

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

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2017 AUG -3 P 3:41

CORNERSTONE HOSPICE &
PALLIATIVE CARE, INC.

Petitioner,

DOAH NO. 17-1911CON
AHCA NO. 2017002771
CON NO. 10468

vs.

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

VITAS HEALTHCARE CORPORATION
OF FLORIDA,

Cross-Petitioner,

DOAH NO. 17-1916CON
AHCA NO. 2017002923
CON NO. 10468

v.

TIDEWELL HOSPICE OF LAKE &
SUMTER, INC., and STATE OF
FLORIDA, AGENCY FOR HEALTH
CARE ADMINISTRATION,

Cross-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”) 10468 filed by VITAS Healthcare Corporation of Florida (“VITAS”) to establish a new hospice program, with respect to Sub-District 3-E.

1. The Agency comparatively reviewed CON applications for other beds and programs batching cycle with an application due date of February 17, 2017, for the Sub-District 3-E. For the case at hand, the reviews included in relevant part:

10463	Hospice of Marion County	New Hospice Program	Denied
10464	North Central Florida Hospice, Inc.	New Hospice Program	Denied

10465	Odyssey Healthcare of Marion County, LLC	New Hospice Program	Denied
10466	PruittHealth Hospice-3E, LLC	New Hospice Program	Denied
10467	Tidewell Hospice of Lake & Sumter, Inc.	New Hospice Program	Denied
10468	Vitas Healthcare Corporation of Florida	New Hospice Program	Approved

2. On February 20, 2017, the Agency published notice in the Florida Administrative Register of its decisions regarding the preliminary approval of CON 10468, and the denials of CON Nos. 10463, 10464, 10465, 10466 and 10467.

3. On March 10, 2017, Cornerstone filed a Petition for Formal Administrative Proceedings to challenge the Agency’s preliminary approval of CON Application No. 10468 and to support the preliminary decision to deny the other five comparatively reviewed certificate of need applications.

4. On March 15, 2017, Vitas filed a Cross-Petition for Formal Administrative Hearing Challenging Co-Batched Applicant¹ and Supporting Agency for Health Care Administration's Preliminary Decision.

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

6. On April 11, 2017, DOAH entered an Order of Consolidation, consolidating DOAH Case Nos. 17-1911CON (Cornerstone), 17-1915CON (Tidewell) and 17-1916CON (Vitas).

7. On July 28, 2017, Cornerstone filed a Notice of Voluntary Dismissal voluntarily dismissing with prejudice its petition.

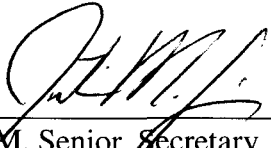
8. There are no other challenges to the approval of Vitas.

It is therefore **ORDERED**:

1. The Agency’s preliminary approval of CON 10468 is UPHELD. The Agency shall issue CON 10468 to Vitas.

¹ The co-batched applicant, Tidewell Hospice of Lake and Sumter, Inc., voluntarily dismissed its petition and a final order was entered on June 6, 2017 (DOAH Case No. 17-1915, AHCA Case No. 2017002123).

ORDERED in Tallahassee, Florida, on this 3rd day of August, 2017.

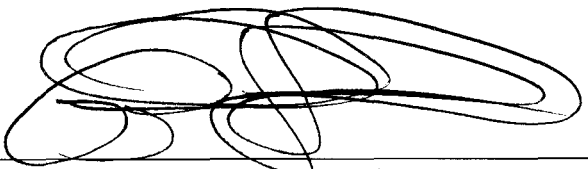

Justin M. Senior, Secretary
Agency For Health Care Administration

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 3rd day of August, 2017.


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:

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Administrative Law Judge
Division of Administrative Hearings
(Electronic Filing)

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