

**STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION**

COVENANT HOSPICE, INC.,

Petitioner

**DOAH CASE NO.: 16-2495
AHCA CASE NO.: 2016004732**

vs.

**STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,**

Respondent.

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the fixed need pool challenge to the Agency’s determination of a fixed need pool for one (1) additional hospice program in Hospice Service Area 1, Escambia, Okaloosa, Santa Rosa and Walton Counties, Florida for the July 2017 hospice planning horizon.

1. On April 1, 2016, Florida Administrative Register, Volume 42, Number 64, the Agency published its Notice of Hospice Program Fixed Need Pool.
2. On April 11, 2016 Covenant notified the Agency of an error identified in the hospice fixed need pool for Hospice Area 1 for the April, 2017 planning horizon.
3. On April 22, 2016, Covenant filed a Petition for Formal Hearing contesting the Agency’s determination of a fixed need pool of one additional hospice program in Hospice Service Area 1, Escambia, Okaloosa, Santa Rosa and Walton Counties, Florida for the July 2017 hospice planning horizon.
4. The Agency referred the Petition to the Division of Administrative Hearings and an Administrative Law Judge (“ALJ”) was assigned.

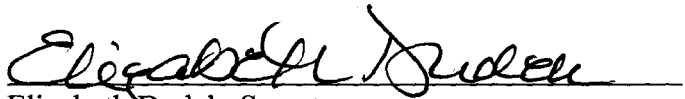
5. On May 12, 2016, Covenant filed a Petitioner's Notice of Voluntary Dismissal voluntarily withdrawing and dismissing with prejudice its Petition.

6. On May 13, 2016, the ALJ entered an Order Closing File.

It is therefore **ORDERED**:

1. The Agency's determination of the fixed need pool of one (1) additional hospice program in Hospice Service Area 1 is UPHELD.

ORDERED in Tallahassee, Florida, on this 31 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 15th day of June, 2016.



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

Copies Furnished To:

James H. Peterson, III
Administrative Law Judge
Division of Administrative Hearings
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