

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

CHAPTERS HOSPICE OF PINELLAS
COUNTY, INC.,

2016 MAY 17 A 10:39

Petitioner,

DOAH CASE NO.: 15-5552CON
AHCA CASE NO.: 2015009814
CON NO.: 10374

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
AND SEASONS HOSPICE & PALLIATIVE
CARE OF PINELLAS COUNTY, LLC,

Respondents.

ODYSSEY HEALTHCARE OF MARION
COUNTY, LLC,

Petitioner,

DOAH CASE NO.: 15-5553CON
AHCA CASE NO.: 2015009813
CON NO.: 10376

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
AND SEASONS HOSPICE & PALLIATIVE
CARE OF PINELLAS COUNTY, LLC,

Respondents.

BROOKDALE HOSPICE, LLC,

Petitioner,

DOAH CASE NO.: 15-5555CON
AHCA CASE NO.: 2015009749
CON NO.: 10373

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
AND SEASONS HOSPICE & PALLIATIVE
CARE OF PINELLAS COUNTY, LLC,

Respondents.

VITAS HEALTHCARE CORPORATION
OF FLORIDA,

Petitioner,

vs.

DOAH CASE NO.: 15-5557CON
AHCA CASE NO.: 2015009759
CON NO.: 10381

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
AND SEASONS HOSPICE & PALLIATIVE
CARE OF PINELLAS COUNTY, LLC,

Respondents.

COVENANT HOSPICE, INC.,

Petitioner,

vs.

DOAH CASE NO.: 15-5558CON
AHCA CASE NO.: 2015009754
CON NO.: 10375

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,
AND SEASONS HOSPICE & PALLIATIVE
CARE OF PINELLAS COUNTY, LLC,

Respondents.

SEASONS HOSPICE & PALLIATIVE
CARE OF PINELLAS COUNTY, LLC,

Petitioner,

vs.

DOAH CASE NO.: 15-5560CON
AHCA CASE NO.: 2015010189
CON NO.: 10379

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION;
BROOKDALE HOSPICE, LLC;
CHAPTERS HOSPICE OF PINELLAS
COUNTY, INC.; COVENANT HOSPICE, INC.;
ODYSSEY HEALTHCARE OF MARION
COUNTY, LLC; AND VITAS HEALTHCARE
CORPORATION OF FLORIDA,

Respondents.

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the preliminary denial of Certificate of CON 10373 filed by Brookdale Hospice, LLC (“Brookdale”), to establish a new hospice program, the preliminary denial of CON 10374 filed by Chapters Hospice of Pinellas County, Inc. (“Chapters”), to establish a new hospice program; the preliminary denial of CON 10375 filed by Covenant Hospice, Inc. (“Covenant”) to establish a new hospice program, the preliminary denial of CON 10376 filed by Odyssey Healthcare of Marion County, LLC (“Odyssey”), to establish a new hospice program, the preliminary denial of CON 10381 filed by Vitas Healthcare Corporation of Florida (“Vitas”), to establish a new hospice program, and the approved applicant’s challenge of the co-batched denied applications.

1. The Agency comparatively reviewed CON applications for other beds and programs batching cycle with an application due date of August 21, 2015 for Sub-District 5-B.

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

10373	Brookdale Hospice, LLC	New Hospice Program	Denied
10374	Chapters Hospice of Pinellas County, Inc.	New Hospice Program	Denied
10375	Covenant Hospice, Inc.	New Hospice Program	Denied
10376	Odyssey Healthcare of Marion County, LLC	New Hospice Program	Denied
10377	Palm Garden Hospice, LLC	New Hospice Program	Denied
10378	Regency Hospice of Northwest Florida, Inc.	New Hospice Program	Withdrawn
10379	Seasons Hospice and Palliative Care of Pinellas County, LLC	New Hospice Program	Approved
10380	Tidewell Hospice, Inc.	New Hospice Program	Denied
10381	VITAS Healthcare Corporation of Florida	New Hospice Program	Denied

2. On August 24, 2015, the Agency published notice in the Florida Administrative Register of its decisions regarding the preliminary denial of CON 10373, 10374, 10375, 10376, 10377, 10380 and 10381, and the preliminary approval of CON 10379.

3. On September 11, 2015, Covenant filed a Petition for Formal Hearing contesting

the denial of its CON 10375 and the approval of CON 10379.

4. On September 11, 2015, Vitas filed a Petition for Formal Hearing contesting the denial of its CON 10381 and the approval of CON 10379.

5. On September 14, 2015, Odyssey filed a Petition for Formal Hearing contesting the denial of its CON 10376 and the approval of CON 10379.

6. On September 14, 2015, Chapters filed a Petition for Formal Hearing contesting the denial of its CON 10374 and the approval of CON 10379.

7. On September 15, 2015, Brookdale filed an Amended Petition for Formal Hearing contesting the approval of CON 10373 and the approval of CON 10379.

8. On September 14, 2015, the existing provider, The Hospice of the Florida Suncoast, Inc. d/b/a Suncoast Hospice (“Suncoast”) filed a Petition for Formal Hearing challenging the Agency’s decision approving CON 10379 filed by Seasons.

9. On September 21, 2015, the existing provider, Seasons, filed a Petition for Formal Hearing challenging the co-batched applications and supporting the Agency’s denial of the CONs filed by Brookdale, Odyssey, Chapters, Covenant and Vitas.

10. The Agency referred all of the petitions for hearing to the Division of Administrative Hearings (“DOAH”) and an Administrative Law Judge (“ALJ”) was assigned.

11. On October 7, 2015, the ALJ entered an Order of Consolidation for DOAH Case Nos. 15-5552CON (Chapters), 15-5553CON (Odyssey), 15-5555CON (Brookdale), 15-5556CON (Suncoast), 15-5557CON (Vitas), 15-5558CON (Covenant) and 15-5560CON (Seasons).

12. On October 26, 2015, Vitas filed a Notice of Voluntary Dismissal dismissing its petition. The ALJ entered an Order Closing File and Relinquishing Jurisdiction with regard to 15-5557CON.

13. On December 4, 2015, Odyssey filed a Notice of Voluntary Dismissal dismissing its petition. The ALJ entered an Order Closing File and Relinquishing Jurisdiction with regard to 15-5553CON.

14. On December 31, 2015, Covenant filed a Notice of Voluntary Dismissal voluntarily withdrawing and dismissing with prejudice its petition. The ALJ entered an Order Closing File and Relinquishing Jurisdiction with regard to 15-5558CON.

15. On February 5, 2016, Brookdale filed a Notice of Voluntary Dismissal of its amended petition. The ALJ entered an Order Closing File and Relinquishing Jurisdiction with regard to 15-5555CON.

16. On February 26, 2016, Chapters filed a Notice of Voluntary Dismissal of its petition. The ALJ entered an Order Closing File and Relinquishing Jurisdiction with regard to 15-5552CON.

17. On March 30, 2016, with respect to the challenge of the co-batched applications, the ALJ entered an Order Closing File and Relinquishing Jurisdiction stating that the challenges that Seasons had filed to the co-batched applications were rendered moot. The ALJ severed DOAH Case No. 15-5556CON from DOAH Case No. 15-5560, closed it and relinquished jurisdiction to the Agency.


18. The final hearing remains scheduled as to the petition for hearing that was filed by Suncoast Hospice, 15-5556CON.

It is therefore **ORDERED:**

1. The denials of CON Application Nos. 10373 (Brookdale), 10374 (Chapters), 10375 (Covenant), 10376 (Odyssey) and 10381 (Vitas) are UPHeld.

2. The petition for formal hearing filed by Seasons as to the co-batched applications is dismissed.

ORDERED in Tallahassee, Florida, on this 16 day of May, 2016.

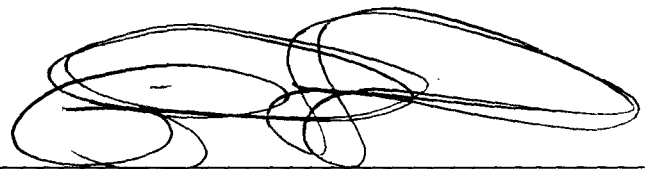

Elizabeth Dudek, Secretary
Agency For Health Care Administration

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 May, 2016.



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The Honorable Elizabeth W. McArthur
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