

**STATE OF FLORIDA
AGENCY FOR HEALTHCARE ADMINISTRATION**

FILED
AHCA
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2022 AUG -1 P 12:40

FLORIDA HOSPICE, LLC,

Petitioner,

DOAH Case No. 22-02150
AHCA Case No. 2022010176
CON No. 10715

vs.

AFFINITY CARE OF CHARLOTTE
AND DESOTO, LLC, AND STATE OF
FLORIDA, AGENCY FOR HEALTH
CARE ADMINISTRATION,

Respondents.

FINAL ORDER

THIS CAUSE comes before the Agency for Health Care Administration concerning the preliminary denial of the certificate of need application filed by Florida Hospice, LLC, and the preliminary approval of the certificate of need application filed by Affinity Care of Charlotte and DeSoto, LLC, to establish a new hospice program in Service Area 8A, Charlotte and De Soto Counties, Florida.

1. On June 20, 2022, 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 Affinity Care of Charlotte and DeSoto, LLC (“Affinity”), CON Application No. 10714, and to deny the CON applications filed by Florida Hospice, LLC (“Florida Hospice”), CON Application No. 10715, and VITAS Healthcare Corporation of Florida (“VITAS”), CON Application No. 10716. Florida Administrative Register, Volume 48, Number 119, page 2483.

2. Florida Hospice filed a petition to contest the denial of its CON application and the approval of Affinity’s CON application. VITAS also filed a petition to contest the denial of its

CON application and the approval of Affinity's CON application. Affinity filed a petition in support of the approval of its CON application and in opposition of any other comparatively reviewed CON application. An existing hospice provider, Tidewell Hospice, Inc. d/b/a Tidewell Empath Hospice ("Tidewell"), filed a petition denying that any need exists in the service area and opposing the approval of any CON application.

3. The petitions were referred to the Division of Administrative Hearings, where they were consolidated for hearing.

4. On July 25, 2022, Florida Hospice filed a notice of voluntary dismissal of its petition.

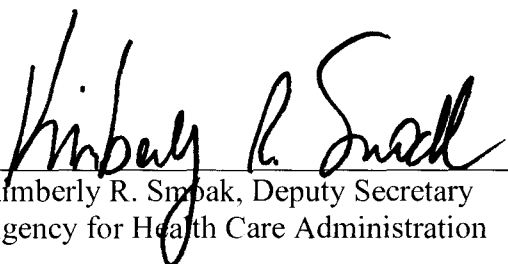
5. On July 26, 2022, the Administrative Law Judge entered an Order of Dismissal with Respect to Claims Brought by Florida Hospice.

Therefore, it is ORDERED that:

A. The denial of Florida Hospice's CON Application No. 10715 is UPHeld.

B. The remaining petitions concerning the approval of CON Application No. 10714 of Affinity and the other denial remain pending at the Division of Administrative Hearings.

ORDERED in Tallahassee, Florida this 1ST day of August 2022.



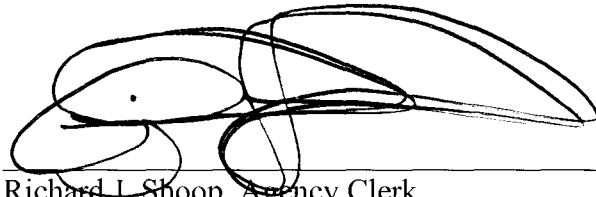
Kimberly R. Smolak, Deputy Secretary
Agency for Health Care Administration

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 14 day of August 2022,



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