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2022 MAR 25 A 10:45

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

ST. JOSEPH HOSPICE FLORIDA
PANHANDLE, LLC,

Petitioner,

DOAH CASE NO. 22-0223CON
AHCA CASE NO. 2022000373
CON NOS. 10674
10672

vs.

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

Respondent.

PEOPLES HOSPICE AND PALLIATIVE
CARE OF FLORIDA, LLC,

Cross-Petitioner,

DOAH CASE NO. 22-0221CON
AHCA CASE NO. 2022001058
CON NO. 10672

v.

FLORIDA HOSPICE, LLC,
PRUITHEALTH HOSPICE –
WEST FLORIDA, LLC, and
ST. JOSEPH HOSPICE FLORIDA
PANHANDLE, LLC,

Cross-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”) for a new hospice program in District 1, Escambia County, and the denials CON 10670 of Florida Hospice, LLC (“Florida Hospice”), CON 10673 of PruittHealth Hospice – West Florida, LLC (“PruittHealth”),

CON 10674 of St. Joseph Hospice Florida Panhandle, 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).

11. The Agency entered a Final Order upholding the denial of the CONs sought by Florida Hospice and PruittHealth.

12. On March 7, 2022, St. Joseph filed a Notice of Voluntary Dismissal and withdrawal of its Petition.

13. On March 9, 2022, the Administrative Law Judge entered an Order Severing Case, Closing File, and Relinquishing Jurisdiction with respect to St. Joseph (DOAH Case No. 22-0223CON).

14. At this point, all three challenges to Peoples' CON were dismissed and the only matter that remained pending was Peoples' Cross-Petition against the three challengers.

15. On March 11, 2022, Peoples filed a Motion for Clarification of the March 9, 2022, Order directed to the Cross-Petition.

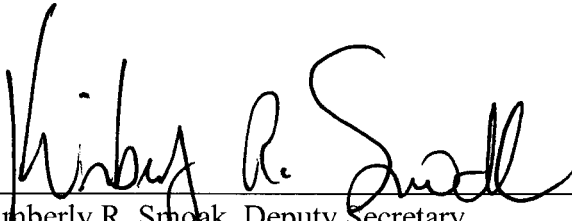
16. On March 14, 2022, the Administrative Law Judge entered an Order Closing File and Relinquishing Jurisdiction

It is therefore, **ORDERED**

1. The denial of CON 10674 filed by St. Joseph, AHCA Case No. 2022000373, is upheld.

2. The approval of CON 10672 filed by Peoples is upheld.

ORDERED in Tallahassee, Florida, on this 23rd day of March, 2022.



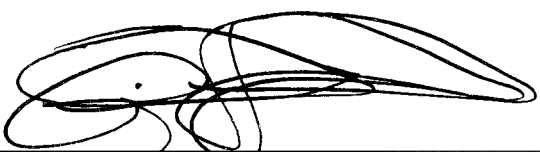
Kimberly R. Smoak, Deputy Secretary
Agency for Health Care Administration

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 25th day of March, 2022



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