

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

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HOSPICE OF THE TREASURE COAST  
INCORPORATED,

Petitioner,

DOAH CASE No. 22-0209CON  
AHCA Case No. 2022000444  
CON No. 10696

vs.

BREVARD HMA HOSPICE, LLC, AND  
STATE OF FLORIDA, AGENCY FOR  
HEALTH CARE ADMINISTRATION,

Respondent.

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**FINAL ORDER**

THIS CAUSE comes before the Agency for Health Care Administration concerning the preliminary denial of the certificate of need application filed by Hospice of the Treasure Coast, Incorporated, and the preliminary approval of Brevard HMA Hospice, LLC, to establish a new hospice program in Service Area 9A, Indian River County, Florida.

1. On December 20, 2021, the Agency for Health Care Administration (“Agency”) published its decisions on batched applications announcing its decision to approve the application for a certificate of need (“CON”) for a new hospice program filed by Brevard HMA Hospice, LLC (“Brevard HMA”), CON Application No. 10695, and to deny the CON applications filed by Moments Hospice of Indian River, LLC, CON Application No. 10697, and Hospice of the Treasure Coast, Incorporated (“Treasure Coast”), CON Application No. 10696. Florida Administrative Register, Volume 47, Number 244, page 5765.

2. Treasure Coast filed a petition to contest the denial of its CON application and the approval of Brevard HMA’s CON application. Brevard HMA filed a petition in support of the approval of its CON application and in opposition of any other CON application. An existing

hospice provider, VNA Hospice of Indian River County, Inc., filed a petition denying that any need exists in the service area and opposing the approval of any CON application.

3. The matters were referred to the Division of Administrative Hearings.
4. On July 22, 2022, Treasure Coast filed a notice of voluntary dismissal of its petition.
5. On that same day, the Administrative Law Judge entered an Order Severing Cases,

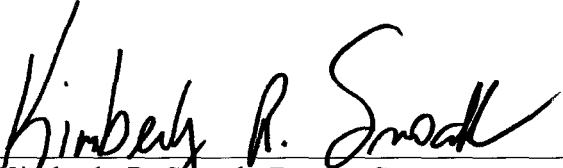
Closing File and Relinquishing Jurisdiction.

Therefore, it is ORDERED that:

- A. The denial of Treasure Coast's CON Application No. 10696 is UPHELD.
- B. The remaining petitions concerning the approval of CON Application No. 10695

of Brevard HMA remain pending at the Division of Administrative Hearings.

**ORDERED** in Tallahassee, Florida this 15<sup>th</sup> day of August 2022.


  
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Kimberly R. Smoak, Deputy 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 was served to the persons named below via electronic mail on this 1<sup>st</sup> day of August 2022.



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