

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

2017 OCT 27 P 2: 11

GALENCARE, INC., d/b/a
BRANDON REGIONAL HOSPITAL,

Petitioner,

DOAH CASE NO.: 17-3900CON

AHCA CASE NO.: 2017006916

vs.

CON NO.: 10481

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent,

and

UNIVERSITY COMMUNITY HOSPITAL,
INC., d/b/a FLORIDA HOSPITAL TAMPA,
AND FLORIDA HEALTH SCIENCES CENTER,
INC., d/b/a TAMPA GENERAL HOSPITAL,

Intervenors.

HEALTHSOUTH REHABILITATION HOSPITAL
OF HILLSBOROUGH COUNTY, LLC,

Petitioner,

DOAH CASE NO.: 17-3901CON

AHCA CASE NO.: 2017006887

vs.

CASE NO.: CON 10482

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent,

and

UNIVERSITY COMMUNITY HOSPITAL,
INC., d/b/a FLORIDA HOSPITAL TAMPA,
AND FLORIDA HEALTH SCIENCES CENTER,
INC., d /b/a TAMPA GENERAL HOSPITAL,

Intervenors.

FINAL ORDER

THIS CAUSE came before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the preliminary denial of Certificate of Need 10481 filed by Galen, Inc. d/b/a Brandon Regional Hospital (“Brandon Regional”) to establish a 30-bed comprehensive medical rehabilitation unit and the preliminary denial of CON 10482 filed by HealthSouth Rehabilitation Hospital of Hillsborough County, LLC (“HealthSouth”) to establish a new 60-bed comprehensive medical rehabilitation facility, both with respect to District 6

1. On June 6, 2017, the Agency issued its decision regarding the preliminary denials of CON 10481 and CON 10482.
2. On June 26, 2017, HealthSouth filed an Amended Petition for Formal Administrative Hearing contesting the Agency’s denial of its CON 10482.
3. On June 27, 2017, Brandon Regional filed a Petition for Formal Administrative Proceeding contesting the Agency’s denial of its CON 10481.
4. The Agency referred both Petitions to the Division of Administrative Hearings and an Administrative Law Judge (“ALJ”) was assigned.
5. On July 21, 2017, Florida Hospital Tampa filed a Petition to Intervene in 17-3900CON supporting the Agency denial of the application of Brandon Regional.
6. On July 25th 2017, Tampa General Hospital filed Petition to Intervene in case # 17-3900CON and in case # 17-3901CON supporting the Agency denial of Brandon CON 10481 and supporting the Agency denial of HealthSouth CON 10482.
7. On July 25, 2017, the ALJ entered an Order of Consolidation of Brandon Regional (Case No. 17-3900CON) and HealthSouth (Case No. 17-3901CON).

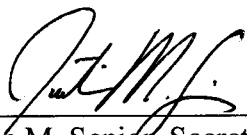
8. On date of September 7, 2017, Petitioner, HealthSouth filed a voluntary dismissal dismissing its petition seeking to reverse the Agency decision to deny CON 10482.

9. On date of September 7, 2017, Petitioner, Brandon Regional filed a voluntary dismissal which dismissing its petition seeking to reverse the Agency decision to deny CON 10481.

10. There are no existing challenges to the Agency denial of CON 10481 and CON 10482.

It is therefore **ORDERED**:

1. The Agency's denial of Brandon Regional (CON 10481) is UPHELD.
2. The Agency's denial of HealthSouth (CON 10482) is UPHELD.
3. **ORDERED** in Tallahassee, Florida, on this 27th day of October,
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 27th day of October, 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:

W. David Watkins
Administrative Law Judge
Division of Administrative Hearings
(Electronic Filing)

Stephen A. Ecenia, Esquire
Craig D. Miller, Esquire
Rutledge Ecenia, P .A.
119 South Monroe Street, Suite 202
Tallahassee, Florida 32301
steve@rutledge-ecenia.com
cmiller@rutledge-ecenia.com
jennifer@rutledge-ecenia.com
roxanne@rutledge-ecenia.com
vicki@rutledge-ecenia.com
Attorneys for GALENCARE, INC.; d/b/a BRANDON REGIONAL HOSPITAL
(Electronic Mail)

R. Terry Rigsby, Esquire
Matthew Bryant, Esquire
Post Office Drawer 10095
Tallahassee, FL 32302-
trigsby@penningtonlaw.com;
mbryant@penningtonlaw.com
kowens@penningtonlaw.com
Attorneys for HEALTHSOUTH REHABILITATION HOSPITAL OF HILLSBOROUGH COUNTY, LLC
(Electronic Mail)

Stephen K. Boone, Esquire
1001 Avenida Del Circo
Post Office Box 1596
Venice, Florida 34284-1596
sboone@boone-law.com
PWilliamson@boone-law.com
Attorney for UNIVERSITY COMMUNITY HOSPITAL, INC.,
d/b/a FLORIDA HOSPITAL TAMPA
(Electronic Mail)

Jeffrey Frehn, Esquire
Rex D. Ware, Esquire
Radey Law Firm
Suite 200, 301 South Bronough Street
Tallahassee, Florida 32301
jfrehn@radeylaw.com
rware@radeylaw.com
dgueltzow@radeylaw.com
lmcclroy@radeylaw.com
Attorneys for FLORIDA HEALTH SCIENCES CENTER, INC.,
d/b/a TAMPA GENERAL HOSPITAL
(Electronic Mail)

Richard Joseph Saliba, Assistant General Counsel
Lindsey L. Miller-Hailey, Assistant General Counsel
Office of the General Counsel
Agency for Health Care Administration
(Electronic Mail)

Janice K. Mills, Government Analyst II
Facilities Intake Unit
Agency for Health Care Administration
(Electronic Mail)

Marisol M. Fitch, Unit Manager
Certificate of Need Unit
Agency for Health Care Administration
(Electronic Mail)

Jack Plagge, Unit Manager
Hospital and Outpatient Services Unit
Agency for Health Care Administration
(Electronic Mail)