

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

FILED
AHCA
AGENCY CLERK

FLORIDA HOSPICE, INC.,

2022 JUL 11 P 12: 57

Petitioner,

DOAH CASE NO. 22-0274CON

AHCA CASE NO. 2022000477

vs.

CON NO. 10701

MORSELIFE HOSPICE INSTITUTE, INC.,
d/b/a PALM BEACH HOSPICE BY
MORSELIFE, 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 denial of certificate of need (“CON”) Application 10700 submitted by Florida Hospice, Inc., (“Florida Hospice”) for a new hospice program in District 9C, Palm Beach County, Florida.

1. On August 6, 2021, the Agency announced a fixed need pool for one additional hospice program in Hospice Service Area 9C, Palm Beach County, Florida. See 47 Fla. Admin. Reg. No. 152, p. 3629 (Aug. 6, 2021).

2. Multiple applicants filed competing CON applications in response to the announced fixed need pool, each seeking approval to establish a new hospice program in Hospice Service Area 9C. The applicants included Florida Hospice (CON 10701).

3. On December 17, 2021, the Agency preliminarily approved CON 10702 filed by Morselife Hospice Institute, Inc., d/b/a Palm Beach Hospice by Morselife (“Morselife Hospice”) and preliminarily denied the other CON applications.

4. The Agency published a notice of its preliminary decisions to approve CON 10702 and to deny the remaining co-batched applicants in the Florida Administrative Register. Volume 47, Number 244, p. 5763-66, December 20, 2021.

5. Florida Hospice timely filed a petition for formal hearing contesting the Agency's preliminary approval of CON 10702 and the preliminary denial of its CON 10701. Several other denied applicants filed petitions for formal hearing as well.

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

7. On July 1, 2022, Florida Hospice filed a Notice of Voluntary Dismissal of its petition for formal hearing.

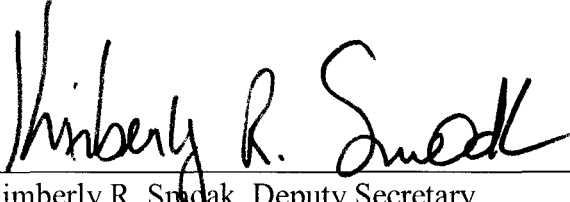
8. On July 5, 2022, the Administrative Law Judge entered an Order Severing Case and an Amended Order Closing File and Relinquishing Jurisdiction to the Agency with respect to Florida Hospice (DOAH Case No. 22-0274 CON).

It is therefore, **ORDERED**

1. The denial of CON 10701 submitted by Florida Hospice is upheld.

2. The matter remains open as to the other petitions for formal hearing pending before DOAH.

ORDERED in Tallahassee, Florida, on this 11th day of July, 2022.



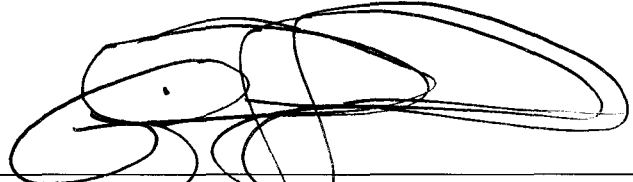
Kimberly R. Smoak, Deputy Secretary
Agency for Health Care Administration

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 11th day of July, 2022



Richard J. Shoop, Agency Clerk
Agency for Health Care Administration
2727 Mahan Drive, MS #3
Tallahassee, FL 32308
Telephone: (850) 412-3630

Copies furnished:

Division of Administrative Hearings
(Electronic Filing)

Seann Frazier, Esquire
Kristen Dobson, Esquire
Ian E. Waldick, Esquire
Parker Hudson Rainer & Dobbs, LLP
215 South Monroe Street, Suite 750
Tallahassee, Florida 32301
sfrazier@phrd.com
kdobson@phrd.com
iwaldrick@phrd.com
Counsel for Catholic Hospice, Inc.

Jonathan Rue, Esquire
Parker Hudson Rainer & Dobbs, LLP
303 Peachtree Street Northeast, Suite 3600
Atlanta, Georgia 30308
jrue@phrd.com
Counsel for Catholic Hospice, Inc.

William Hall, Esquire
John L. Wharton, Esquire
Jordane Wong, Esquire
Dean Mead & Dunbar
106 East College Avenue, Suite 1200
Tallahassee, Florida 32301
whall@deanmead.com
jwharton@deanmead.com
jwong@deanmead.com
Counsel for Florida Hospice, LLC

Geoffrey Smith, Esquire
Susan C. Smith, Esquire
Sabrina B. Dieguez, Esquire
Stephen Burch, Esquire
Smith & Associates
709 South Harbor City Boulevard, Suite 540
Melbourne, Florida 32901
geoff@smithlawtlh.com
susan@smithlawtlh.com
sabrina@smithlawtlh.com
stephen@smithlawtlh.com
Counsel for Affinity Care of Palm Beach, LLC

Virginia Dailey, Esquire
Panza, Maurer & Maynard, P.A.
201 East Park Avenue, Suite 200
Tallahassee, Florida 32301
vdailey@panzamaurer.com
Counsel for Seasons Hospice & Palliative Care of Palm Beach County, LLC

Elizabeth Pedersen, Esquire
Stephanie M. Viel, Esquire
Panza, Maurer & Maynard, P.A.
2400 East Commercial Boulevard, Suite 905
Fort Lauderdale, Florida 33308
epedersen@panzamaurer.com
sviel@panzamaurer.com
Counsel for Seasons Hospice & Palliative Care of Palm Beach County, LLC

D. Ty Jackson, Esquire
Allison Goodman, Esquire
GrayRobinson, P.A.
301 South Bronough Street, Suite 600
Tallahassee, Florida 32301
ty.jackson@gray-robinson.com
allison.goodman@gray-robinson.com
Counsel for Morselife Hospice Institute, Inc. d/b/a
Palm Beach Hospice by Morselife

Richard J. Saliba, Esquire
Office of the General Counsel
Agency for Health Care Administration
(Electronic Mail)

Erin Bailey, Unit Manager
James McLemore, Consultant
Certificate of Need Unit
Agency for Health Care Administration
(Electronic Mail)

Brian O. Smith, Unit Manager
Long Term Care Services Unit
Agency for Health Care Administration
(Electronic Mail)

Facilities Intake Unit
Agency for Health Care Administration
(Electronic Mail)

Central Intake Unit
Agency for Health Care Administration
(Electronic Mail)