

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2017 DEC -7 P 12: 32

FIVE POINTS HEALTHCARE, LTD.,

Petitioner,

DOAH CASE NO.: 17-5531
AHCA CASE NO.: 2017007412
CON NO.: 10230

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 Agency’s Final Order Denying Petition for Variance from Rule 59c-1.018, F.A.C. dated August 28, 2017

1. On July 10, 2017, five Points Healthcare, LTD. (“Five Points”) filed for an Emergency Petition for Variance of Rule 59C-1.018(3)(a), F.A.C. as the CON was scheduled to terminate on July 17, 2017.

2. The Agency published notice of its receipt which appeared in the Florida Administrative Register on July 12, 2017. The Agency also gave notice of this receipt of the Petition on its website.

3. Pursuant to Rule 28-104.005, any interested person or other agency may submit written comments on a petition. The Agency received no comments in support of or in opposition to the Petition.

4. On August 8, 2017, the Agency entered a Final Order Denying the Petition for Variance from Rule 59C-1.018, F.A.C.,

5. Subsequently, Five Points filed a Petition for Formal Hearing requesting a hearing

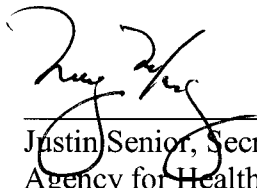
at the Division of Administrative Hearings. The Agency forwarded that request to the Division and a Hearing was scheduled for dates of December 6, 2017 and December 7, 2017.

6. On December 1, 2017, Five Points filed a Notice of Dismissal with prejudice of its petition.

It is therefore **ORDERED**:

1. The Agency's denial of Five Points Emergency Petition for Variance of Rule 59C-1.018(3)(a), F.A.C. is UPHELD

ORDERED in Tallahassee, Florida, on this 7 day of December, 2017.



Justin 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 7th day of December, 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:

R. Bruce McKibben
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Karl Acuff, Esquire
Suite 2, 1615 Village Square Boulevard
Tallahassee, FL 32309-2770

Richard Joseph Saliba, Assistant General Counsel
Kevin Michael Marker, 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)

Bernard Hudson, Unit Manager
Long Term Care Unit
Agency for Health Care Administration
(Electronic Mail)