FILED

JUL 2 0 2018

STATE OF FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES DCF Department Clerk

MERIDIAN BEHAVIORAL HEALTHCARE, INC.,

DCF-18-178-FO

Petitioner,

v.

Case No. 17-6900

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

LIFESTREAM BEHAVIORAL CENTER, INC.,

Petitioner,

v.

Case No. 17-6901

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

RIVERWOOD GROUP, LLC,

Petitioner,

v.

Case No. 17-6902

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

_____/

OPERATION PAR, INC.,

Petitioner,

v.

Case No. 17-6903

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

{T0002945.1}

Filed July 20, 2018 1:04 PM Division of Administrative Hearings

DACCO BEHAVIORAL HEALTH, INC.,

Petitioner,

v.

Case No. 17-6904

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

ASPIRE HEALTH PARTNERS, INC.,

Petitioner,

v.

Case No. 17-6905

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

CRC HEALTH TREATMENT CLINICS, LLC (PASCO COUNTY, BROWARD COUNTY, FLAGLER COUNTY, PALM BEACH COUNTY, VOLUSIA COUNTY, HILLSBOROUGH COUNTY, INDIAN RIVER Case Nos. 17-6906 COUNTY, ORANGE COUNTY, LAKE COUNTY, 17-6907 MANATEE COUNTY, MARTIN COUNTY, 17-6909 SEMINOLE COUNTY), 17-6911 17-6912 Petitioners, 17-6914 v. 17-6915 17-6916 DEPARTMENT OF CHILDREN AND FAMILIES and 17-6917 COLONIAL MANAGEMENT, L.P. 17-6919 17-6920 Respondents. 17-6922

CRC HEALTH TREATMENT CLINICS, LLC (CITRUS COUNTY, DESOTO COUNTY, MONROE COUNTY)

Petitioners,

v.

Case Nos. 17-6908 17-6910 17-6921

DEPARTMENT OF CHILDREN AND FAMILIES and PALM BEACH DRUG TESTING, LLC d/b/a RELAX MENTAL HEALTH CARE,

Respondents.

_____/

GOLDEN GLADES TREATMENT CENTER,

Petitioner,

v.

v.

Case No. 17-6972

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

SYMETRIA, LLC (BROWARD COUNTY, HILLSBOROUGH COUNTY, MANATEE COUNTY, ORANGE COUNTY, PALM BEACH COUNTY, PASCO COUNTY, SANTA ROSA COUNTY, SEMINOLE COUNTY, VOLUSIA COUNTY),

Case No. 18-0529 18-0530 18-0531 18-0532 18-0533 18-0534 18-0535 18-0536 18-0537

Petitioner,

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

BAY COUNTY HEALTHCARE SERVICES, LLC,

Petitioner,

v.

Case No. 18-2067

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent,

and

LAKEVIEW CENTER, INC.,

Intervenor.

CENTRAL FLORIDA SUBSTANCE ABUSE TREATMENT CENTERS,

Petitioner,

v.

Case No. 18-2068

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

FINAL ORDER RESCINDING AWARDS AND CLOSING FILES

THESE CONSOLIDATED CAUSES are before me for entry of a final order. All of the challenges in the above-styled cases are based upon approvals to apply for licensure issued by the Department pursuant to Emergency Rule 65DER17-2. A copy of each pertinent approval letter that the Department issued is attached to this order. In a final order dated May 15, 2018, an Administrative Law Judge at the Division of Administrative Hearings issued a final order invalidating that emergency rule. *See* DOAH Case No. 17-6655RU. As the Department cannot issue awards based upon invalidated rules, all of the approvals at issue are rescinded. There are no further issues between the parties. This matter is closed.

DONE AND ORDERED at Tallahassee, Leon County, Florida, this 40th day of

2018.

Mike Carroll, Secretary

NOTICE OF RIGHT TO APPEAL

THIS ORDER CONSTITUTES FINAL AGENCY ACTION AND MAY BE APPEALED BY A PARTY PURSUANT TO SECTION 120.68, FLORIDA STATUTES, AND RULES 9.110 AND 9.190, FLORIDA RULES OF APPELLATE PROCEDURE. SUCH APPEAL IS INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF CHILDREN AND FAMILIES AT 1318 WINEWOOD BOULEVARD, BUILDING 2, ROOM 204, TALLAHASSEE, FLORIDA 32399-0700, AND A SECOND COPY ALONG WITH THE FILING FEE AS PRESCRIBED BY LAW, IN THE DISTRICT COURT OF APPEAL WHERE THE PARTY RESIDES OR IN THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE OF APPEAL MUST BE FILED (RECEIVED) WITHIN 30 DAYS OF RENDITION OF THIS ORDER.¹

Copies furnished to the following via U.S. and electronic mail on date of Rendition of this Order.¹

Steven A. Grigas Martin R. Dix Akerman LLP 106 E. College Ave. Tallahassee, FL 32301 steven.grigas@akerman.com martin.dix@akerman.com

Brittany Adams Long Donna E. Blanton Radey Law Firm 301 S. Bronough St., Ste. 200 Tallahassee, FL 32301 balong@radeylaw.com dblanton@radeylaw.com David C. Ashburn Greenberg Traurig, P.A. PO Drawer 1838 Tallahassee, FL 32302 AshburnD@gtlaw.com

J. Carter Andersen Bryan D. Hull Bush Ross, P.A. P.O. Box 3913 Tampa, FL 33601-3913 candersen@bushross.com bhull@bushross.com

¹ The date of the "rendition" of this Order is the date that is stamped on its first page.

R. Terry Rigsby Matthew E. W. Bryant Pennington, P.A. PO Box 10095 Tallahassee, FL 32302 trigsby@penningtonlaw.com mbryant@penningtonlaw.com

James McKee Joshua Hawkes Foley & Lardner, LLP 106 E. College Ave., Ste. 900 Tallahassee, FL 32301 jmckee@foley.com jhawkes@foley.com

J. Stephen Menton Tana D. Storey Rutledge Ecenia, P.A. 119 S. Monroe St., Ste. 202 Tallahassee, FL 32301 smenton@rutledge-ecenia.com tana@rutledge-ecenia.com

Brian A. Newman Pennington, P.A. 215 S. Monroe St., Second Floor Tallahassee, FL 32301 brian@penningtonlaw.com

William Hall Marc Dunbar Daniel Russell Jones Walker 215 S. Monroe St. Tallahassee, FL 32301 whall@joneswalker.com mdunbar@joneswalker.com drussell@joneswalker.com Mia L. McKown Eddie Williams, III Holland & Knight, LLP 315 S. Calhoun St., Ste. 600 Tallahassee, FL 32301 Mia.McKown@hklaw.com Eddie.Williams@hklaw.com

Marc Osheroff Golden Glades Treatment Center 100 NW 170th St. North Miami Beach, FL 33169 Marc@rmlogisticscorp.com

Steven T. Mindlin Kyle L. Kemper Sundstron & Mindlin, LLP 2458 Blairstone Pines Dr. Tallahassee, FL 32301 smindlin@sfflaw.com kkemper@sfflaw.com

Maureen McCarthy Daughton Maureen McCarthy Daughton, LLC 1725 Capital Circle NE, Ste. 304 Tallahassee, FL 32308 mdaughton@mmd-lawfirm.com

Claudia Llado, Clerk Division of Administrative Hearings Three DeSoto Building 1230 Apalachee Parkway Tallahassee, FRL 32399

Agency Clerk



Rick Scott Governor

Mike Carroll Secretary

November 16, 2017

Colonial Management Group, L.P. 2550 Maitland Center Parkway, Suite 250 Maitland, FL 32751

Dear Colonial Management Group, L.P.:

Thank you for your recent application in response to the emergency rule, 65DER 17-1, F.A.C. By authority of Chapter 397, Florida Statutes, you are hereby approved to apply for licensure of methadone medication-assisted treatment facilities in the following counties: Broward, Clay, Flagler, Hillsborough (2), Indian River, Lake, Manatee, Martin, Nassau, Orange, Palm Beach, Pasco, Putnam, Santa Rosa, Seminole, Sumter, Volusia, and Wakulla.

Please note that applicants for licensure must adhere to the requirements specified in: Chapter 65D-30, Florida Administrative Code and 42 Code of Federal Regulations. The Department's licensure application and information about the licensing process can be found at: <u>http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/docs/mh4024.pdf</u>.

If you choose to relinquish the opportunity to apply for licensure in a county/counties, please notify Corine Stancil, State Opioid Treatment Authority. If you have any questions, contact Corine Stancil at (850) 717 – 4427 or Corine.Stancil@myflfamilies.com.

Sincerely,

hyul

Ute Gazioch Director of Substance Abuse and Mental Health

cc: Mylisa Lee, Northwest Region SAMH Director Susan Sweeney, Northwest Region, System of Care Coordinator Jayme Carter, Northeast Region SAMH Director Kelly Manning, Northeast Region, Senior Licensure Specialist Shivana Rameshwar, Central Region, SAMH Director Mary Harmon, Central Region, Substance Abuse Licensure Specialist

April May, SunCoast Region, SAMH Director Susan Nunnally, SunCoast Region, System of Care Coordinator Suzette Fleischmann, Southeast Region, SAMH Director Sarah Liccardi, Southeast Region, Substance Abuse Coordinator Corine Stancil, State Opioid Treatment Authority Teresa Berdoll, Licensure and Designations Manager



Rick Scott Governor

Mike Carroll Secretary

November 16, 2017

Lakeview Center, Inc. 1221 West Lakeview Avenue Pensacola, FL 32501

Dear Lakeview Center, Inc.:

Thank you for your recent application in response to the emergency rule, 65DER 17-1, F.A.C. By authority of Chapter 397, Florida Statutes, you are hereby approved to apply for licensure of methadone medication-assisted treatment facility in the following county: Walton.

Please note that applicants for licensure must adhere to the requirements specified in: Chapter 65D-30, Florida Administrative Code and 42 Code of Federal Regulations. The Department's licensure application and information about the licensing process can be found at: <u>http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/docs/mh4024.pdf</u>.

If you choose to relinquish the opportunity to apply for licensure in a county/counties, please notify Corine Stancil, State Opioid Treatment Authority. If you have any questions, please contact Corine Stancil at (850) 717 – 4427 or Corine.Stancil@myflfamilies.com.

Sincerely,

Dayoch

Ute Gazioch Director of Substance Abuse and Mental Health

cc: Mylisa Lee, Northwest Region SAMH Director Susan Sweeney, Northwest Region, System of Care Coordinator Corine Stancil, State Opioid Treatment Authority Teresa Berdoll, Licensure and Designations Manager



Rick Scott Governor

Mike Carroll Secretary

November 16, 2017

Psychological Addiction Services, LLC 3113 East Washington Avenue Madison, WI 53704

Dear Psychological Addiction Services, LLC:

Thank you for your recent application in response to the emergency rule, 65DER 17-1, F.A.C. By authority of Chapter 397, Florida Statutes, you are hereby approved to apply for licensure of methadone medication-assisted treatment facilities in the following counties: Baker, Bradford, Calhoun, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Suwannee, Taylor, Union and Washington.

Please note that applicants for licensure must adhere to the requirements specified in: Chapter 65D-30, Florida Administrative Code and 42 Code of Federal Regulations. The Department's licensure application and information about the licensing process can be found at: <u>http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/docs/mh4024.pdf</u>.

If you choose to relinquish the opportunity to apply for licensure in a county/counties, please notify Corine Stancil, State Opioid Treatment Authority. If you have any questions, please contact Corine Stancil at (850) 717 – 4427 or Corine.Stancil@myflfamilies.com.

Sincerely,

region

Ute Gazioch Director of Substance Abuse and Mental Health

cc: Mylisa Lee, Northwest Region SAMH Director Susan Sweeney, Northwest Region, System of Care Coordinator Jayme Carter, Northeast Region SAMH Director Kelly Manning, Northeast Region, Senior Licensure Specialist Corine Stancil, State Opioid Treatment Authority Teresa Berdoll, Licensure and Designations Manager



Rick Scott Governor

Mike Carroll Secretary

November 16, 2017

Palm Beach Drug Testing, LLC dba Relax Mental Health 2809 Poinsettia Avenue A-H West Palm Beach, FL 33407

Dear Palm Beach Drug Testing, LLC:

Thank you for your recent application in response to the emergency rule, 65DER 17-1, F.A.C. By authority of Chapter 397, Florida Statutes, you are hereby approved to apply for licensure of methadone medication-assisted treatment facilities in the following counties: Citrus, DeSoto, Glades, Hardee, Hendry, Highlands, Monroe and Okeechobee.

Please note that applicants for licensure must adhere to the requirements specified in: Chapter 65D-30, Florida Administrative Code and 42 Code of Federal Regulations. The Department's licensure application and information about the licensing process can be found at: <u>http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/docs/mh4024.pdf</u>.

If you choose to relinquish the opportunity to apply for licensure in a county/counties, please notify Corine Stancil, State Opioid Treatment Authority. If you have any questions, please contact Corine Stancil at (850) 717 – 4427 or <u>Corine.Stancil@myflfamilies.com</u>.

Sincerely,

rial

Ute Gazioch Director of Substance Abuse and Mental Health

cc: Shivana Rameshwar, Central Region, SAMH Director Mary Harmon, Central Region, Substance Abuse Licensure Specialist April May, SunCoast Region, SAMH Director Susan Nunnally, SunCoast Region, System of Care Coordinator Suzette Fleischmann, Southeast Region, SAMH Director Sarah Liccardi, Southeast Region, Substance Abuse Coordinator Catherine Prendiville, Southern Region, SAMH Director

Yamile Diaz, Southern Region, System of Care Coordinator Corine Stancil, State Opioid Treatment Authority Teresa Berdoll, Licensure and Designations Manager



Rick Scott Governor

Mike Carroll Secretary

November 16, 2017

Symetria Recovery Soft Landing Interventions, LLC 1601 Bond Street, Suite 201 Naperville, Illinois 60563-0113

Dear Symetria:

Thank you for your recent application in response to the emergency rule, 65DER 17-1, F.A.C. By authority of Chapter 397, Florida Statutes, you are hereby approved to apply for licensure of methadone medication-assisted treatment facilities in the following county: Okaloosa.

Please note that applicants for licensure must adhere to the requirements specified in: Chapter 65D-30, Florida Administrative Code and 42 Code of Federal Regulations. The Department's licensure application and information about the licensing process can be found at: <u>http://www.dcf.state.fl.us/programs/samh/SubstanceAbuse/docs/mh4024.pdf</u>.

If you choose to relinquish the opportunity to apply for licensure in a county/counties, please notify Corine Stancil, State Opioid Treatment Authority. If you have any questions, please contact Corine Stancil at (850) 717 – 4427 or <u>Corine.Stancil@myflfamilies.com</u>.

Sincerely,

Injoch

Ute Gazioch Director of Substance Abuse and Mental Health

cc: Mylisa Lee, Northwest Region SAMH Director Susan Sweeney, Northwest Region, System of Care Coordinator Corine Stancil, State Opioid Treatment Authority Teresa Berdoll, Licensure and Designations Manager

STATE OF FLORIDA DIVISION OF ADMINISTRATIVE HEARINGS

/

MERIDIAN BEHAVIORAL HEALTHCARE, INC.,

Petitioner,

vs.

Case No. 17-6900

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

LIFESTREAM BEHAVIORAL CENTER, INC.,

Petitioner,

vs.

Case No. 17-6901

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

RIVERWOOD GROUP, LLC,

Petitioner,

vs.

Case No. 17-6902

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

OPERATION PAR, INC.,

Petitioner,

vs.

Case No. 17-6903

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

DACCO BEHAVIORAL HEALTH, INC.,

Petitioner,

vs.

Case No. 17-6904

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

ASPIRE HEALTH PARTNERS, INC.,

Petitioner,

vs.

Case No. 17-6905

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

CRC HEALTH TREATMENT CLINICS, LLC, (PASCO COUNTY, BROWARD COUNTY, CITRUS COUNTY, FLAGLER COUNTY, DESOTO COUNTY, PALM BEACH COUNTY, VOLUSIA COUNTY, HILLSBOROUGH COUNTY, INDIAN RIVER COUNTY, ORANGE COUNTY, LAKE COUNTY, MANATEE COUNTY, MARTIN COUNTY, MONROE COUNTY, SEMINOLE COUNTY),

Petitioners,

vs.

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

GOLDEN GLADES TREATMENT CENTER,

Petitioner,

vs.

Case No. 17-6972

Case Nos. 17-6906

17-6907

17-6908

17-6909

17-6910

17-6911 17-6912

17-6914 17-6915

17-6916 17-6917

17-6919

17-6920 17-6921

17-6922

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent.

	/			
SYMETRIA, LLC (BROWARD COUNTY,				
HILLSBOROUGH COUNTY, MANATEE				
COUNTY, ORANGE COUNTY, PALM				
BEACH COUNTY, PASCO COUNTY,		Case	Nos.	18-0529
SANTA ROSA COUNTY, SEMINOLE				18-0530
COUNTY, VOLUSIA COUNTY),				18-0531
				18-0532
Petitioners,				18-0533
				18-0534
VS.				18-0535
				18-0536
DEPARTMENT OF CHILDREN AND				18-0537
FAMILIES,				

Respondent.

3

BAY COUNTY HEALTHCARE SERVICES, LLC,

Petitioner,

vs.

Case No. 18-2067

DEPARTMENT OF CHILDREN AND FAMILIES,

Respondent,

and

LAKEVIEW CENTER, INC.,

Intervenor.

ORDER CLOSING FILES AND RELINQUISHING JURISDICTION

This cause comes before the undersigned on a Joint Motion to Dismiss and Remand Cases to the Department of Children and Families. Each of the parties in these consolidated cases agrees with the motion.

One party, Bay County Healthcare Services, LLC, agrees with the Motion to Dismiss, but with the caveat that a pending motion to dismiss in the case be ruled upon first.

Based on the agreement by all parties to remand these cases back to the Department of Children and Families, there is no reason to rule on other pending motions in this matter.

Being fully advised, it is, therefore,

ORDERED that the files of the Division of Administrative Hearings are closed. Jurisdiction is relinquished to the Department of Children and Families. DONE AND ORDERED this 25th day of June, 2018, in Tallahassee, Leon County, Florida.

RB M.Ll

R. BRUCE MCKIBBEN Administrative Law Judge Division of Administrative Hearings The DeSoto Building 1230 Apalachee Parkway Tallahassee, Florida 32399-3060 (850) 488-9675 Fax Filing (850) 921-6847 www.doah.state.fl.us

Filed with the Clerk of the Division of Administrative Hearings this 25th day of June, 2018.

COPIES FURNISHED:

Steven Alfons Grigas, Esquire Akerman, LLP Suite 1200 106 East College Avenue Tallahassee, Florida 32301 (eServed)

Lacey Kantor, Esquire Department of Children and Families Building 2, Room 204Z 1317 Winewood Boulevard Tallahassee, Florida 32399-0700 (eServed)

Martin R. Dix, Esquire Akerman LLP Suite 1200 106 East College Avenue Tallahassee, Florida 32301 (eServed) William D. Hall, Esquire Jones Walker, LLP Suite 130 215 South Monroe Street Tallahassee, Florida 32301 (eServed)

Marc W. Dunbar, Esquire Jones Walker, LLP Suite 130 215 South Monroe Street Tallahassee, Florida 32302 (eServed)

Daniel Ryan Russell, Esquire Jones Walker, LLP Suite 130 215 South Monroe Tallahassee, Florida 32302 (eServed)

George T. Levesque, Esquire Gray Robinson PA Suite 600 301 South Bronough Street Tallahassee, Florida 32301 (eServed)

Timothy M. Cerio, Esquire Gray Robinson Post Office Box 11189 Tallahassee, Florida 32302 (eServed)

William E. Williams, Esquire Gray Robinson, P.A. 301 South Bronough Street, Suite 600 Post Office Box 11189 Tallahassee, Florida 32302 (eServed)

David C. Ashburn, Esquire Greenberg Traurig, P.A. 101 East College Avenue Post Office Drawer 1838 Tallahassee, Florida 32301 (eServed) Donna Elizabeth Blanton, Esquire Radey Law Firm, P.A. Suite 200 301 South Bronough Street Tallahassee, Florida 32301 (eServed)

Brittany Adams Long, Esquire Radey Law Firm, P.A. Suite 200 301 South Bronough Street Tallahassee, Florida 32301 (eServed)

Joshua M. Hawkes, Esquire Foley & Lardner LLP Suite 900 106 East College Avenue Tallahassee, Florida 32301 (eServed)

James A. McKee, Esquire Foley & Lardner LLP Suite 900 106 East College Avenue Tallahassee, Florida 32301 (eServed)

Mia L. McKown, Esquire Holland & Knight LLP Suite 600 315 South Calhoun Street Tallahassee, Florida 32301 (eServed)

R. Terry Rigsby, Esquire
Pennington, P.A.
215 South Monroe Street, Second Floor
Post Office Drawer 10095
Tallahassee, Florida 32302-2095
(eServed)

7

Eddie Williams, III, Esquire Holland & Knight LLP Suite 600 315 South Calhoun Street Tallahassee, Florida 32301 (eServed) Palm Beach Drug Testing, LLC Suite A-G 2809 Poinsettia Avenue West Palm Beach, Florida 33407 Colonial Management Group, LP No. 250 2500 Maitland Center Parkway Maitland, Florida 32751 J. Stephen Menton, Esquire Rutledge Ecenia, P.A. 119 South Monroe Street, Suite 202 Post Office Box 551 Tallahassee, Florida 32302-0551

Marc Osheroff Golden Glades Treatment Center, LLC Suite 101 100 Northwest 170th Street

North Miami Beach, Florida 33169

Tana D. Storey, Esquire Rutledge Ecenia, P.A. Suite 202 119 South Monroe Street Tallahassee, Florida 32301 (eServed)

(eServed)

Brian A. Newman, Esquire Pennington, P.A. 215 South Monroe Street, Suite 200 Post Office Box 10095 Tallahassee, Florida 32302 (eServed)