

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION

2017 JUN -6 P 4: 08

TIDEWELL HOSPICE OF LAKE AND SUMTER, INC.

Petitioner,

DOAH CASE NO.: 17-1915CON

AHCA CASE NO.: 2017002123

vs.

CON NO.: 10467

HOSPICE OF MARION COUNTY, INC.,  
NORTH CENTRAL FLORIDA HOSPICE, INC.,  
ODYSSEY HEALTHCARE OF MARION  
COUNTY, LLC, PRUITTHEALTH HOSPICE-3ED,  
LLC, VITAS HEALTHCARE CORPORATION OF  
FLORIDA, INC., AND 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 preliminary denial of Certificate of Need (“CON”) 10467 filed by Tidewell Hospice of Lake and Sumter, Inc. (“Tidewell”) 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 and Sumter County, 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 10468.

3. On February 23, 2017, Tidewell filed a Petition for Formal Administrative Hearing contesting the denial of its CON 10467, and the approval of the co-batched CON Application No. 10468.

4. On March 10, 2017, Cornerstone filed a Petition for Formal Administrative Proceedings to challenge the Agency for Health Care Administration's preliminary approval of Certificate of Need Application No. 10468 and to support the preliminary decision to deny the other five comparatively reviewed certificate of need applications.

5. On March 15, 2017, VITAS filed a Cross-Petition for Formal Administrative Hearing Challenging Co-Batched Applicant and Supporting Agency for Health Care Administration's Preliminary Decision. Challenging the co-batched applicant and supporting the Agency's preliminary decision.

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

7. On April 11, 2017, DOAH entered an Order of Consolidation, consolidating DOAH Case Nos. 17-1911CON (Cornerstone), 17-1915CON (Tidewell) and 17-1516CON (VITAS).

8. On May 22, 2017, Tidewell filed a Notice of Voluntary Dismissal voluntarily dismissing with prejudice its petition and withdraws its CON Application No. 10467.

9. This dismissal results in a confirmation of the Agency action denying the preliminary application of CON 10467.

It is therefore **ORDERED:**

1. The Agency's preliminary denial of CON 10467 is UPHELD.

**ORDERED** in Tallahassee, Florida, on this 6<sup>th</sup> day of June, 2017.



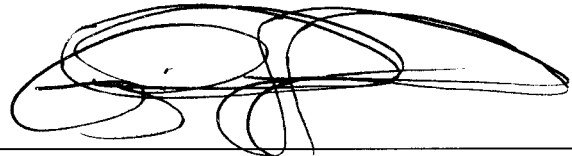
Justin M. Senior, Secretary  
Agency For Health Care Administration

**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 6<sup>th</sup> day of June, 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:**

James H. Peterson, III  
Administrative Law Judge  
Division of Administrative Hearings  
(Electronic Filing)

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