adopts the findings of fact set forth in the Recommended Order.

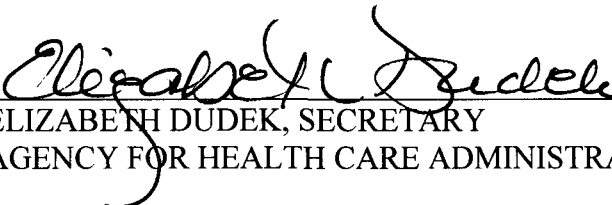
CONCLUSIONS OF LAW

The Agency hereby adopts the conclusions of law set forth in the Recommended Order.

ORDER

Based upon the foregoing, the Agency hereby approves Memorial's CON Application Nos. 10386 and 10388 with the conditions proposed in the application, and denies Broward Health's CON Application Nos. 10387 and 10389. The parties shall govern themselves accordingly.

DONE and ORDERED this 31 day of May, 2016, in Tallahassee, Florida.


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 A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY ALONG WITH THE FILING FEE AS 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 PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA

APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF
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 indicated to the persons named below on this 1st day of
June, 2016.



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