

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
AHCA
AGENCY CLERK

2022 MAR -7 P 2:20

FLORIDA HOSPICE, LLC,

Petitioner,

vs.

DOAH CASE NO.: 22-0220CON
AHCA CASE NO.: 2022000559
CON NO.: 10670

PEOPLES HOSPICE AND PALLIATIVE
CARE OF FLORIDA, LLC, and STATE
OF FLORIDA, AGENCY FOR HEALTH
CARE ADMINISTRATION,

Respondents.

PRUITTHEALTH HOSPICE -
WEST FLORIDA, LLC,

Petitioner,

vs.

DOAH CASE NO.: 22-0222CON
AHCA CASE NO.: 2022000484
CON NO.: 10673

PEOPLES HOSPICE AND PALLIATIVE
CARE OF FLORIDA, LLC, and STATE
OF FLORIDA, AGENCY FOR HEALTH
CARE ADMINISTRATION,

Respondents.

FINAL ORDER

THIS CAUSE is before the State of Florida, Agency for Health Care Administration (the "Agency") concerning the preliminary approval of the Certificate of Need ("CON") Application 10672 to Peoples Hospice and Palliative Care of Florida, LLC ("Peoples") and the preliminary denials of CON 10670 of Florida Hospice, LLC ("Florida Hospice"), CON 10673 of PruittHealth Hospice - West Florida, LLC ("PruittHealth") and CON 10674 of St. Joseph Hospice of Florida, LLC ("St. Joseph").

1. On August 31, 2021, the Agency announced a fixed need pool for one additional hospice program in Hospice Service Area 1, Escambia, Okaloosa, Santa Rosa, and Walton Counties, Florida, on the applications for the Hospital Facilities and Hospice batching cycle with an application due date of September 29, 2021. See 47 Fla. Admin. Reg. No. 169, p. 4000 (Aug. 31, 2021).

2. Multiple applicants filed competing CON applications in response to the fixed need pool, each seeking approval to establish a new hospice program in Hospice Service District 1. The applicants included Florida Hospice (CON 10670), Peoples (CON 10672), PruittHealth (CON 10673), St. Joseph (CON 10674), and others.

3. On December 17, 2021, the Agency approved Peoples' CON 10672 and denied the remaining co-batched applicants.

4. The Agency published a notice of its preliminary decisions to approve CON 10672 and deny the remaining co-batched applicants in the Florida Administrative Register. Volume 47, Number 244, December 20, 2021.

5. Thereafter, Florida Hospice, PruittHealth and St. Joseph filed timely petitions for formal hearing contesting the Agency's preliminary approval of CON 10672 and the preliminary denials of CON 10670, CON 10673 and CON 10674, respectively.

6. In response, Peoples filed a Cross-Petition for Formal Administrative Proceedings in support the Agency's preliminary approval of its CON 10672 and the Agency's preliminary denials of CON 10670, CON 10673 and CON 10674.

7. The Agency referred the matters to the Division of Administrative Hearings ("DOAH"), where they were consolidated by the Administrative Law Judge.

8. On February 15, 2022, PruittHealth filed a Notice of Voluntary Dismissal of its

Petition.

9. On February 16, 2022, Florida Hospice filed a Notice of Voluntary Dismissal of its

Petition.

10. On December 23, 2022, the Administrative Law Judge entered an Order Severing Case, Closing File, and Relinquishing Jurisdiction to the Agency with respect to Florida Hospice (DOAH Case No. 22-0220CON) and PruittHealth (DOAH Case No. 22-0222CON).

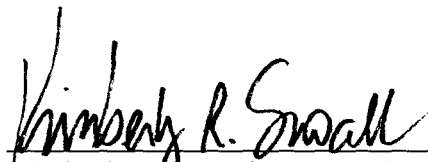
It is therefore, **ORDERED**

1. The denial of CON 10670 filed by Florida Hospice, AHCA Case No. 2022000559, is upheld.

2. The denial of CON 10673 filed by PruittHealth, AHCA Case No. 2022000484, is upheld.

3. The case in DOAH regarding the other petitions remain pending.

ORDERED in Tallahassee, Florida, on this 7th day of March, 2022



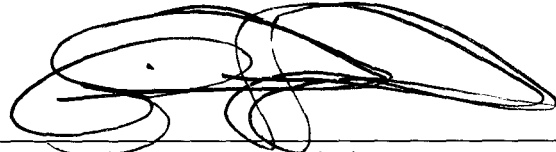
Kimberly R. Smoak, Deputy Secretary
Agency for Health Care Administration

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 Final Order has been furnished by the method designated to the persons named below on this 7th day of March, 2022



Richard J. Shoop, Agency Clerk
Agency for Health Care Administration
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Telephone (850) 412-3630

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