

**STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION**

FILED
AHCA
AGENCY CLERK

2019 MAY 23 A 9:45

HOSPICE OF PALM BEACH COUNTY,
INC.,

Petitioner,

vs.

DOAH CASE NO.: 19-1561CON
AHCA CASE NO.: 2019003519
CON NOS.: 10561
10564

VITAS HEALTHCARE CORPORATION
OF FLORIDA AND STATE OF
FLORIDA, AGENCY FOR HEALTH
CARE ADMINISTRATION,

Respondents,

and

HOSPICE OF TREASURE COAST, INC.;
AND HOSPICE OF MARTIN &
ST. LUCIE, INC.,

Intervenors.

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (“the Agency”) concerning the preliminary denial of Hospice of Palm Beach County, Inc.’s (“HPBC”) Certificate of Need (“CON”) application 10561 to establish a new hospice program in hospice service area 9B, Martin, Okeechobee and St. Lucie Counties, Florida, and the preliminarily approval of CON application 10564 to VITAS Healthcare Corporation of Florida (“VITAS”).

1. On February 18, 2019, the Agency published a notice in the Florida Administrative Register of its decision granting preliminarily approval of CON application 10564 filed by VITAS.
2. HPBC filed a Petition for Formal Hearing on March 8, 2019, contesting the Agency’s preliminary denial of its CON application 10561 and the Agency’s approval of CON

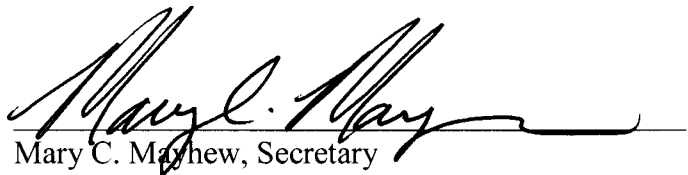
10564 filed by VITAS. The Petition was forwarded to the Division of Administrative Hearings.

3. On April 30, 2019, HPBC filed a Notice of Voluntary Dismissal withdrawing and dismissing its Petition for Formal Administrative Hearing.

It is therefore, **ORDERED**

1. The denial of CON application 10561 is UPHELD.
2. The approval of CON application 10564 is UPHELD.

ORDERED in Tallahassee, Florida, on this 21 day of May, 2019.



Mary C. Mayhew, 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 23rd day of May, 2019.



Richard J. Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #3
Tallahassee, Florida 32308
(850) 412-3630

G. W. Chisenhall
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(Electronic Filing)

Karl Acuff, Esquire
Suite 2, 1615 Village Square Boulevard
Tallahassee, Florida 32309-2770
kd_acuff@floridacourts.com
*Counsel for Hospice of the Treasure Coast, Incorporated
and Hospice of Martin & St. Lucie, Inc.*
(Electronic Filing)

Stephen Ecenia, Esquire
Gabriel Warren, Esquire
Suite 202, 119 South Monroe Street
Tallahassee, Florida 32301
steve@reuphlaw.com
gwarren@rutledge-ecenia.com
lauren@rutledge-ecenia.com
Counsel for Vitas Healthcare Corporation Of Florida
(Electronic Filing)

John Gilroy, III, Esquire
Post Office Box 14227
Tallahassee, Florida 32317
John@jgilroylaw.com
Counsel For Hospice Of Palm Beach County, Inc.
(Electronic Filing)

Julia E. Smith, 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 E. Hudson, Unit Manager,
Long Term Care Services Unit
Bureau of Health Facility Regulation
Agency for Health Care Administration
(Electronic Mail)