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**“Any provider
that wishes to file
a competing
Grace Period
Letter of Intent
has until May 6,
2015 to file for a
competing
proposal.”**



Geoffrey D. Smith

April 23, 2015

Update on Return of Nursing Home CON in Florida



The “post moratorium era” continues for the Nursing Home Certificate of Need (“CON”), with 28 Letters of Intent filed in response to published Fixed Need Pools for an additional 493 nursing home beds statewide. Since the lifting of the moratorium on nursing

home CON by the Legislature last year, the Agency for Health Care Administration (“AHCA”) has approved a total of 3,198 needed nursing home beds. Under the legislation, AHCA cannot approve any more CONs for nursing home beds equal to or greater than 3,750 (until June 30, 2017). Assuming AHCA awards all of the published need to these applicants, the total approvals by AHCA since the legislation was passed will be 3,691 beds. This would mean that there would only be 59 beds left before the 3,750 statutory cap is reached. Other deadlines are fast approaching as well. Any provider that wishes to file a competing Grace Period Letter of Intent has until May 6, 2015 to file for a competing proposal.

The following tables show the Fixed Need Pool in each subdistrict where AHCA has received one or more Letters of Intent. The tables reflect the number of beds published in the Fixed Need Pool and a summary of the Letters of Intent received in each subdistrict to date. Additional notations are made as to any observations regarding the number of beds sought in relation to the Fixed Need Pool.

Subdistrict 1-1
(Escambia and Santa Rosa)
Need: 61

Escambia 1-1	FL HUD Pensacola/ Specialty Health and Rehabilitation Center	Add 30 community nursing home beds
Escambia 1-1	NF Bay, LLC	Establish a new 90-bed community nursing home
Escambia 1-1	PruittHealth - Escambia County, LLC	Establish a new community nursing home of up to 120 beds

**Note: Two applicants have filed for a number greater than published need; and one less.*

Subdistrict 2-1
(Gadsden, Holmes, Jackson and Washington)
Need: 31

Need published but no LOIs filed.

Subdistrict 3-1
(Columbia, Hamilton and Suwannee)
Need: 113

Columbia 3-1	MF Orange, LLC	Establish a new 113-bed community nursing home
Columbia 3-1	Palm Garden of Lake City, LLC	Establish a new community nursing home of up to 113 beds

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Subdistrict 3-1

(Columbia, Hamilton and Suwannee)

Need: 113

(Continued)

Columbia 3-1	PruittHealth - Alachua County, LLC	Establish a new community nursing home of up to 113 beds
Columbia 3-1	Terrace Enter- prises, LLC	Establish a new community nursing home of up to 113 beds

Subdistrict 3-2

*(Alachua, Bradford, Dixie, Gilchrist,
Lafayette, Union, and Levy)*

Need: 47

Alachua 3-2	Innovative Medical Management Solutions, LLC	Establish a new 47-bed community nursing home
Alachua 3-2	Oak Hammock at the University of Florida, Inc.	Add 17 community nursing home beds through the conversion of 17 sheltered nursing home beds
Alachua 3-2	Palm Garden of Gainesville, LLC	Add up to 47 community nursing home beds

Subdistrict 3-3

(Putnam)

Need: 34

Putnam 3-3	Crestwood Nursing Center, Inc.	Add up to 34 community nursing home beds
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Subdistrict 3-3

(Putnam)

Need: 34

(Continued)

Putnam 3-3	Lakewood Nurs- ing Center, Inc.	Add up to 34 community nursing home beds
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Subdistrict 3-4

(Marion)

Need: 0

Marion 3-4	Ocala SNF, LLC	Establish a new community nursing home of up to 120 beds
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**Note: No published need, but an LOI was received.*

Subdistrict 3-5

(Citrus)

Need: 23

Need published but no LOIs filed.

Subdistrict 3-6

(Hernando)

Need: 5

Need published but no LOIs filed.

Subdistrict 4-1

(Nassau and North Duval)

Need: 14

Duval 4-1	Edgewood Nursing Center, Inc.	Add up to 14 community nursing home beds
Duval 4-1	Innovative Medical Management Solutions, LLC	Establish a new 14-bed community nursing home

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Subdistrict 4-3

(St. Johns and Southeast Duval)

Need: 0

St. Johns 4-3	PruittHealth - Alachua County, LLC	Establish a new community nursing home of up to 113 beds
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**Note: No published need, but an LOI was filed.*

Subdistrict 5-1

(Pasco)

Need: 44

Pasco 5-1	Innovative Medical Management Solutions, LLC	Establish a new 44-bed commu- nity nursing home
Pasco 5-1	LP New Port Richey, LLC/ Southern Pines Healthcare Cen- ter	Add 44 commu- nity nursing home beds

Subdistrict 6-4

(Highlands)

Need: 11

Need published but no LOIs filed.

Subdistrict 7-2

(Orange)

Need: 0

Orange 7-2	Orange SNF, LLC	Establish a new community nursing home of up to 120 beds
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**Note: No published need, but an LOI was filed.*

Subdistrict 7-4

(Seminole)

Need: 33

Seminole 7-4	Innovative Medi- cal Management Solutions, LLC	Establish a new 33-bed community nursing home
Seminole 7-4	Lifespace Communities, Inc. / Village on the Green	Add up to 33 community nursing home beds
Seminole 7-4	Seminole SNF LLC	Establish a new community nursing home of up to 120 beds

**Note: One applicant exceeded published need.*

Subdistrict 8-2

(Collier)

Need: 0

Collier 8-2	Pelican Bay Retirement Services / Premier Place at the Glenview	Add up to 14 community nursing home beds through the conversion of up to 14 sheltered beds
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**Note: No published need, but an LOI was filed.*

Subdistrict 9-1

(Indian River)

Need: 9

Indian River 9-1	Palm Garden of Vero Beach, LLC	Add up to nine community nursing home beds
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Subdistrict 9-2

(Martin)

Need: 9

Need published but no LOIs filed.

Subdistrict 9-3

(Okeechobee)

Need: 4

Need published but no LOIs filed.

Subdistrict 11-1

(Miami Dade)

Need: 45

Existing providers should also carefully consider their options, and decide whether to oppose a project that may have a negative impact on existing operations. Please feel free to call me for any additional information.

Geoffrey D. Smith is a shareholder in the law firm of Smith & Associates, and has practiced in the area of health care law and CON regulation for over 20 years.

Miami Dade 11-1	CC-Aventura, Inc. / VI at Aventura	Add up to 40 community nursing home beds
Miami Dade 11-1	Florida Medical Systems, LLC	Add up to 45 community nursing home beds and a partial of 15 beds
Miami Dade 11-1	Palm Garden of Aventura, LLC	Add up to 45 community nursing home beds
Miami Dade 11-1	Pediatric Specialty Care of Florida, LLC	Establish a new community nursing home of up to 45 beds

Total Statewide Need: 493

Conclusion

Any provider that has been contemplating an opportunity to seek a CON for a new facility or additional beds at an existing facility should review the currently filed Letters of Intent carefully, and decide if now is the time to seek approval for a competing project.