

**STATE AGENCY ACTION REPORT
ON APPLICATION FOR CERTIFICATE OF NEED**

A. PROJECT IDENTIFICATION

1. Applicant/CON Action Number

Dade County HRC, LLC (CON #10413)

709 S. Harbor City Blvd., Suite 240
Melbourne, Florida 32901

Authorized Representative: Geoff Fraser
(321) 288-0171

Dade SNF, LLC (CON #10414)

5102 W. Laurel Street, Suite 700
Tampa, Florida 33607

Authorized Representative: Jason Watson
(813) 769-6280

La Mer NH II, LLC (CON #10415)

4042 Park Oaks Blvd., Suite 300
Tampa, Florida 33610

Authorized Representative: Ronald Swartz
(813) 675-2319

Palm Garden of Aventura, LLC (CON #10416)

2033 Main Street, Suite 300
Sarasota, Florida 34237

Authorized Representative: Robert D. Greene
(941) 952-9411

2. Service District/Subdistrict

District 11/Subdistrict 11-1 (Miami-Dade County)

B. PUBLIC HEARING

A public hearing was not held or requested regarding any of the proposed projects.

Letters of Support

Dade County HRC, LLC (CON #10413) the agency received various letters of support and two support stories on CD-ROM. The letters were composed of local doctors, former/current employed providers, local hospital officials, current and past residents' families and current and past residents. Letters of support included a letter from Dr. Andrew Pastewski, Associate Director of Intensive Care Services at Jackson South Community Hospital.

Dade SNF, LLC (CON #10414): The Agency for Health Care Administration (the Agency) received various letters of support submitted by the applicant. The letters were composed by local health care providers, local medical groups and local doctors.

La Mer NH II, LLC (CON #10415): The Agency received three letters of support submitted by the applicant. The letters were composed by the mayor of Miami-Dade and two doctors in the local area.

Palm Garden of Aventura, LLC (CON #10416): The Agency received various letters of support submitted by the applicant. The letters were composed by local health care providers, local medical groups, local doctors, two chamber of commerce members for different groups and current employees of Palm Garden of Aventura. Letters of support included a letter from Ms. Alisa Bert, CFO of Aventura Hospital and Medical Center, as well as Mr. Manny Linares, CEO of North Shore Medical Center.

C. PROJECT SUMMARY

Dade County HRC, LLC (CON #10413), hereafter referred to as Dade HRC or the applicant, is owned by SBK Capital, LLC but to be managed by Clear Choice Health Care (referred to as Clear Choice throughout this document), proposes to establish a new 109-bed community nursing home in District 11/Subdistrict 11-1, Miami-Dade County Florida.

The applicant emphasizes that Clear Choice is a Florida entity, operating eight skilled nursing facilities (SNFs) in Florida:

- Belleair Health Care Center

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- Centre Point Health and Rehab Center
- Conway Lakes Health and Rehab Center
- East Bay Rehabilitation Center
- Melbourne Terrace Rehabilitation Center
- Port Charlotte Rehabilitation Center
- Spring Lake Rehabilitation Center
- Sun Terrace Health Care Center

The project involves 77,585 gross square feet (GSF) of new construction. The construction cost is \$13,313,586. Total project cost is \$22,150,000. Project cost includes land, building, equipment, project development, financing and start-up costs.

The applicant proposes to condition the project as shown below:

- The applicant will provide an array of unique high-intensity sub-acute care rehabilitative programs and services for residents in its nursing home, including the following:
 - Left Ventricular Assist Device (LVAD) Program
 - Lee Silverman Voice Treatment (LSVT) Loud Program
 - Lee Silverman Voice Treatment (LSVT) Big Program
 - Infusion Therapy Services including: Peritoneal Dialysis; and Total Peritoneal Nutrition
 - Aquatic therapy, through development of two hydrotherapy pools
 - Rehabilitative therapy for patients unable to perform 100 percent weight-bearing ambulation, through purchase and use of an Anti-Gravity Treadmill
 - Rehabilitative Therapy for patients who would benefit from compressed-air equipment designed specifically for the aging population, through purchase and use of HUR Equipment
 - Sunshine/Wellness Check Program
 - Home assessments: Medication Reconciliation; and Rehabilitation therapy team assessment, as appropriate
 - Transportation program to transport outpatients from their home environment to therapy sessions when medically necessary
- The applicant will ensure highly skilled clinical staff members provide care to residents in its nursing home, evidenced by special training and/or certification as follows
 - Lee Silverman Voice Treatment Loud certified
 - Lee Silverman Voice Treatment BIG Certified
 - Aquatic Therapy Certification
 - Certified Stroke Rehabilitation Specialist (CSRS)
 - Lymphedema Certification
 - Vital Stim Therapy Certification

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- Neurodevelopmental Treatment (NDT) Certification
- Fiberoptic/Flexible Endoscopic Evaluation of swallowing (FEES) Certification
- Community Give-Back programs: annual funding of at least \$150,000
 - The applicant commits to a total annual Community Give-Back programs amount of at least \$150,000 comprised of the following components:
 - Unreimbursed indigent/charity care provided to patients requiring services at its facility
 - Donations of goods, services and/or direct funding to local charities selected by residents
 - Scholarship programs, which pay the cost of staff member to enroll in academic programs to further their formal education

Dade SNF, LLC (CON #10414) hereafter referred to as Dade SNF or the applicant, an affiliate of Consulate Healthcare (referred to as Consulate throughout this document), proposes to establish a new 109-bed community nursing home in District 11/Subdistrict 11-1, Miami-Dade County, Florida. The proposed location for this project is in University Park, Miami-Dade County.

The applicant operates 76 SNFs in Florida:

- Bay Breeze Health and Rehabilitation Center
- Baya Pointe Nursing and Rehabilitation Center
- Bayonet Point, Consulate Health Care Of
- Beneva Lakes Healthcare and Rehabilitation Center
- Bradenton Health Care
- Brandon Health and Rehabilitation Center
- Brandon, Consulate Health Care Of
- Brentwood, Health Center at
- Central Park Healthcare & Rehabilitation Center
- Colonial Lakes Health Care
- Coral Bay Healthcare and Rehabilitation Center
- Coral Trace Health Care
- Countryside Rehab and Healthcare Center
- Destin Healthcare and Rehabilitation Center
- Deltona Health Care
- Dolphins View, The Health and Rehabilitation Center
- Emerald Shores Health and Rehabilitation
- Englewood Healthcare and Rehabilitation Center
- Evans Health Care
- Fletcher Health and Rehabilitation Center

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- Fort Pierce Health Care
- Franco Nursing & Rehabilitation Center
- Governors Creek Health and Rehabilitation Center
- Grand Oaks Health and Rehabilitation Center
- Habana Health Care Center
- Harbor Beach Nursing and Rehabilitation Center
- Harts Harbor Health Care Center
- Heritage Healthcare and Rehabilitation Center
- Heritage Healthcare Center at Tallahassee
- Heritage Park Rehabilitation and Healthcare
- Heron Pointe Health and Rehabilitation
- Hillcrest Health Care and Rehabilitation Center
- Island Health and Rehabilitation Center
- Jacksonville, Consulate Health Care Of
- Keystone Rehabilitation and Health Center
- Kissimmee, Consulate Health Care Of
- Lake Mary Health and Rehabilitation Center
- Lake Parker, Consulate Health Care At
- Lakeland, Consulate Health Care Of
- Lakeside Oaks Care Center
- Largo Health and Rehabilitation Center
- Magnolia Health and Rehabilitation Center
- Marshall Health and Rehabilitation Center
- Melbourne, Consulate Health Care Of
- New Port Richey, Consulate Health Care Of
- North Florida Rehabilitation and Specialty Care
- North Fort Myers, Consulate Health Care Of
- Oakbridge Healthcare Center
- Oaktree Healthcare
- Orange Park, Consulate Health Care Of
- Osprey Point Nursing Center
- Palms Rehabilitation and Healthcare Center
- Parks Healthcare and Rehabilitation Center
- Pensacola, Consulate Health Care Of
- Plantation Bay Rehabilitation Center
- Port Charlotte, Consulate Health Care Of
- Renaissance Health and Rehabilitation
- Rio Pinar Health Care
- Rosewood Health and Rehabilitation Center
- Safety Harbor, Consulate Health Care Of
- San Jose Health and Rehabilitation Center
- Sarasota, Consulate Health Care Of
- Sea Breeze Health Care

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- Seaview Nursing and Rehabilitation Center
- Shoal Creek Rehabilitation Center
- Spring Hill Health and Rehabilitation Center
- St. Petersburg, Consulate Health Care Of
- Tallahassee, Consulate Health Care Of
- University Hills Health and Rehabilitation
- Vero Beach, Consulate Health Care Of
- Vista Manor
- Wedge Healthcare Center
- West Altamonte, Consulate Health Care At
- West Palm Beach, Consulate Health Care Of
- Winter Haven, Consulate Health Care of
- Wood Lake Health and Rehabilitation Center

The project involves 77,645 GSF of new construction. The construction cost is \$17,072,500. Total project cost is \$27,031,250. Project cost includes land, building, equipment, project development and financing costs.

The applicant proposes to condition the project as shown below:

- Staffing:
 - Staffing Levels: Provide direct line staffing at 4.3 hours of direct care per resident
 - Bilingual Staff: Two bilingual, Spanish speaking direct care providers per 24-hour period (may be nurses or nurse assistants)
- Healthcare Education and Training;
 - Tuition reimbursement: \$1,500 annually per person will be available to eligible and approved care center employees
- Community Programs:
 - Education programs on dementia awareness to improve the independence and quality of life of persons with dementia and their caregivers will be provided at no cost in accordance with state and federal laws. Additional education programs may be tailored to area residents' needs and may cover other diagnosis
- Special Programs and Services:
 - Secured Alzheimer's unit: 23-bed secure Alzheimer's unit
- Electronic Health Records System (EHR)
 - An EHR system will be included in the new facility and in operation within three months of opening. The EHR system will meet phase 1 of the Meaningful Use Requirements within the first 24 hours

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La Mer NH II, LLC (CON #10415), hereafter referred to as La Mer or the applicant, proposes to establish a new 150-bed community nursing home through the delicensure of 41 beds within a 30-mile radius. Upon approval of the proposed project, Jackson Heights NH, LLC d/b/a Unity Health and Rehabilitation Center (also referenced as Unity Health), agrees to voluntarily relinquish 41 of its 294 community nursing home beds. Once constructed, La Mer will be located in the same subdistrict as Unity Health--District 11, Subdistrict 11-1, Miami-Dade County, Florida. Therefore, 109 new beds will be added to the subdistrict upon implementation of the project. The applicant states they will relinquish CON #10392 if this project is approved.

La Mer is an affiliate of Greystone Health Care Management, which will be referred to as Greystone throughout this document.

Greystone operates 26 SNFs and two assisted living facilities (ALFs) in Florida:

- Alhambra Health and Rehabilitation Center
- Lexington Health and Rehabilitation Center
- Apollo Health and Rehabilitation
- North Rehabilitation Center
- North Beach Rehabilitation Center
- Unity Health and Rehabilitation Center
- Wilton Manors Health & Rehabilitation Center
- Lady Lake Specialty Care Center
- Club Health and Rehabilitation Center
- The Lodge Health and Rehabilitation Center
- Springs of Lady Lake
- Park Meadows Health and Rehabilitation Center
- Greenbriar Health and Rehabilitation Center
- Lehigh Acres Health and Rehabilitation Center
- Sunset Lake Health and Rehabilitation Center
- Village Place Health and Rehabilitation Center
- Carlton Shores Health and Rehabilitation Center
- Ridgecrest Nursing and Rehabilitation Center
- Rockledge Health and Rehabilitation Center
- Viera Health and Rehabilitation Center
- Citrus Hills Health & Rehabilitation Center

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- The Gardens Health & Rehabilitation Center
- Isle Health & Rehabilitation Center
- Riverwood Health & Rehabilitation Center
- Terrance Health & Rehabilitation Center
- Villa Health & Rehabilitation Center
- Woodland Grove Health & Rehabilitation Center
- The Rehabilitation and Health Center of Gahanna

The project involves 96,272 GSF of new construction. The construction cost is \$17,134,102. Total project cost is \$29,057,623. Project cost includes land, building, equipment, project development, financing and start-up costs.

The applicant proposes no conditions on its Schedule C.

Palm Garden of Aventura, LLC (CON #10416), hereafter referred to as Palm Garden, PGA or the applicant, owned by Palm Garden Healthcare Holdings, LLC (PGHH) and parented by Parkwood Properties, Inc. (Parkwood), proposes to add 109 beds to the existing 120-bed Palm Garden of Aventura at 2125 E. Dixie Highway, North Miami Beach, Florida 33180, in District 11/Subdistrict 11-1, Miami-Dade County. PGA states that it contracts with Palm Healthcare Management, LLC (PHM) for the day-to-day operations of PGA.

The applicant's immediate operating entity, Palm Garden Healthcare Holdings, Inc., maintains 13 SNFs in Florida:

- Palm Garden of Clearwater, LLC
- Palm Garden of Gainesville, LLC
- Palm Garden of Jacksonville, LLC
- Palm Garden of Largo, LLC
- Palm Garden of Ocala, LLC
- Palm Garden of Orlando, LLC
- Palm Garden of Pinellas, LLC
- Palm Garden of Port St. Lucie
- Palm Garden of Sun City Center, LLC
- Palm Garden of Tampa, LLC
- Palm Garden of Vero Beach, LLC
- Palm Garden of West Palm Beach, LLC
- Palm Garden of Winter Haven

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The project involves 67,038 GSF of new construction and 6,585 GSF of renovation (73,623 total GSF of project). The construction cost is \$17,765,070 and the renovation cost is \$1,185,300 (\$18,950,370 in total construction cost). Total project cost is \$23,862,074. Project cost includes land, building, equipment, project development, financing and start-up costs.

The applicant proposes to condition the project as shown below:

- 109 new private skilled nursing beds/rooms in tower addition to Palm Garden of Aventura
- Partnership with Select Respiratory Services – Palm Garden of Aventura in working relations with Aventura Hospital will have a full time respiratory therapist from Select Respiratory Services at the facility
- Chaplin/Spiritual Services – Palm Garden of Aventura offers spiritual care and guidance for all patients and family members every day at the facility. Currently the Chaplin is available for half days every day at the facility. The Chaplin currently ministers to over 30 patients a week at the facility. Palm Garden of Aventura will work with the Chaplin so that at least 50 percent of all Palm Garden patients will receive weekly spiritual and support services that all of its patients request.
- Educational opportunities at Palm Garden of Aventura for students - Palm Garden of Aventura's therapy department has for several years mentored Florida International University (FIU) and other students – particularly students to be Physical Therapists. FIU has an ongoing relationship with PGA to allow students every semester to study and work with Palm Garden's full-time Physical Therapist. An integral part of this ongoing program is to educate the students and equip them with the requisite knowledge to evaluate and treat the geriatric population. Palm Garden has established a contract with the FIU to build on this opportunity. Additionally, PGA has worked with students from Keiser University to help the students gain skills needed to care for elderly patients and to expose them to new ideas and current trends in the industry. Palm Garden of Aventura is committed to continuing these educational programs.
- PGA will expand respiratory services to include care of patients requiring ventilator care. Fifteen beds on the fourth floor of the proposed expansion will be equipped with piped oxygen and suction to better accommodate the needs of these residents. Following the expansion Palm Garden will provide complete skilled nursing respiratory care, including licensed and certified respiratory therapist on-site to provide services around the clock seven days per week.

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Total GSF and Project Costs of Co-Batched Applicants

Applicant	CON #	Project	GSF	Costs \$	Cost Per Bed
Dade County HRC, LLC	10413	New 109-Bed Facility	77,585	\$22,150,000	\$203,211
Dade SNF, LLC	10414	New 109-Bed Facility	77,645	\$27,031,250	\$247,993
La Mer NH II, LLC	10415	New 150-Bed Facility	96,272	\$29,057,623	\$193,717
Palm Gardens of Aventura, LLC	10416	Add 109 Beds to existing Facility	73,623	\$23,862,074	\$218,918

Source: CON applications #10413-#10416, Schedule 1 and 9

Should a project be approved, the applicant's proposed conditions would be reported in the annual condition compliance report as required by Rule 59C-1.013 (3) Florida Administrative Code.

D. REVIEW PROCEDURE

The evaluation process is structured by the certificate of need review criteria found in Section 408.035, Florida Statutes; and applicable rules of the State of Florida, Chapters 59C-1 and 59C-2, Florida Administrative Code. These criteria form the basis for the goals of the review process. The goals represent desirable outcomes to be attained by successful applicants who demonstrate an overall compliance with the criteria. Analysis of an applicant's capability to undertake the proposed project successfully is conducted by evaluating the responses and data provided in the application, and independent information gathered by the reviewer.

Applications are analyzed to identify strengths and weaknesses in each proposal. If more than one application is submitted for the same type of project in the same district, applications are comparatively reviewed to determine which applicant(s) best meets the review criteria.

Rule 59C-1.010(3)(b), Florida Administrative Code, prohibits any amendments once an application has been deemed complete. The burden of proof to entitlement of a certificate rests with the applicant. As such, the applicant is responsible for the representations in the application. This is attested to as part of the application in the Certification of the Applicant.

As part of the fact-finding, the consultant, Robert Douin analyzed the application, with consultation from the financial analyst, Derron Hillman of the Bureau of Central Services, who evaluated the financial data and Gregory Register of the Office of Plans and Construction, who reviewed the application for conformance with the architectural criteria.

E. CONFORMITY OF PROJECT WITH REVIEW CRITERIA

The following indicate the level of conformity of the proposed project with the criteria and application content requirements found in Florida Statutes, sections 408.035 and 408.037; applicable rules of the State of Florida, Chapter 59C-1 and 59C-2, Florida Administrative Code.

1. Fixed Need Pool

- a. Does the project proposed respond to need as published by a fixed need pool? Or does the project proposed seek beds or services in excess of the fixed need pool? Rule 59C-1.008 (2), Florida Administrative Code.**

In Volume 41, Number 192 of the Florida Administrative Register dated October 2, 2015, a fixed need pool of 109 community nursing home beds was published for Subdistrict 11-1 for the July 2018 Planning Horizon.

As of December 23, 2015, Subdistrict 11-1 had 8,456 licensed and 213 approved community nursing home beds. During the 12-month period ending June 30, 2015, Subdistrict 11-1 experienced 89.49 percent utilization (total occupancy) at 54 existing community nursing homes. Below is a table illustrating nursing home patient days and total occupancy within Subdistrict 11-1, for the referenced time frame.

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**Miami-Dade County Nursing Home Patient Days and
Total Occupancy July 1, 2014-June 30, 2015**

Facility	Commun. Nursing Home Bed Inventory	Bed Days	Patient Days	Total Occupancy	Medicaid Occupancy
Arch Plaza Nursing & Rehabilitation Center	98	35,770	32,588	91.10%	83.23%
Aventura Plaza Rehabilitation & Nursing Center	86	31,390	29,576	94.22%	83.34%
Claridge House Nursing & Rehabilitation Center	240	87,600	81,730	93.30%	81.06%
Coral Gables Nursing and Rehabilitation Center	87	31,755	28,593	90.04%	78.27%
Coral Reef Nursing & Rehabilitation Center	180	65,700	62,011	94.39%	63.17%
Cross Gardens Care Center	120	43,800	33,145	75.67%	88.16%
East Ridge Retirement Village, Inc.	50	18,250	11,043	60.51%	32.13%
Fair Havens Center	269	98,185	97,359	99.16%	70.80%
Floridean Nursing and Rehabilitation Center, The	90	32,850	31,584	96.15%	37.63%
Fountain Manor Health & Rehabilitation Center	146	53,290	47,085	88.36%	84.93%
Franco Nursing & Rehabilitation Center	120	43,800	40,785	93.12%	65.93%
Golden Glades Nursing and Rehabilitation Center	180	65,700	65,449	99.62%	69.94%
Hampton Court Nursing & Rehabilitation Center	120	43,800	40,918	93.42%	56.28%
Harmony Health Center	203	74,095	73,823	99.63%	66.39%
Heartland Health Care Center Kendall	120	43,800	41,239	94.15%	22.18%
Heartland Health Care Center Miami Lakes	120	43,800	41,245	94.17%	21.68%
Hebrew Home of South Beach (Inactive 10/22/13)	104	37,960	0	0.00%	0.00%
Hialeah Nursing and Rehabilitation Center	276	100,740	93,115	92.43%	82.93%
Hialeah Shores Nursing and Rehab Center	120	43,800	36,164	82.57%	71.79%
Homestead Manor A Palace Community	88	27,728	26,548	95.74%	76.59%
Jackson Memorial Long Term Care Center	180	65,700	62,654	95.36%	64.12%
Jackson Memorial Perdue Medical Center	163	59,495	52,589	88.39%	64.24%
Jackson Plaza Nursing & Rehabilitation Center	120	43,800	41,017	93.65%	75.00%
Miami Jewish Health Systems, Inc. (16 beds inact. 12/10/14)	438	159,870	143,753	89.92%	66.87%
Miami Shores Nursing and Rehab Center	99	36,135	33,755	93.41%	74.19%
North Beach Rehabilitation Center	99	36,135	33,105	91.61%	53.04%
North Dade Nursing and Rehabilitation Center	245	89,425	60,636	67.81%	76.45%
Nursing Center at Mercy, The	120	43,800	42,492	97.01%	16.60%
Oceanside Extended Care Center	196	71,540	71,305	99.67%	73.52%
Palace at Kendall Nursing & Rehabilitation Center	180	65,700	63,079	96.01%	60.27%
Palm Garden of Aventura	120	43,800	40,746	93.03%	52.84%
Palmetto Rehabilitation and Health Center	90	32,850	30,751	93.61%	52.49%
Palmetto Sub Acute Care Center, Inc.	95	34,675	33,335	96.14%	37.17%
Pinecrest Rehabilitation Center	100	36,500	29,449	80.68%	74.00%
Pines Nursing Home	46	16,790	14,653	87.27%	84.96%
Ponce Plaza Nursing & Rehabilitation Center	147	53,655	52,012	96.94%	80.62%
Regents Park at Aventura	180	65,700	63,003	95.89%	60.22%
Riverside Care Center	120	43,800	43,204	98.64%	85.36%
Riviera Health Resort	223	81,395	77,796	95.58%	44.70%
Signature Healthcare Center of Waterford	214	78,110	74,645	95.56%	70.18%
Signature Healthcare of Brookwood Gardens	180	65,700	46,666	71.03%	69.76%
Sinai Plaza Nursing & Rehab Center	150	54,750	50,392	92.04%	60.74%
South Dade Nursing and Rehabilitation Center	180	65,700	65,480	99.67%	68.32%
South Pointe Plaza Rehabilitation and Nursing Center	230	83,950	65,218	77.69%	88.27%
St Annes Nursing Center, St Annes Residence Inc.	213	78,977	71,066	89.98%	71.13%
Susanna Wesley Health Center	120	43,800	39,966	91.25%	66.52%
Treasure Isle Care Center	176	64,240	56,008	87.19%	87.41%
Unity Health and Rehabilitation Center	294	107,310	97,595	90.95%	82.37%
University Plaza Rehab. & Nursing Center, Inc.	148	54,020	42,847	79.32%	70.75%
VI at Aventura	0				
Victoria Nursing & Rehabilitation Center, Inc.	264	96,360	93,256	96.78%	64.76%
Villa Maria Nursing Center	212	77,380	71,419	92.30%	68.00%
Villa Maria West Skilled Nursing Facility	27	8,623	7,295	84.60%	0.00%
Watercrest Care Center	150	54,750	31,745	57.98%	83.36%
West Gables Health Care Center	120	43,800	41,288	94.26%	32.33%
Total	8,456	3,082,048	2,758,220	89.49%	66.93%

Source: Florida Nursing Home Bed Need Projections by District and Subdistrict, October 2015 Batching Cycle

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The reviewer notes the current and projected population within Miami-Dade County (the subdistrict), the district in total and Florida, for the planning horizon. The projected population growth, both numerically and by percent, is provided in the table below.

**Current and Projected Population Growth Rate
Miami-Dade County, Subdistrict 11-1, District 11 and Florida
January 2015 and January 2018**

County/Area	January 1, 2015 Population			January 1, 2018 Population		
	0-64	65+	Total	0-64	65+	Total
Miami-Dade	2,236,366	392,097	2,628,463	2,293,202	424,667	2,717,869
Subdistrict 11-1	2,236,366	392,097	2,628,463	2,293,202	424,667	2,717,869
District 11	2,294,861	407,020	2,701,881	2,349,716	441,037	2,790,753
Florida	16,044,019	3,635,347	19,679,366	16,510,025	4,013,237	20,523,262
County/Area	2015-2018 Increase			2015-2018 Growth Rate		
	0-64	65+	Total	0-64	65+	Total
Miami-Dade	56,836	32,570	89,406	2.54%	8.31%	3.40%
Subdistrict 11-1	56,836	32,570	89,406	2.54%	8.31%	3.40%
District 11	54,855	34,017	88,872	2.39%	8.36%	3.29%
Florida	466,006	377,890	843,896	2.90%	10.39%	4.29%

Source: Florida Agency for Health Care Administration Population Estimates, February 2015

The community nursing home beds per 1,000 residents for the age 65+ cohort in the subdistrict, district and Florida are shown below.

Beds per 1,000 Residents Age 65 and Older

County/Area	Community Beds	2015 Pop. Aged 65+	2015	2018 Pop.	2018 Beds
			Beds per 1,000	Aged 65+	per 1,000
Miami-Dade	8,456	392,097	22	424,667	20
Subdistrict 11-1	8,456	392,097	22	424,667	20
District 11	8,746	407,020	21	441,037	20
Florida	80,130	3,635,347	22	4,013,237	20

Source: Florida Agency for Health Care Administration Population Estimates, February 2015 and Florida Nursing Home Bed Need Projections by District and Subdistrict, October 2015 Batching Cycle

Each co-batched applicant states its proposed project is being submitted in response to the Agency’s fixed need pool publication dated October 2, 2015.

Dade County HRC, LLC (CON #10413) states that in addition to the Agency-identified need, Clear Choice has identified a high-intensity, sub-acute care service gap in the local community for patients that need high-intensity rehabilitative services in a SNF such as that proposed by the applicant.

Dade HRC insists that the identified gap in sub-acute care services is evident from the various letters of support received in the application: Dr. Andrew Pastewski the Associate Director of Intensive Care Services at Jackson South Community Hospital in Miami states, “I see many patients from the geriatric population during my rounds at Jackson

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South... and I feel that there is a lack of skilled nursing care facilities in Miami-Dade area that offer programming like the ones offered at Clear Choice Facilities.” There were various letters of support that were quoted that suggest a gap in sub-acute care services in the Miami-Dade County area.

Dade HRC contends that the proposed project is best positioned to address the needs of residents in Miami-Dade County, as demonstrated by:

1. An experienced, local community nursing home management team, with headquarters and a training facility in Florida, will establish and operate the proposed project
2. Comprehensive continuity of care provided for nursing home residents, including the subacute level of high-intensity rehabilitative services, provided by certified clinical staff using advanced equipment and facilities to ensure optimal patient outcomes and recovery including:
 - a) Specialized and high-intensity rehabilitative programs and services available to all residents
 - b) Advanced rehabilitative equipment necessary for high-intensity rehabilitative care
 - c) Certified staff members ensure high quality, specialized rehabilitative services are provided
 - d) Low hospital readmission rates document success of subacute care services
 - e) Specialty rehab services are a critical component in the continuity of care
 - f) Proposed project will address an identified gap in services in Miami-Dade County
3. The proposed facility is designed and will be managed by a community-focused organization that tailors its facility, programs and services and community giveback programs to the local communities’ needs – all with the goals of ensuring resident choices, independence and dignity
4. Proven programs and services to be provided will ensure that the highest quality nursing home services are available to the residents in Miami-Dade, evidenced by three Governor’s Gold Seal facilities and six facilities with four or five-star rankings based on the Centers for Medicare & Medicaid Services (“CMS”) national standards

The applicant provides a map on page 46 of CON #10413 showing the proposed locations and the preferred location, stating eight out of ten nursing homes in close proximity to the proposed locations experienced occupancy levels of 94 percent or higher for the most recent year (July 1, 2014- June 30, 2015). The applicant asserts that the other two facilities

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are just shy of the Agency standard of 94 percent occupancy showing reported data of 90 and 93 percent, respectively. Thus, the applicant emphasizes that the high utilization of community nursing homes in close proximity to the proposed project provides additional evidence of the reasonableness of the applicant’s proposed location.

The applicant states the proposed project will meet the identified gap, enhancing geographic access for medically complex post-acute patients by providing a local alternative for patients to remain close to home for care.

Dade SNF, LLC (CON #10414) explains the applicant has conducted additional analysis to determine what services, programs and facility features would most benefit the area residents needing skilled nursing care. Dade SNF states three special programs to serve area patients’ needs: Alzheimer’s and memory care unit, EHR/ Telemedicine programs and bilingual Spanish speaking staff with Hispanic programming.

The applicant states that the service area of University Park (proposed location) has three specific needs, first is a need for a secure Alzheimer’s unit and memory care program. The applicant asserts that according to the Florida Department of Elder Affairs there are estimated to be 54,568 probable Alzheimer’s cases in Miami-Dade County. Dade SNF states that there are no current facilities that offer a secured memory care unit within reasonable drive time to University Park. The following table provided by the applicant shows the current nursing homes with secured memory units by city, licensed beds, occupancy, Alzheimer’s beds available and drive time to University Park. The applicant notes that traffic in the area can be congested, and drive time can double during rush hours, and that even outside rush hour drive time is frequently 15 minutes longer than shown in the chart due to general congestion of Miami.

**Occupancy on All Community Beds at Nursing Homes
with Secure Alzheimer’s Units**

Nursing Home	City	Beds	Occupancy	Alzheimer’s Beds Available	Drive Time to University Park (minutes)
Cross Gardens Care Center	Miami	120	75.7%	2	31
Regents Park of Aventura	Aventura	180	95.9%	0	38
South Pointe Plaza Rehabilitation	Miami Beach	230	77.7%	1	28

Source: CON application 10414, page 17

Dade SNF indicates that another need for the service area is EHR and a telemedicine program. The applicant states that the implementation of these two programs together will allow real-time medical consultation

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using the two-way videoconferencing system. Dade SNF maintains that admission and readmission of nursing home residents to acute care hospitals is an important area of concern, thus the implementation of these programs will reduce readmissions to hospitals. The applicant indicates this will also allow for after-hours urgent care coverage for the residents at Dade SNF. Dade SNF states by utilizing the EHR there will be a reduction in medication errors.

The third need the applicant indicates is the need for bilingual Spanish speaking staff with Hispanic programming. The applicant provides a table on page 13 of Schedule B showing that Hispanics are 28.3 percent of SNF patients in Miami-Dade County. Dade SNF states that according to the 2010 U.S. Census Bureau, 26.9 percent of Dade County households had no residents over 14 years old that spoke English “very well.” The applicant asserts that according to the American Community Survey 2009-2013 estimate that 34.7 percent of Dade County residents age 5+ reported they spoke English less than “very well” and it is estimated that 90 percent of the respondents spoke Spanish or Spanish Creole. Dade SNF indicates to provide high-quality care to patients in this environment where they feel comfortable and empowered to speak up for themselves, the applicant has conditioned the CON application on having two Spanish-speaking, bilingual direct care providers per 24-hour period.

La Mer NH II, LLC (CON #10415) proposes to establish a new 150-bed community nursing home through the published fix need pool of 109 beds aggregated with the delicensure of 41 community nursing home beds at Unity Health Rehabilitation Center. The applicant states the benefits associated with the original plan (CON #10392) are still realized:

- Improve conditions for those seeking skilled nursing care within Miami-Dade County
- Construction of a new state-of-the-art facility
- Allowing improvements to the remaining beds at the existing facility
- Allows for elimination of all three-bed wards at Unity Health and Rehabilitation Center, resulting in 25 private rooms and 114 semi-private rooms

Including the original benefits, La Mer emphasizes three main advantages of replacing CON #10392 with the proposed project under CON #10415:

- 1) Minimizing disruption to patients currently served by Unity Health and Rehabilitation Center
- 2) Minimizing the impact on existing nursing homes within the planning area that may be impacted by the addition of a new facility

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- 3) To implement the project quickly, bringing the proposed 109 new beds into service by January 1, 2018

The applicant states that La Mer will be conveniently located in a primarily residential area of Miami. La Mer's proposed sites (ZIP Code 33185) will have seven acute care hospitals and one rehabilitation hospital located within a 10-mile radius of the facility to provide a source for referrals. The applicant provides an Ariel map on page 1-6 of CON #10415, to highlight that the area is primarily residential use properties.

The applicant states that the five and 10-mile radii around the proposed location have half the beds as the average for the subdistrict. La Mer contends that currently the five and 10-mile radii have seven and 10 beds per 1,000 elderly, respectively, increasing to nine and 11n beds per 1,000 for June 2019. The applicant states that Unity Health is within an area having 25 beds per 1,000 (10-mile radius) which will decrease to 23, after the delicensure of 41 beds—in line with the state average.

La Mer maintains that establishing the proposed project will move the beds to an area with greater need which will increase access and availability to skilled nursing care in the 33185 ZIP Code area.

Palm Garden of Aventura, LLC (CON #10416) states that one of the critical needs within this area, and a key rationale for the proposed 109-bed addition at PGA, is an increased supply of private patient rooms. The applicant indicates that they have identified strong support among potential referral sources and community leaders within Subdistrict 11-1. PGA asserts letters of support were submitted indicating that additional nursing home beds are needed in Subdistrict 11-1, and that Palm Garden would be an ideal candidate to fulfill the need. The applicant quotes Scott English's, MD letter of support stating, "South Florida nursing homes in Broward and Miami-Dade counties were built in an era when there were limited number of private rooms if any at all, and that a facility offering private rooms not only improves patient satisfaction but also reduces risk of infection."

The reviewer notes that the applicant changes its private room/bed number throughout the application, therefore the private room/bed number is undetermined. Page six of CON #10416 states, "An addition of 109 mostly private rooms," page 13 states, "a five story addition containing 109 beds, all located in private rooms," and page 14 states, "Palm Garden of Aventura will have 77 private and 148 semi-private beds."

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Palm Garden states that additional circumstances indicating need for additional beds at Palm Garden of Aventura, LLC are:

- PGA is four-tenths of a mile from Aventura Hospital, and five miles from Memorial Regional Hospital
- 7,392 hospital discharges of PGA Service Area residents to a SNF (35 percent from Aventura Hospital, and 18 percent from Memorial Regional Hospital)
- Aventura Hospital discharges far more patients requiring skilled nursing care and rehabilitation than PGA can currently accept
- Adding beds will allow for more patients and their families to remain in their home community

PGA states that in addition to the published need, Palm Garden's own assessment of population size and growth as well as patterns of area hospital discharges to nursing homes, and community support, affirms that PGA is the ideal candidate to help meet that need and enhance access to nursing home care among area residents. The applicant states the following are key points in their need analysis for the Subdistrict 11-1 that support their conclusion:

- The published need for 109 additional beds in Subdistrict 11-1
- There is a severe shortage of private nursing home beds in Palm Garden of Aventura's service area, frustrating the ability of local hospitals to place patients in nursing home beds in a timely manner
- The age 65+ population of the service area is projected to increase from 111,404 to 128,649 between January 1, 2015 and January 1, 2019--a 15.5 percent rate of growth
- The percent of the population age 65+ is greater within the service area than either the subdistrict or the district and forecasted to widen between the 2014-2015 base year and 2018-2019
- Support at the grassroots level for PGA's endeavor affirm the need for additional nursing home beds and strongly indicate that these beds be granted to Palm Garden of Aventura

2. Agency Rule Preferences

Please indicate how each applicable preference for the type of service proposed is met. Chapter 59C-1.036, Florida Administrative Code.

Chapter 59C-1.036 of the Florida Administrative Code does not contain preferences relative to community nursing home beds nor does the Agency publish specific preferences for these facilities. However, the rule does contain standards the Agency utilizes in assessing an applicant's ability to provide quality care to the residents.

- a. **Geographically Underserved Areas.** In a competitive certificate of need review within the nursing home subdistrict as defined in 59C-2.200, Florida Administrative Code, the Agency shall award a certificate of need if the applicant meets all applicable criteria for a geographically underserved area as specified in subsection 408.032(18), Florida Statutes, and if the applicant meets the applicable statutory certificate of need review criteria specified in section 408.035, Florida Statutes, including bed need according to the relevant bed need formula contained in this rule. If the applicant is awarded a certificate of need based on the provisions of this paragraph, the applicant shall agree that the nursing facility will be located in a county without a nursing facility, or in the center of an area within the subdistrict of a radius of at least 20 miles which meets the definition of a geographically underserved area. The center of the geographically underserved area shall be the proposed nursing home location in the application.

None of the co-batched applications were submitted to remedy a geographically underserved area as defined above.

- b. **Proposed Services.** Applicants proposing the establishment of Medicare-certified nursing facility beds to be licensed under Chapter 400, Florida Statutes, shall provide a detailed description of the services to be provided, staffing pattern, patient characteristics, expected average length of stay, ancillary services, patient assessment tools, admission policies and discharge policies.

Dade County HRC, LLC (CON #10413) states that the proposed project will meet the identified gap (need for high intensity sub-acute service) as it is essential for the patient's recovery and for them to receive intensive post-acute care rehabilitation services close to their family support. Dade HRC indicates that it's about anticipating and welcoming the needs of each unique patient—treating those concerns as if they were their own. The applicant asserts it will embrace the preferences of each patient with a collaborative approach by including families' inputs during the plan of care consistent with other Clear Choice managed facilities. Dade HRC states that the overall design feature will be a "town center concept" allowing for a community atmosphere so patients can thrive in their environment.

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The applicant proposes to offer an array of unique high-intensity sub-acute care rehabilitative programs and services for residents in its nursing home, including the following:

- Left Ventricular Assist Device (LVAD) Program
- Lee Silverman Voice Treatment (LSVT) Loud Program
- Lee Silverman Voice Treatment (LSVT) Big Program
- Infusion Therapy Services including: Peritoneal Dialysis; and Total Peritoneal Nutrition
- Aquatic therapy, through development of two hydrotherapy pools
- Rehabilitative therapy for patients unable to perform 100 percent weight-bearing ambulation, through purchase and use of an Anti-Gravity Treadmill
- Rehabilitative Therapy for patients who would benefit from compressed-air equipment designed specifically for the aging population, through purchase and use of HUR Equipment
- Sunshine/Wellness Check Program
- Home assessments: Medication Reconciliation; and Rehabilitation therapy team assessment, as appropriate
- Transportation program to transport outpatients from their home environment to therapy sessions when medically necessary

Dade HRC also notes the applicant's services will include, but not be limited to the following:

- Cardiovascular patient rehabilitative programs and services
- Neurological patient rehabilitative programs and services
- Parkinson's Disease rehabilitation
- Pulmonary care (respiratory) rehabilitative programs and services
- Cutting edge therapy facilities
- Fully trained, professional and courteous staff
- Personalized care plan based on patients' goals
- Amenities like full service café bistro and movie theater
- Medication management and reconciliations
- Palliative care and collaborative hospice care
- Nutritional support and management
- Case management
- Patient and resident education
- Physical, occupational, speech and respiratory therapies
- Wound care
- Peritoneal dialysis
- Social services
- Concierge services

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- WOW factor program
- Guardian Angel program
- 72-Hour meeting

The reviewer notes that there is not a specific admission or discharge policy or procedure. The applicant offers a table of contents for each of what the applicant states are policies and procedures in place at each Clear Choice managed nursing home (CON #10413, Appendix I). These policies and procedures are as follows:

- Rehabilitation Guidelines Manual
- Dietary Guidelines Manual
- Clinical Operations Guidelines Manual
- Staff Development Manual

The applicant's Schedule 7 indicates that average length of stay (ALOS) will be 38 days for year one and 40 days for year two of operation.

Schedule 6 illustrates that FTEs for year one (ending February 28, 2019) total 111 and total 168 for year two (ending February 28, 2020). The proposed project's year one and year two FTEs are shown in the table below.

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Dade HRC, LLC (CON application #10413) Projected Year One and Year Two Staffing		
	Year One Ending 2/28/2019	Year Two Ending 2/28/2020
Administration		
Administrator	1.0	1.0
Director of Nursing	1.0	1.0
Admissions Director	1.0	1.0
Business Office Manager	1.0	1.0
Collections Coordinator	-	1.0
Secretary	1.0	3.0
Medical Records Clerk	1.0	1.0
Marketing	2.0	2.0
Nursing Administrative	4.0	6.0
Other: Administrative	2.0	2.0
Nursing		
RNs	9.0	9.0
LPNs	19.0	21.0
Nurses' Aides	30.5	52.5
Ancillary		
Physical Therapist	3.0	6.5
PTA	4.0	7.0
Speech Therapist	1.5	4.0
Occupational Therapist	3.0	5.0
COTA	-	7.0
Respiratory Therapist	4.0	1.0
Dietary		
Dietary Manager	1.0	1.0
Cooks	3.0	7.0
Food Service Aides	4.0	8.5
Social Services		
Social Service Director	1.0	1.0
Activity Director	1.0	1.0
Activities Assistant	-	1.5
Other: Transportation	1.0	2.0
Housekeeping		
Housekeeping Supervision	1.0	1.0
Housekeepers	5.0	7.0
Laundry		
Laundry Supervisor	1.0	1.0
Laundry Aides	3.0	3.0
Plant Maintenance		
Maintenance Supervisor	1.0	1.0
Maintenance Assistance	1.0	1.0
Total	111.0	168.0

Source: CON application #10413, Schedule 6

Dade SNF, LLC (CON #10414) states the proposed facility will provide rehabilitation services and skilled nursing services for both short-term and long-term patients.

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Dade SNF identified three special programs to serve area patients' needs as described below:

- Alzheimer's and memory care unit (23 beds, 17 private, six semi-private)
- Electronic health records and telemedicine program
- Bilingual Spanish-speaking staff with Hispanic programming

The applicant states the following additional programs will be implemented to meet area residents' needs:

- Heart disease and stroke program
- Physical, occupational, speech and respiratory therapies
- Pain management
- Orthopedic care
- Cardiac care
- Pulmonary care
- Telemetry
- Care for medically complex patients
 - AIDS related disorders
 - Renal failure
 - Septicemia
 - Diabetes
 - Gastrointestinal disorder
 - Multiple co-morbidities
 - IV antibiotics
 - Neurological
 - Cardiac
 - Liver disorder
 - Oncology
 - Pulmonary
 - Peritoneal dialysis
 - Orthopedic
- Infectious disease care and treatment
- Neurological rehabilitation
- Care for patients with sepsis and septicemia
- General post-surgical care
- Tube feeding
- Advanced skilled nursing
- Fall prevention
- Wound care
- Pain and palliative care
- Restorative nursing
 - Mobility-ambulation and transfer
 - Continence-bowel and bladder
 - Range of motion

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- Activities of daily living
- Dining/swallowing
- Communication
- Contracture management (splinting/positioning)

Dade SNF states it will only admit patients for whom its staff can provide proper care. The applicant notes that Consulate's Interdisciplinary Team meets with the patient and family within 72 hours of admissions to discuss and develop a plan to meet their healthcare and discharge goals. The applicant maintains that Consulate care centers use the Journey Home Program to ensure that the goals and processes between admissions and discharge are patient-centered. A copy of the Journey Home Program is provided by the applicant in Attachment 6 (CON #10414). The applicant asserts that the Journey Home Program requires that care center staff document patients' progress as well as coordinate post-discharge services, including medication refills, medical equipment needs, physician follow-ups and community services.

The applicant notes that the proposed facility is conditioned on providing direct line staffing at 4.3 hours of direct care per resident which the applicant indicates substantially exceeds the state requirement of 3.6 hours of direct care per resident. The applicant attests that the increased direct line staffing hours will help ensure patients receive the clinical care they need and that all patients, including medically complex patients, who require additional clinical care are treated appropriately.

The ALOS cannot be determined due to the total admissions being undocumented on the applicant Schedule 7.

Schedule 6 illustrates that FTEs for year one (ending February 28, 2018) total 67.10 and total 110.90 for year two (ending February 28, 2019). The proposed project's year one and year two FTEs are shown in the table below.

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Dade SNF, LLC (CON application #10414) Projected Year One and Year Two Staffing		
	Year One (Ending 02/28/2018) FTEs	Year Two (Ending 02/28/2019) FTEs
Administration		
Administrator	1.0	1.0
Director of Nursing/ Asst. DON	1.0	1.0
Admissions Director	1.0	1.0
Bookkeeper	1.0	1.0
Secretary	1.5	1.5
Medical Records Clerk	0.5	1.0
Other: Central Supply	0.5	1.0
Nursing		
RNs	7.0	14.0
LPNs	7.0	14.0
Nurses' Aides	26.6	50.4
Other: Nursing Administration	9.0	11.0
Social Services		
Social Service Director	2.0	2.0
Activity Director	1.0	1.0
Activities Assistant	2.0	4.0
Other: Admissions Coordinator/Case Mngr.	2.0	2.0
Plant Maintenance		
Maintenance Supervisor	1.0	1.0
Maintenance Assistance	2.0	3.0
Security	1.0	1.0
Total	67.1	110.9

Source: CON application #10414, Schedule 6

The applicant notes that rehabilitation services will be provided through a contract with Genesis Rehab Services staff, and that housekeeping, laundry, and food preparation and clean up services will be provided through contracts with Healthcare Services Group (currently used in other Consulate facilities).

La Mer NH II, LLC (CON #10415) states it will be built, equipped and staffed to provide both rehabilitation skilled nursing care for subacute care as well as long-term care. The facility will have 62 private rooms and 44 semi-private rooms configured in a “culture change” designed to better serve the rehabilitation patients in the area.

La Mer states the physical plant design will permit for the space and equipment needed for rehabilitation, including a large therapy suite with two separate gyms and a large ADL suite for occupational therapy. The applicant states the physical therapy suite will have two entrances and will open up into a tropical

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courtyard that will feature an occupational therapy track and water features nestled within the tropical foliage.

The applicant states it will deliver a full range of care to treat and support each patient and resident. La Mer maintains that the proposed facility responds to the statutory criterion of “need” and enhances both access and availability of skilled nursing care within the service area. The applicant states that the following services will be offered at the proposed facility:

- Physical, occupational and speech therapies
- Outpatient rehabilitation
- Cardiac and stroke rehab monitoring
- Pain management
- Lymphedema therapy
- Restorative nursing program
- Wound care
- I.V. therapy
- Customized pressure support systems
- Infectious disease treatment
- Oncology/cancer care
- Psychological services
- Registered dietician services

La Mer indicates that other services and amenities that will be offered at the proposed facility include:

- British colonial style facility
- Private administrative areas
- Multiple dining venues
 - Bistro for morning coffees, afternoon coffees and teas
 - Snack bars at the nurses’ stations
- Tropical courtyards with cabanas and multiple water features
- Multiple social and recreation spaces
- A movie theater with state-of-the-art video and audio equipment
- State-of-the-art physical therapy suite
- Structured weekly activities
- Pet therapy
- 100 percent electric beds
- Security system
- Multi-lingual staff
- Daily transportation
- Television and telephone

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- Wireless internet access
- Snack bar bistros
- Beauty/barber shop
- Whirlpool spa

The applicant indicates that a preliminary plan of care will be developed within the first 24 hours of admission with a care plan developed within seven days of completion of a comprehensive assessment. La Mer notes that each care plan will include measurable objectives and timetables to meet the resident's needs and will utilize an interdisciplinary team. La Mer discusses its admission and discharge policies and provides an excerpt from Greystone's Operational Policy and Procedure Manual in Exhibit 2-1 of CON #10415.

The applicant states as residents' and patients' needs change, Greystone will endeavor to meet these needs. La Mer indicates that it will be focused on addressing both their short and long-term needs and will endeavor to be at the forefront of the continually changing healthcare environment to ensure that residents/patients receive the most advanced treatments and the best care.

The applicant's Schedule 7 indicates that ALOS will be 34 days for year one and 33 days for year two of operation.

Schedule 6 illustrates that FTEs for year one (ending December 31, 2018) total 154.6 and total 182.1 for year two (ending December 31, 2019). The proposed project's year one and year two FTEs are shown in the table below.

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La Mer NH II (CON application #10415) Projected Year One and Year Two Staffing		
	Year One FTEs	Year Two FTEs
Administration		
Administrator	1.0	1.0
Director of Nursing/ Asst. DON	2.0	2.0
Bookkeeper/ Asst Bookkeeper	2.0	2.0
Secretary	2.0	2.0
Medical Records Clerk	2.0	2.0
Other: Marketing/HR/AP	10.8	10.8
Nursing		
RNs	11.7	13.9
LPNs	13.6	16.0
Nurses' Aides	49.9	63.5
Other: MDS/Nurse Liaison/Case Managers	5.6	5.6
Ancillary		
Physical Therapist	11.2	14.6
Speech Therapist	1.8	2.3
Occupational Therapist	7.2	9.3
Director/Therapy Tech	1.0	1.0
Dietary		
Dietary Supervisor	2.0	2.0
Cooks	3.5	4.0
Dietary Aides	7.0	8.1
Kitchen Manager/Tech	1.0	1.3
Social Services		
Social Service Director	1.0	1.0
Activity Director	1.0	1.0
Activities Assistant	2.3	2.3
Other: Social Services Asst.	1.0	1.0
Housekeeping		
Housekeeping Supervision	1.0	1.0
Housekeepers	5.5	6.2
Floor Tech	2.2	2.5
Laundry		
Laundry Aides	3.3	3.7
Plant Maintenance		
Maintenance Supervisor	1.0	1.0
Maintenance Assistance	1.0	1.0
Total	154.6	182.1

Source: CON application #10415, Schedule 6

Palm Garden of Aventura, LLC (CON #10416) states that it provides a wide range of clinical services due to the caliber of its licensed and register staff, its staffing ratios that it utilizes for hands on delivery of care and its nursing administration team.

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PGA indicates that it provides numerous skilled clinical services in addition to specialized rehabilitative specialized therapy services, including:

- Skilled nursing
 - IV therapy
 - Reparatory services
 - Wound care
 - Medication management and stabilization (including lab monitoring)
 - Renal Peritoneal dialysis and hemodialysis for residents
 - Pain management (acute and chronic)
 - Diagnosis education
 - Medical pump management for diabetes, pain control, or other conditions
 - Colostomy care and education
 - Feeding tubes
 - Palliative care
 - Physical, occupational, and speech therapies
 - Enteral/parenteral therapy

Palm Garden states that another component included in the Aventura bed-addition project will be expansion of respiratory services to include care of patients requiring ventilator care. PGA asserts that it will provide complete skilled nursing respiratory care, including licensed and certified respiratory therapist on-site to provide services around the clock seven days a week. The applicant states that these respiratory enhancements will allow Palm Garden to provide state-of-the-art disease management through resident and care provider education to optimize function, understand the disease process, prevent regression, and in many cases move toward weaning from ventilator assist. PGA states some additional key elements of the planned respiratory care service at Aventura are:

- Consulting pulmonologists rounding in the facility
- Use of the Passy Muir speaking valve to enhance communications
- CPAP/BIPAP therapy
- Dysphagia (difficulty swallowing) management
- Education, exercise and relaxation training, and psychosocial support
- Tracheostomy weaning program with speech language pathologist and respiratory therapist
- Pulse oximetry and arterial blood gas monitoring

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Palm Garden states in addition, the renovated facility will provide the next generation of transitional, short-term care, offering round-the-clock clinical support complete with a comprehensive rehabilitation program utilizing the new therapy suite including:

- 2,563 square-feet
- HUR Smart-zone trainers
- Alter G Anti-Gravity Treadmill
- Neuro-Gym Sit to Stand Trainer
- Game Ready compression training
- Dynamic Stair Trainer
- DJO clinical program equipment
- Well-equipped ADL suite

The applicant states that PGA has a number of ancillary services available to assist its residents during their stay at the facility:

- Life Enrichment Program
- Fine dining
- Transportation
- Medical director
- Professional consultation
- Spiritual services

The applicant indicates that admission is a coordinated process that assures the individual and his or her family that PGA has the required staff and services to appropriately and effectively meet resident's medical and nursing needs. PGA states upon admission, a detailed assessment will be conducted to provide a plan of care, directed toward discharge. Sample policies, procedures and form related to PGA admission, assessment process and discharge are included in the application under tab five.

The applicant's Schedule 7 indicates that the ALOS will be 74.5 days for year one and year two of operation, respectively.

Schedule 6 illustrates that FTEs for year one total 73.89 for year one (ending June 30, 2019) and total 90.82 for year two (ending June 30, 2020). Below are the FTEs to be added to the existing 120-bed SNF, to account for the proposed 109-bed addition. The proposed project's year one and year two FTE additions are shown in the table below.

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Palm Garden of Aventura, LLC (CON #10416)			
Current, Projected Year One and Year Two Staffing			
	Current FTEs	Year One FTEs	Year Two FTEs
Administration			
Executive Director	1.00	-	-
Payroll/HR		1.00	1.00
Business Office Manager (BOM)	1.00	-	-
Assistant BOM	1.00	0.91	1.00
Receptionist - Weekday	1.51	-	-
Receptionist - Weekend	0.40	-	-
Nursing Administration			
DON	1.00	-	-
ADON	1.00	-	-
MDS Coordinator	2.36	3.39	3.64
In-service Risk Director	1.00	-	-
Risk Manager	1.00	-	-
Ward Clerk	2.01	0.91	0.99
Central Supply	1.00	0.91	1.00
Medical Records	1.00	0.91	1.00
Nursing			
RNs (Including Unit Managers)	12.71	8.67	10.80
LPNs	14.10	9.19	11.51
Nurses' Aides	53.62	29.33	37.60
Transportation			
Driver-Weekday	0.60	-	-
Driver-Weekend	0.40	-	-
Dietary			
Director/Dietician	1.99	0.93	1.01
Cooks-Weekday	2.78	0.97	1.22
Cooks-Weekend	1.50	-	0.10
Server-Weekday	5.74	1.76	2.26
Server-Weekend	2.00	1.00	1.20
Activities and Recreation			
Director	1.00	-	-
Assistant	1.00	4.66	5.00
Social Services			
Social Service Director	1.00	0.91	1.00
Social Service Assistant	1.00	1.00	1.00
Admissions Director	1.00	0.91	1.00
Admissions Assistant	3.01	-	-
Housekeeping			
Director	0.99	0.01	0.01
Staff	6.35	4.65	5.65
Laundry			
Staff	4.75	-	0.83
Plant Maintenance			
Director	1.00	-	-
Assistant	1.00	1.87	2.00
Total	132.82	73.89	90.82

Source: CON application #10416, Schedule 6

The reviewer notes that the applicant states that respiratory services are not represented on Schedule 6 as these services related to the proposed ventilator unit will be provided under contract. The reviewer notes that Schedule 8 shows a line item of

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\$310,667 for respiratory therapy for year two (\$4.02 per patient day for the 229-bed facility) as well as \$4,294,862 for therapy expenses and other ancillaries.

c. Quality of Care. In assessing the applicant's ability to provide quality of care pursuant to s. 408.035 (1) (c), Florida Statutes, the agency shall evaluate the following facts and circumstances:

1. Whether the applicant has had a Chapter 400, Florida Statutes, nursing facility license denied, revoked or suspended within the 36 months prior to the current application.

Dade County HRC, LLC (CON #10413) does not respond to the criterion, but is a newly created entity and therefore this criterion does not apply.

Dade SNF, LLC (CON #10414) states that Consulate has not had any facility license denied, revoked or suspended.

La Mer NH II, LLC (CON #10415) states it is a new corporate entity created October 13, 2015. As such it has not had a nursing facility license denied, revoked or suspended nor have any facilities been placed in receivership.

Palm Garden of Aventura, LLC (CON #10416) states no to this Agency Rule preference.

2. Whether the applicant has had a nursing facility placed into receivership at any time during the period of ownership, management or leasing of a nursing facility in the 36 months prior to the current application?

Dade County HRC, LLC (CON #10413) does not respond to the criterion, but is a newly created entity and therefore this criterion does not apply.

Dade SNF, LLC (CON #10414) states that Consulate has not had a nursing home placed into receivership.

La Mer NH II, LLC (CON #10415) states it is a new corporate entity created October 13, 2015. As such it has not had a nursing facility license denied, revoked or suspended nor have any facilities been placed in receivership.

Palm Garden of Aventura, LLC (CON #10416) states no to this Agency Rule preference.

- 3. The extent to which the conditions identified within subparagraphs 1 and 2 threatened or resulted in direct significant harm to the health, safety or welfare of the nursing facility residents.**

Dade County HRC, LLC (CON #10413) does not respond to the criterion, but is a newly created entity and therefore this criterion does not apply.

Dade SNF, LLC (CON #10414) indicates that this provision is not applicable.

La Mer NH II, LLC (CON #10415) states it is a new corporate entity created October 13, 2015. As such it has not had a nursing facility license denied, revoked or suspended nor have any facilities been placed in receivership.

Palm Garden of Aventura, LLC (CON #10416) states that this provision is not applicable.

- 4. The extent to which the conditions identified within subparagraph 3 were corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory to the agency.**

Dade County HRC, LLC (CON #10413) does not respond to the criterion, but is a newly created entity and therefore this criterion does not apply.

Dade SNF, LLC (CON #10414) indicates that this provision is not applicable.

La Mer NH II, LLC (CON #10415) states it is a new corporate entity created October 13, 2015. As such it has not had a nursing facility license denied, revoked or suspended nor have any facilities been placed in receivership.

Palm Garden of Aventura, LLC (CON #10416) states that this provision is not applicable.

5. **Rule 59C-1.036 (4) (f) Harmful Conditions. The Agency shall question the ability of the applicant to provide quality of care within any nursing facility when the conditions identified in the subparagraph (e) 1 and (e) 2 result in the direct, significant harm to the health, safety or welfare of a nursing facility resident, and were not corrected within the time frames allowed by the appropriate state agency in each respective state and in a manner satisfactory with the Agency.**

Dade County HRC, LLC (CON #10413) does not respond to the criterion, but is a newly created entity and therefore this criterion does not apply.

Dade SNF, LLC (CON #10414) does not respond to the criterion, but is a newly created entity and therefore this criterion does not apply.

La Mer NH II, LLC (CON #10415) does not respond to the criterion, but is a newly created entity and therefore this criterion does not apply.

Palm Garden of Aventura, LLC (CON #10416) states this rule provision is not applicable.

- d. **Rule 59C-1.036 (5) Utilization Reports. Within 45 days after the end of each calendar quarter, facilities with nursing facility beds licensed under Chapter 400, Florida Statutes shall report to the Agency, or its designee, the total number of patient days, which occurred in each month of the quarter, and the number of such days that were Medicaid patient days.**

Dade County HRC, LLC (CON #10413) does not respond to the criterion.

Dade SNF, LLC (CON #10414) agrees to submit the required utilization reports (as referenced by Rule and Florida Statute).

La Mer NH II, LLC (CON #10415): La Mer states they will report all required utilization data to the Health Council of South Florida, Inc.

Palm Garden of Aventura, LLC (CON #10416) states that PGA currently reports its utilization data to the Agency, or its designee, in accordance to the provision.

3. Statutory Review Criteria

- a. Is need for the project evidenced by the availability, quality of care, accessibility and extent of utilization of existing health care facilities and health services in the applicants; service area? ss. 408.035 (1)(b) and (e), Florida Statutes.**

There are 56 licensed community nursing homes with a total of 8,696 licensed and 213 approved community nursing home beds in District 11. Subdistrict 11-1 is composed of Miami-Dade County and has 54 licensed community nursing homes with a total of 8,456 community nursing home beds. The subdistrict averaged 89.49 percent total occupancy for the 12-month period ending June 30, 2015.

Dade County HRC, LLC (CON #10413) states that there is an identifiable gap in Miami-Dade County – specialized, sub-acute care high-intensity rehabilitation. The applicant states their state-of-the-art facility will fill this gap in Miami-Dade County. Clear Choice maintains that they have developed a unique set of special programs which differentiate their services from those typically offered at other nursing homes because the applicant’s programs and services provide high-intensity rehabilitation services. The applicant states this will improve the access and availability in the service area. Multiple letters of support attest to this statement and are quoted in CON #10413.

The applicant states having identified three potential sites for the Clear Choice facility to be located in Miami-Dade County including the following factors:

- Ease of patient and family access to the site (e.g. roadways)
 - The reviewer notes that the applicant emphasizes that the preferred location is near the turnpike (5600 SW 118th Avenue)
- Elderly population within close proximity to the potential site
- Absence of existing SNFs in close proximity to the potential location, even though no SNF in the county offers the high-intensity sub-acute services
- Proximity of the potential location to acute care hospitals
- The significant volume (2,123) of the four most-proximate acute care hospitals’ patients ages 65+ who were discharged to a SNF

Dade HRC provides a map on page 47 of CON application #10413 that illustrates the population ages 65+ estimated for 2020 within 10 miles of the potential location. The population within the 10-mile radius of the proposed Clear Choice facility location is projected to be 148,851 in 2020. The applicant states that the proposed Clear Choice facility will address the entire county’s need for additional nursing home beds by

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serving residents from all of Miami-Dade County, as well as fill the identified gap in high-intensity rehabilitative services. However, the applicant provides the following table to support Dade HRC’s optimal location among the three potential sites. The reviewer notes that all the ZIP Codes are provided in Appendix J of CON #10413 and that all ZIP Codes are within a 10-mile radius of the optimal location. See table below.

**CY 2014 Discharges to Skilled Nursing
For Hospital’s Top 3 Inpatient Origin ZIP Codes**

Hospital	SNF Discharges
Baptist Hospital of Miami	722
Kendall Regional Medical Center	802
Larkin Community Hospital	300
South Miami Hospital	299
Total	2,123

Source: CON Application #10413, page 48, Table 4

The applicant contends that Clear Choice’s programs work toward prolonging a person’s independence and enhancing their quality of life which in turn lowers the potential cost to the State Medicaid and Federal Medicare programs. The applicant states that their low hospital readmission rates document success of proven high-intensity rehabilitation programs. Dade HRC reiterates that the proposed project will increase availability and access to unique services in the Miami-Dade market.

The reviewer created the following chart from the applicant’s Schedule 7 regarding the estimated utilization of the proposed facility.

Dade County HRC, LLC Forecasted Utilization		
	Year One	Year Two
Total Admissions	585	977
Total Patient Days	22,103	38,690
Occupancy	55.5%	97.2%

Source: CON application #10413, Schedule 7

Dade SNF, LLC (CON #10414) indicates that the proposed project will be located in the University Park area of Miami. The applicant states what differentiates Dade SNF from the other applicants is their implementation of an Alzheimer’s secure unit, EHR/telemedicine program and bilingual staff, which the applicant proposes will also fulfill the service area’s need.

Dade SNF provides a table to illustrate an area population growth in comparison to the total population of Dade County—showing an increase of over 90,000 residents between July 2015 and July 2018 (3.5 percent).

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The applicant states that the elderly population of the service area is expected to have an 8.6 percent increase—twice as much as the total population.

The applicant provides two maps displaying the age 65+ 2018 population and nursing home occupancy, highlighting the University Park Miami area. The applicant notes that the seven closest current existing community nursing homes with respect to University Park are operating at or above 90 percent occupancy. See table below.

Skilled Nursing Facilities Nearest to University Park

Facility	Beds	Occupancy	Miles From University Park
West Gables Health Care	120	94.3%	3.2
Palmetto Sub Acute Care	95	96.4%	4.1
Palace at Kendall Nursing	180	96.0%	4.4
Coral Gables Nursing and Rehabilitation	87	90.0%	4.7
Harmony Health Center	203	99.6%	4.8
Heartland Health Care Kendall	120	94.2%	7.9
Riviera Health Resort	223	95.6%	8.4
Average	147	95.2%	5.4

Source: CON application #10414, page 75

Dade SNF states that community nursing homes in Miami-Dade County operated at a higher occupancy rate than the state-wide average for the six months ending June 30, 2015. The applicant provides a chart and states that occupancy rates at nursing homes have been gradually increasing since 2012, and have always been slightly higher than the state average. See table below.

Occupancy of Skilled Nursing Facilities, 2012 - June 2015

	2012	2013	2014	Jan-Jun 2015
Dade County Providers	88.13%	87.91%	88.62%	89.99%
All Florida Providers	87.06%	87.19%	87.17%	88.25%

Source: CON application #10414, page 70

The applicant states Consulate has formed strong relationships with several national health plans including Humana, United Healthcare, WellCare, Simply Health Care and other managed care plans focused on Medicare, Medicaid and underserved populations. Dade SNF states in Florida, the clinical team for Humana’s Medicare program identified two needs and programmatic goals for post-acute care:

- SNFs that can care for patients with a higher level of acuity
- Adult day care and outpatient services

Dade SNF states this CON application is planned and designed to meet these needs, and is conditioned on providing space and staffing to support the community’s adult day care services. The applicant reiterates that by implementing the three special programs, an

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Alzheimer’s 23 secure bed unit, EHRs and telemedicine and bilingual Spanish speaking staff that availability and access will increase throughout the district and service area.

The reviewer created the following chart from the applicant’s Schedule 7 regarding the estimated utilization of the proposed facility.

Dade SNF Forecasted Utilization		
	Year One	Year Two
Total Admissions	-	-
Total Patient Days	18,638	36,491
Occupancy	46.8%	91.7%

Source: CON application #10414, Schedule 7

La Mer NH II, LLC (CON #10415) states that Subdistrict 11-1 presently has 21 licensed SNF beds per 1,000 elderly persons (age 65+). According to Table 1-6 (page 1-14) after the project the total licensed community bed count should be 20 beds per 1,000 elderly (the applicant notes that the bed count includes the 213 approved beds as of 8/21/2015 noting the facilities should become licensed by July 1, 2019). The applicant also shows, in the same tables, that the current bed count for the five and 10-mile radii surrounding the proposed location, at the corner of SW 157th Avenue and SW 52nd Street in Miami, ZIP Code 33185, are seven and ten respectively. However, after the project, the five and 10-mile radii will be nine and eleven respectively.

La Mer states that after the relocation of 41 beds from Unity Health and Rehabilitation Center, the beds per 1,000 elderly in a 10-mile radius will be down to 23 from 25. Therefore, the applicant concludes that the redistribution of beds within the planning area that occurs with the La Mer project improves bed availability through both existing and new beds, particularly within the Kendall area, ZIP Code 33185.

The applicant is associated with Greystone which manages 28 total facilities in Florida. Greystone states it is dedicated to improving the quality of care standards at their facilities, consistently invests in upgrades/renovations to facilities and engages staff in quality improvements initiatives and education. La Mer maintains that quality improvements for residents of the Subdistrict will occur in several ways:

- Improved availability of beds locally will provide better access to care for residents, especially those requiring short-term rehabilitation
- Focus on rehabilitation will allow a rapid recovery program to emerge with higher staffing levels, better training and coordination of service to return patients home
- Physical plant designed to new code, with a high ratio of private rooms and other amenities to promote patient satisfaction and quality

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- The existing facility, Unity Health and Rehabilitation Center will eliminate all of its 44 three-bed wards, thereby improving quality through improved functional design and patient satisfaction

La Mer demonstrates on pages 1-9 through 1-13 of the application that the five-year growth rates within the five and 10-mile radii 6.3 and 5.7 percent respectively--higher than that of the county as a whole at 4.6 percent.

The applicant maintains that the elderly population is in excess of 135,000 around the proposed location and is expected to grow an additional 19,194 by 2019 (14.2 percent growth rate). The applicant provides a map showing a 10-mile radius around the proposed location, highlighting that the 10-mile radius surround the proposed location will capture 154,505 residents who will be age 65+. See table below.

Location	2015 Population Estimates			2019 Population Estimates		
	Age 65+	Age 75+	Total Population	Age 65+	Age 75+	Total Population
La Mer 5-Mile Radius	40,778	17,606	289,987	47,536	19,601	308,295
La Mer 10-Mile Radius	135,311	60,899	886,977	154,505	66,693	937,588
Unity 5-Mile Radius	93,615	45,432	575,162	103,689	48,689	606,888
Unity 10-Mile Radius	238,859	114,604	1,407,983	264,958	122,928	1,476,771
Subdistrict 11-1	396,709	187,009	2,642,231	442,363	201,543	2,764,800
District 11	411,858	192,521	2,715,499	459,534	207,566	2,837,602
	5-Year Increase			5-Year Growth Rate		
La Mer 5-Mile Radius	6,758	1,995	18,308	16.6%	11.3%	6.3%
La Mer 10-Mile Radius	19,194	5,794	50,611	14.2%	9.5%	5.7%
Unity 5-Mile Radius	10,074	3,257	31,726	10.8%	7.2%	5.5%
Unity 10-Mile Radius	26,099	8,324	68,788	10.9%	7.3%	4.9%
Subdistrict 11-1	45,654	14,534	122,569	11.5%	7.8%	4.6%
District 11	47,676	15,045	122,103	11.6%	7.8%	4.5%

Source: CON application #10415, page 1-13, Table 1-5

La Mer asserts what is evident about the table is that the location of the proposed 150-bed facility within ZIP Code 33185 presents an opportunity to improve access to skilled care by relocating a portion of the beds from an area having an average growth rate in comparison to the proposed location which has an above average growth rate.

The applicant provides Table 1-7 on page 1-16 of the application to display that the current utilization of the SNFs in a 10-mile radius surrounding the proposed location (nine SNFs) is 95.18 percent and contrasts this with the current utilization for the SNFs surrounding Unity Health and Rehabilitation Center which is 89.49 percent.

La Mer illustrates on pages 1-19 and 1-20 of the application that the 10-mile-radii around Unity and La Mer (proposed location) have patient days per 1,000 of 8,239 and 3,547 respectively. The applicant states

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that use rates follow bed availability thus, the areas having fewer beds in proportion to the population having lower use rates than areas with an abundance of beds. However, the applicant states that CON #10392 was predicated on La Mer NH, LLC being constructed based on the delicensing of 150 beds at Unity Health and Rehabilitation Center, therefore the applicant asserts that it is important to consider Unity's occupancy rates in the application. (Unity Health and Rehabilitation Occupancy rates: 2010 through 2014 are as follows: 84.99 percent, 81.17 percent, 86.78 percent, 87.71 percent and 91.59 percent, respectively). La Mer states that utilization has experienced an increase for Unity Health while the subdistrict has experienced a decrease over the same time frame. Thus, the applicant contends that the occupancy rate at Unity Health is important for two reasons:

- Resident preference for a quality facility has kept Unity's occupancy so high given the current bed configuration
- Increasing occupancy rate will have implications for licensing La Mer, as it is likely the beds to be delicensed will be occupied when the time comes for the licensure change

The reviewer notes that based on the applicant's Schedule 7, projected utilization for the proposed 150-bed facility is 40,733 patient days in the first year of operation and 51,830 in the second year of operation, 74.40 percent and 94.67 percent occupancy, respectively.

The reviewer created the following chart from the applicant's Schedule 7 regarding the estimated utilization of the proposed facility.

La Mer Forecasted Utilization		
	Year One	Year Two
Total Admissions	1,209	1,569
Total Patient Days	40,733	51,830
Occupancy	74.4%	94.7%

Source: CON application #10415, Schedule 7

Palm Garden of Aventura, LLC (CON #10416) states that Miami-Dade has the highest need in the entire state, and that Subdistrict 11-1 is one of only 19 out of 44 separate nursing home subdistricts in Florida to have a net need for additional beds in the current batching cycle. PGA states because the rule and need methodology incorporate issues of availability, accessibility and extent of utilization, those issues do by definition evidence need for the proposed project and there is no substantive adverse impact on the existing providers from the approval of these additional beds.

Palm Garden states that their principal service area consists of 17 contiguous ZIP Code areas across northeastern Miami-Dade and southeastern Broward Counties. The applicant provided a breakdown of

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admissions from the 17 ZIP Codes illustrating that 80 percent admitted come from the core service area, 10 percent from other ZIP Codes in Miami-Dade or Broward Counties and the additional 10 percent is a mix of other Florida, out of state, homeless and unknown. The applicant provides a table on page 27 showing the utilization for the 20 nursing homes in PGA’s service area, utilizations range from 58.0 percent to 99.6 percent with an average occupancy level of 88.1 percent throughout the service area.

The applicant notes that the occupancy rate would have been higher but for the performance of two facilities: North Dade Nursing and Rehabilitation Center and Watercrest Care Center. The applicant states excluding these two facilities, area occupancy would have averaged nearly 90 percent, thus the extent of utilization in PGA’s service area supports the addition of 109 beds to the Palm Garden facility.

PGA emphasizes that the existing facility has been running at an annual occupancy rate of 93 percent and can fluctuate as high as 99 percent, due to the relatively high demand for patients requiring short-term rehabilitation services. The applicant insists that it has insufficient private rooms to meet the demand, primarily for such short-term patients recently discharged from private hospital beds. As a result, the applicant maintains that patients that would otherwise be admitted to PGA are having to go elsewhere for skilled nursing services.

Palm Garden of Aventura illustrates that from January 2015-January 2019 there will be an 8.9 percent (27,297) increase in the population age 45+ (Table 4, page 25). The applicant asserts this age range because ages 45-64 make up 13.9 percent of their admissions (Table 3, page 23). The applicant maintains that as the population in place ages, the need for additional nursing home beds will intensify. See table below.

**Population Estimates and Projections for Palm Garden of Aventura Core Service Area by Age Category, Ages 45 and Over
January 2015-January 2019**

Age Category	Population			
	January 1, 2015	January 1, 2019	Numeric Change	Percent Change
45-54	103,042	105,097	2,055	2.0%
55-64	92,561	100,558	7,997	8.6%
65-74	61,902	73,779	11,877	19.2%
75-84	33,665	37,734	4,069	12.1%
85+	15,837	17,136	1,299	8.2%
Total 45+	307,007	334,304	27,297	8.9%
Total All Ages	734,332	771,757	37,424	5.1%

Source: CON application #10416, page 25, Table 4

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PGA provides a table (Table 12) illustrating, by July 2019, the overall occupancy level of the service area will be 98.2 percent without the addition of the 109 beds. The applicant states that holding the use rate constant and applying the 2018-2019 population data, the 109 beds (if approved and added) will have an occupancy rate of 92 percent, thus demonstrating that the beds are needed in PGA's service area, and ensuring that the beds will be well-utilized and will not lower the occupancy of other facilities in the area.

The reviewer notes according to the applicant's Schedule 8, total expenses for respiratory therapy for year one of operation is 30,727 dollars and 310,667 dollars for year two of operation. Compared to all other applicants, PGA is the only applicant providing respiratory care according to the co-batched applicant's Schedule 8.

The applicant notes that the projected utilization for the proposed 109-bed facility is 25,065 patient days in the first year of operation and 36,071 in the second year of operation, 63.0 percent and 90.4 percent occupancy, respectively. The reviewer notes that based on the applicant's Schedule 7, projected utilization for the entire 229-bed facility is 66,360 patient days in the first year of operation and 77,366 in the second year of operation, 79.4 percent and 92.3 percent occupancy, respectively. The reviewer created the following chart from the applicant's Schedule 7 regarding the estimated utilization of the proposed facility.

Palm Garden of Aventura Forecasted Utilization		
	Year One	Year Two
Total Admissions	554	554
Total Patient Days	41,295	41,295
Occupancy	94.2%	94.2%

Source: CON application #10416, Schedule 7

- b. Does the applicant have a history of providing quality of care? Has the applicant demonstrated the ability to provide quality of care? Is the applicant a Gold Seal Program nursing facility that is proposing to add beds to an existing nursing home? ss. 408.035 (1) (c) and (j), Florida Statutes.**

Of the co-batched applicants, **CON #10416** d/b/a Palm Garden of Aventura, LLC (PGA) is currently an existing SNF. PGA is not a Gold Seal Program nor is it on the Agency's Nursing Home Watch List, according to www.FloridaHealthFinder.gov website, as of December 7, 2015. The Watch List identifies nursing homes that are operating under bankruptcy protection or met the criteria for a conditional status during the past 30 months.

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Dade County HRC, LLC (CON #10413) asserts that it is a new entity, however, Clear Choice is a health care management company specializing in the rehabilitation model for SNFs. The applicant states its proven quality and unique programs and services are evidenced by recognition of the Governor's Panel on Excellence in Long Term Care Gold Seal Award at three Clear Choice-operated facilities: Centre Point Health and Rehabilitation, Conway Lakes Health and Rehabilitation Center and Melbourne Terrace Rehabilitation Center.

The reviewer confirms that as of December 30, 2015, according to the Agency's <http://www.floridahealthfinder.gov> website, Conway Lakes Health & Rehabilitation Center, Melbourne Terrace Rehabilitation Center and Centre Pointe Health and Rehabilitation are Gold Seal facilities.

Dade HRC provides a table (Table 6) on page 50 of CON application #10413 illustrating that compared to other co-batched applicants, Dade HRC has the highest percentage of Gold Seal Awards (38 percent), the highest percentage of Florida five star ratings (50 percent) and the highest percentage of CMS star ratings (63 percent).

The applicant states that quality is also evidenced by the Centers for Medicare and Medicaid Services (CMS), receiving four or five-star rankings at six of its eight Florida Facilities. Dade HRC asserts that in the Agency rating system, Clear Choice had five of its eight facilities receiving the four or five-star ranking. The applicant contends that seven out of eight of Clear Choice's facilities received a five-star rating from the Agency in at least one of the identified inspection components, meaning that Clear Choice's facilities consistently are ranked in the top 20 percent of facilities in their respective regions.

The following table provides a breakdown of Clear Choice managed facilities in the State of Florida, including Gold Seal, CMS star rating, Florida star rating, city and county. See the table below.

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Florida Nursing Home Facilities Managed by Clear Choice Health Care

Facility	Quality Ratings			City	County
	Governor's Gold Seal	CMS Star Rating	Florida Star Rating		
Belleair Health Care Center		5-star	4-star	Clearwater	Pinellas
Centre Pointe Health & Rehab Center	✓	5-star	5-star	Tallahassee	Leon
Conway Lakes Health & Rehab Center	✓	5-star	5-star	Orlando	Orange
East Bay Rehabilitation Center		4-star	2-star	Clearwater	Pinellas
Melbourne Terrace Rehabilitation Center	✓	5-star	5-star	Melbourne	Brevard
Port Charlotte Rehabilitation Center		3-star	3-star	Port Charlotte	Charlotte
Spring Lake Rehabilitation Center		2-star	1-star	Winter Haven	Polk
Sun Terrace Health Care Center		5-star	5-star	Sun City Center	Hillsborough

Source: CON application #10413, page 55

The reviewer confirms that as of December 30, 2015, according to the CMS' Nursing Home Compare website at <https://www.medicare.gov/nursinghomecompare/search.html>, the eight nursing homes listed by the applicant have the stated CMS star rating, as shown.

Agency complaint records indicate, for the three-year period ending November 18, 2015, Clear Choice had 23 substantiated complaints at eight facilities. A single complaint can encompass multiple complaint categories. The substantiated complaint categories are listed below:

Clear Choice Substantiated Complaint Categories for the Past 36 Months	
Complaint Category	Number Substantiated
Quality of Care/Treatment	11
Nursing Services	4
Dietary Services	2
Resident Abuse	1
Resident Assessment	1
Misappropriation of Property	1
Physical Environment	1
Administration/Personnel	1
Physician Services	1

Source: Agency for Healthcare Administration Complaint Records

Dade SNF, LLC (CON #10414) states that the applicant is a new entity and therefore does not have any history of providing care. Dade SNF states that the applicant and Consulate understand that staffing is the biggest determinant of quality of care, and that this CON application is conditioned on providing direct line staffing at 4.3 hours per resident, which substantially exceeds the state's requirement of 3.6 hours per resident.

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The applicant contends that Dade SNF’s proposed EHR and telemedicine capabilities will provide safeguards and additional resources to improve quality of care for residents, and reduce hospital readmissions.

The applicant provides a detailed discussion of each of the following programs and policies related to quality of care (pages 79 – 87):

- Consulate is organized to focus on quality of care
- Policies and procedures affecting quality of care
- Best practices at-a-glance
- The use of quality of care data at Consulate
- Recent quality improvements
- Quality of care for patients
- Awards and recognition of Consulate’s care centers

Dade SNF states Consulate had grown to become the sixth largest provider in the United State. Part of the growth came in August 2012 when Consulate merged with La Vie Care Centers, some La Vie Care Centers had quality problems before Consulate had taken over operation. The applicant presents the following table illustrating quality of care since Consulate has taken over facilities, the number of survey tags as well as severity and scope of the tags have decreased. Dade SNF states that Consulate’s management and staff have substantially improved quality of care. See table below.

Quality of Care Improvements at Consulate’s Florida Care Centers

Category	2 Years Prior	Recent Year*	Percent Decrease
Citations	11.1	0.1	99%
Standard Survey Citations	9.4	6.1	35%
Compliant Survey Citations	3.6	3.5	3%
Immediate Jeopardy Citations	5%	0%	100%

Source: CON application #10414, page 84

*Note: The most recent year for providers is either 2014 or 2015, depending on the last survey date.

The reviewer notes that Consulate operates no Gold Seal facilities and 15 Consulate facilities are currently on the Agency’s Nursing Home Watch List (as of December 30, 2015).

Agency complaint records indicate, for the three-year period ending November 18, 2015, Consulate had 692 substantiated complaints at 76 facilities. A single complaint can encompass multiple complaint categories. The substantiated complaint categories are listed below:

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Consulate Substantiated Complaint Categories for the Past 36 Months	
Complaint Category	Number Substantiated
Quality of Care	260
Resident Rights	77
Administration/Personnel	68
Nursing Services	67
Resident Assessment	52
Physical Environment	44
Infection Control	28
Admission/Transfer/Discharge	26
Dietary Services	23
Resident Abuse	14
Resident Neglect	5
State Licensure	5
Unqualified Personnel	5
Life Safety Code	5
Falsification of Records/Reports	4
Misappropriation of Property	3
Physician Services	3
Restraints/Seclusion General	2
Quality of Life	1

Source: Agency for Healthcare Administration Complaint Records

La Mer NH II, LLC (CON #10415) indicates that the proposed facility will be managed by an experienced nursing home operator, as parent company Greystone currently runs 26 successful SNFs in Florida. The applicant indicates that The Greystone Health Network is an integrated “transitions of care” model incorporating assisted living, sub-acute rehabilitation, home health and outpatient rehabilitation, providing a comprehensive network of services to patients.

The applicant states it will operate under the Greystone Healthcare management vision statement – BELIEVE:

- Best practices
- Exceeding expectations
- Leading by example
- Investing in people
- Empowering employees
- Valuing residents
- Excited about our future

Copies of Greystone’s Quality Improvement Programs, Risk Management/Quality Assurance Standards and Guidelines and Quarterly Systems Review Forms are included in Exhibit 4-2 of CON application #10415.

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The applicant also explains its commitment to voluntary quality improvement programs that guide Greystone facilities. La Mer states that Greystone has developed and implemented organization-specific programs, beyond those required by law, to promote the delivery of quality care. The applicant asserts that it will be guided by these voluntary programs, which include:

- Balanced assessment
- Operation Make a Difference
- Care line
- Greystone culture of CARE
- Focus leveling monitoring steps
- Quality assurance/risk management standards and guidelines
- Dining with distinction
- Resident council

The applicant provides The Resident Council Policy Statement in Exhibit 4-3 of CON application #10415.

The reviewer notes that Greystone operates no Gold Seal facilities and five community nursing home facilities are currently on the Agency's Nursing Home Watch List (as of December 30, 2015).

Agency complaint records indicate, for the three-year period ending November 18, 2015, Greystone had 159 substantiated complaints at 26 facilities. A single complaint can encompass multiple complaint categories. The substantiated complaint categories are listed below:

Greystone Substantiated Complaint Categories for the Past 36 Months	
Complaint Category	Number Substantiated
Quality of Care	66
Resident Assessment	13
Resident Rights	14
Nursing Services	12
Administration/Personnel	11
Physical Environment	8
Admission, Transfer, Discharge Rights	9
Dietary Services	5
Infection Control	4
Resident Abuse	4
Unqualified Personnel	3
Physician Services	3
Falsification Records/Report	3
Billing Refund	1
Life Safety Code	1
Quality of Life	1
State Licensure	1

Source: Agency for Healthcare Administration Complaint Records

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Palm Garden of Aventura, LLC (CON #10416) is not a Gold Seal Program, nor on the Agency's Nursing home watch list as of December 30, 2015.

The applicant states having improved to a three-star rating in the most recent Agency survey. However, the most recent Agency inspection indicates that Palm Garden of Aventura received an overall one-star rating out of a possible five stars. The reviewer notes that PGA did achieve a three-star rating on the CMS website.

Palm Garden states that Palm Garden Healthcare Holdings, LLC became the licensed operator of the facility on November 1, 2013, followed by Palm Healthcare Management, LLC October 1, 2014, accordingly the applicant has a very short history of providing care. The applicant states, however, the ultimate owners of the facility have a long history of quality in the industry. The reviewer notes that Palm Garden Healthcare Holdings, LLC and Palm Healthcare Management, LLC, have the same owners, respectively.

The reviewer notes that PGHH operates no Gold Seal Facilities and one community nursing home facility is currently on the Nursing Home Watch List (as of December 30, 2015).

The applicant provides their current Mission, Vision and Core values on pages 63 and 64 of CON #10416, the core values are listed below.

- Integrity
- Respect
- Compassion
- Commitment
- Service to others

PGA asserts that its paramount priority and commitment are to provide the highest possible quality of physical, emotional, social and spiritual care for its residents, in an environment in which they feel safe, secure, and at home. Also Palm Garden states its commitment is evidenced, in part, by its skilled, "hands-on" staffing levels, exceeding state and federal requirements.

The applicant explains its Quality Assurance and Performance Improvement policy (QAPI) including Palm Healthcare Management initiatives on pages 65-71 of CON #10416. PGA explains that under the oversight of Palm Healthcare Management, it has re-focused and sharpened its commitment to ensuring that it's using appropriate

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benchmarks, closely monitoring performance, and making appropriate adjustments quickly when warranted to assure that the quality of care provided at the facility continuously improves.

Palm Garden of Aventura had six substantiated complaints during November 18, 2012 to November 18, 2015, in the following categories:

Palm Garden of Aventura Substantiated Complaint Categories for the Past 36 Months	
Complaint Category	Number Substantiated
Quality of Care	4
Resident Assessment	1
Resident Rights	1

Source: Agency for Healthcare Administration Complaint Records

Agency complaint records indicate, for the three-year period ending November 18, 2015, the parent had 56 total substantiated complaints at 14 facilities. A single complaint can encompass multiple complaint categories. The substantiated complaint categories are listed below:

Palm Garden Parent Substantiated Complaint Categories for the Past 36 Months	
Complaint Category	Number Substantiated
Quality of Care	18
Administration/Personnel	10
Resident Rights	6
Physical Environment	5
Resident Abuse	4
Resident Assessment	4
Infection Control	3
Nursing Services	2
Billing/Refunds	1
Dietary Services	1
Falsification of Records/Reports	1
Unqualified Personnel	1

Source: Agency for Healthcare Administration Complaint Records

- c. What resources, including health manpower, management personnel and funds for capital and operating expenditures, are available for project accomplishment and operation? ss. 408.035 (1)(d), Florida Statutes.**

Dade County HRC, LLC (CON #10413):

Analysis:

The purpose of our analysis for this section is to determine if the applicant has access to the funds necessary to fund this and all capital projects. Our review includes an analysis of the short and long-term position of the applicant, parent, or other related parties who will fund the project. The applicant is a development stage company, meaning there is no operational data to be analyzed for the purposes of this

review. The applicant indicated that funding will be provided by a third party source.

Capital Requirements and Funding:

The applicant indicates on Schedule 2 capital projects totaling \$22,150,000 which includes this project. The applicant indicates on Schedule 3 of its application that funding for the project will be provided by cash on hand of \$3,322,500 and by non-related company financing. The applicant provided a development stage audit showing \$210,000 in cash and member's equity and no revenues. The applicant submitted a letter from BB&T expressing interest in providing financing for up to 85 percent of the cost of the project. A letter of interest is not considered a firm commitment to lend. However, the letter outlined an existing relationship with the parent entity, the banks knowledge of the financial strength of the parent, and indicated terms of the anticipated loan including the required 15 percent equity funding. The applicant submitted an investment statement of the parent showing over \$7 million in liquid assets available. Given the preexisting relationship with the lender and evidence of ability to fund the equity portion of the project, while not guaranteed, funding for this project appears likely.

Conclusion:

Funding for this project appears likely, but not guaranteed.

Dade SNF, LLC (CON #10414):

Analysis:

The purpose of our analysis for this section is to determine if the applicant has access to the funds necessary to fund this and all capital projects. Our review includes an analysis of the short and long-term position of the applicant, parent, or other related parties who will fund the project. The applicant is a development stage company, meaning there is very little operational data to be analyzed for the purposes of this review. The applicant indicated that funding will be provided by cash on hand and non-related company financing.

Capital Requirements and Funding:

The applicant provided a development stage audit. The audit indicates that the applicant has \$51,064 in assets (\$41,064 cash), \$10,000 in liabilities, \$41,064 in net worth, and no revenues. The applicant indicates on Schedule 2 capital projects totaling \$27,031,250 which includes this project. On Schedule 3 of its application, the applicant indicates that funding for the project will be provided by cash on hand (\$41,064) and non-related company financing (\$26,990,186).

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The applicant provided a letter from Mainstreet Investments indicating a commitment to fund this project. The applicant provided audited financial statements of Mainstreet affiliates (Mainstreet Asset Management, Inc. and Mainstreet Property Group, LLC). The letter was specific to this project and in general mentioned funding 50 projects in 2016. Mainstreet is cited as a funding source for two CONs in this batching cycle, including this one. Mainstreet is not a traditional bank or lender but rather is in the business of funding and acquiring funding from various investors, lenders, and various Real Estate Investment Trusts (REITs) to build facilities and lease and or sell them to operators of healthcare facilities. To that point, a letter of interest was provided by PNC Real Estate to provide funding for upcoming Mainstreet projects (it should be noted that a letter of interest is not considered a firm commitment to lend).

The structure and nature of these type of entities makes it difficult to determine ability to fund any given project due to both the complexity and variety of funding options and the turnover of projects. However, this is not an uncommon method of funding skilled nursing facility construction and operation. We reviewed the Mainstreet affiliated audits and the primary entity appears to be sound and has been in existence for over 10 years. While the letter of interest from PNC cannot be relied on as a commitment, the letter did acknowledge a preexisting lending relationship that supports the business conducted by Mainstreet as described in its commitment letter and audits. Based on that analysis, it is likely that Mainstreet would be able to fund this project.

Conclusion:

Funding for this project is not guaranteed but appears likely.

La Mer NH II, LLC (CON #10415):

Analysis:

The purpose of our analysis for this section is to determine if the applicant has access to the funds necessary to fund this and all capital projects. Our review includes an analysis of the short and long-term position of the applicant, parent, or other related parties who will fund the project. The analysis of the short and long term position is intended to provide some level of objective assurance on the likelihood that funding will be available. The stronger the short-term position, the more likely cash on hand or cash flows could be used to fund the project. The stronger the long-term position, the more likely that debt financing could be achieved if necessary to fund the project. We also calculate working capital (current assets less current liabilities) a measure of excess liquidity that could be used to fund capital projects.

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Historically we have compared all applicant financial ratios regardless of type to bench marks established from financial ratios collected from Florida acute care hospitals. While not always a perfect match to a particular CON project it is a reasonable proxy for health care related entities. The below is an analysis of the audited financial statements of Greystone Healthcare Holdings II, LLC, (3rd party) and where the two short term and long term measures fall on the scale (highlighted in gray) for the most recent year.

Greystone & Co. Holdings II, LLC		
	Dec-14	Dec-13
Current Assets	\$95,712,086	\$56,788,599
Total Assets	\$251,263,382	\$174,100,871
Current Liabilities	\$102,750,153	\$53,135,054
Total Liabilities	\$303,638,428	\$259,692,182
Net Assets	(\$52,375,046)	(\$85,591,311)
Total Revenues	\$337,122,953	\$269,872,231
Excess of Revenues Over Expenses	\$16,692,532	\$13,381,639
Cash Flow from Operations	(\$11,974,267)	\$17,015,109
Short-Term Analysis		
Current Ratio (CA/CL)	0.9	1.1
Cash Flow to Current Liabilities (CFO/CL)	-11.65%	32.02%
Long-Term Analysis		
Long-Term Debt to Net Assets (TL-CL/NA)	-383.6%	-241.3%
Total Margin (ER/TR)	4.95%	4.96%
Measure of Available Funding		
Working Capital	(\$7,038,067)	\$3,653,545

Position	Strong	Good	Adequate	Moderately Weak	Weak
Current Ratio	above 3	3 - 2.3	2.3 - 1.7	1.7 - 1.0	< 1.0
Cash Flow to Current Liabilities	>150%	150%-100%	100% - 50%	50% - 0%	< 0%
Debt to Equity	0% - 10%	10%-35%	35%-65%	65%-95%	> 95% or < 0%
Total Margin	> 12%	12% - 8.5%	8.5% - 5.5%	5.5% - 0%	< 0%

Capital Requirements and Funding:

The applicant provided a development stage audit. The audit indicates that the applicant has very little assets, liabilities, net worth and no revenue. The applicant indicates on Schedule 2 capital projects totaling \$29,057,623 which includes this project. The applicant indicates on Schedule 3 of its application that funding for the project will be provided by cash on hand (\$5,811,525) and non-related company financing (Greystone & Co. Holdings II, LLC). The applicant's parent company currently has two CON applications under review including this one. The applicant provided a letter from Greystone committing to fund this

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project. Greystone submitted their audited financial statements as proof of available funding. As of 12/31/2014 Greystone & Co. Holdings II, LLC had minimally sufficient cash and cash flow from operations to fund the cash on hand reported on Schedule 3 for both the proposed projects. The Private Bank provided a letter of interest. A letter of interest does not constitute a firm commitment to lend. With that in mind, the parent's negative equity position could limit additional borrowing.

Conclusion:

Funding for this project is in question

Palm Garden of Aventura, LLC (CON #10416):

Analysis:

The purpose of our analysis for this section is to determine if the applicant has access to the funds necessary to fund this and all capital projects. Our review includes an analysis of the short and long-term position of the applicant, parent, or other related parties who will fund the project. The analysis of the short and long-term position is intended to provide some level of objective assurance on the likelihood that funding will be available. The stronger the short-term position, the more likely cash on hand or cash flows could be used to fund the project. The stronger the long-term position, the more likely that debt financing could be achieved if necessary to fund the project. We also calculate working capital (current assets less current liabilities) a measure of excess liquidity that could be used to fund capital projects.

Historically we have compared all applicant financial ratios regardless of type to bench marks established from financial ratios collected from Florida acute care hospitals. While not always a perfect match to a particular CON project it is a reasonable proxy for health care related entities. The applicant provided audited financial statements for Parkwood Properties, Inc. and Subsidiaries, its parent company, where the short-term and long-term measures fall on the scale (highlighted in gray) for the most recent year.

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Parkwood Properties, Inc. & Subs	
	Dec-14
Current Assets	\$50,360,278
Total Assets	\$105,708,813
Current Liabilities	\$3,110,517
Total Liabilities	\$93,784,818
Net Assets	\$11,923,995
Total Revenues	\$28,788,044
Excess of Revenues Over Expenses	\$12,671,011
Cash Flow from Operations	\$5,641,514
Short-Term Analysis	
Current Ratio (CA/CL)	16.2
Cash Flow to Current Liabilities (CFO/CL)	181.37%
Long-Term Analysis	
Long-Term Debt to Net Assets (TL-CL/NA)	760.4%
Total Margin (ER/TR)	44.01%
Measure of Available Funding	
Working Capital	\$47,249,761

Position	Strong	Good	Adequate	Moderately Weak	Weak
Current Ratio	above 3	3 - 2.3	2.3 - 1.7	1.7 - 1.0	< 1.0
Cash Flow to Current Liabilities	>150%	150%-100%	100% - 50%	50% - 0%	< 0%
Debt to Equity	0% - 10%	10%-35%	35%-65%	65%-95%	> 95% or < 0%
Total Margin	> 12%	12% - 8.5%	8.5% - 5.5%	5.5% - 0%	< 0%

Capital Requirements and Funding:

The applicant indicates on Schedule 2 capital projects totaling \$25,674,213 which includes this project, renovations, routine capital, and capital budget. The applicant states on Schedule 3 that funding for this project will come from related company financing (\$5,965,519) and non-related company financing (\$17,896,556). The applicant provided a letter from UBS Financial Services, Inc. showing over \$9 million in a securities account and \$13.2 million available from a revolving credit line. Additionally, the applicant provided letters of interest from Capital One Bank and Regions Bank to provide financing for the project (Both have an existing or prior lending relationship with the parent). Although not a firm commitment to lend, these letters of interest document a history of lending to the parent organization. Based on the table above, the applicant also has sufficient working capital and operating cash flow to fund the entire capital budget.

Conclusion:

Funding for is likely but not guaranteed.

- d. What is the immediate and long-term financial feasibility of the proposal? ss. 408.035 (1) (f), Florida Statutes.**

Dade County HRC, LLC (CON #10413):

Analysis:

The immediate and long-term financial feasibility of the project is tied to expected profitability. The purpose of our analysis for this section is to evaluate the reasonableness of the applicant’s profitability projections and ultimately whether profitability is achievable for this project. Our analysis includes an evaluation of net revenue per patient day (NRPD), cost per patient day (CPD), nurse staffing ratios and profitability. We compared the NRPD, CP, and profitability to actual operating results from SNFs as reported on Medicaid cost reports (2012 and 2013 cost report years). For our comparison group, we selected SNFs with similar Medicaid utilizations to the utilization projected by the applicant on a per patient day basis (PPD). Comparison group data was adjusted for inflation to match the second year projection (Inflation factor was based on the New CMS Market Basket Price Index as published in the 3rd Quarter 2015, Health Care Cost Review).

NRPD, CPD and profitability or operating margin that fall within the group range are considered reasonable projections. Below is the result of our analysis.

	PROJECTIONS PER APPLICANT		COMPARATIVE GROUP VALUES PPD		
	Total	PPD	Highest	Median	Lowest
Net Revenues	17,561,956	454	749	421	274
Total Expenses	16,657,887	431	730	395	303
Operating Income	904,069	23	95	16	-113
Operating Margin	5.15%		Comparative Group Values		
	Days	Percent	Highest	Median	Lowest
Occupancy	38,690	96.98%	96.71%	89.93%	70.42%
Medicaid/MDCD HMO	13,870	35.85%	49.81%	44.31%	30.05%
Medicare	20,075	51.89%	62.12%	33.63%	10.26%

Staffing:

Section 400.23(3)(a)(1), Florida Statutes, specifies a minimum certified nursing assistant staffing of 2.5 hours of direct care per resident per day and a minimum licensed nursing staffing of 1.0 hour of direct resident

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care per resident day. Based on the information provided in Schedule 6, the applicant's projected staffing meets this requirement.

The projected NRPD, CPD and profit fall within the group range and are considered reasonable. In addition, the total cost appears to include at least the minimum staffing required. Therefore, the overall profitability appears achievable.

Conclusion:

This project appears to be financially feasible based on the projections provided by the applicant.

Dade SNF, LLC (CON #10414):

Analysis:

The immediate and long-term financial feasibility of the project is tied to expected profitability. The purpose of our analysis for this section is to evaluate the reasonableness of the applicant's profitability projections and ultimately whether profitability is achievable for this project. Our analysis includes an evaluation of net revenue per patient day (NRPD), cost per patient day (CPD), nurse staffing ratios and profitability. We compared the NRPD, CPD and profitability to actual operating results from SNFs as reported on Medicaid cost reports (2012 and 2013 cost report years). For our comparison group, we selected SNFs with similar Medicaid utilizations to the utilization projected by the applicant on a per patient day basis (PPD). Comparison group data was adjusted for inflation to match the second year projection (Inflation factor was based on the New CMS Market Basket Price Index as published in the 3rd Quarter 2015, Health Care Cost Review).

NRPD, CPD and profitability or operating margin that fall within the group range are considered reasonable projections. Below is the result of our analysis.

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	PROJECTIONS PER APPLICANT		COMPARATIVE GROUP VALUES PPD		
	Total	PPD	Highest	Median	Lowest
Net Revenues	14,680,752	402	1,797	458	307
Total Expenses	14,431,015	395	1,704	455	324
Operating Income	249,737	7	186	23	-173
Operating Margin	1.70%		Comparative Group Values		
	Days	Percent	Highest	Median	Lowest
Occupancy	36,490	91.72%	97.64%	90.75%	55.01%
Medicaid	10,217	28.00%	38.34%	30.43%	20.69%
Medicare	19,595	53.70%	62.12%	38.55%	10.01%

Staffing:

Section 400.23(3)(a)(1), Florida Statutes, specifies a minimum certified nursing assistant staffing of 2.5 hours of direct care per resident per day and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident day. Based on the information provided in Schedule 6, the applicant’s projected staffing meets this requirement.

The projected NRPD, CPD and profit fall within the group range and are considered reasonable. In addition, the total cost appears to include at least the minimum staffing required. Therefore, the overall profitability appears achievable.

Conclusion:

This project appears to be financially feasible based on the projections provided by the applicant.

La Mer NH II, LLC (CON #10415):

Analysis:

The immediate and long-term financial feasibility of the project is tied to expected profitability. The purpose of our analysis for this section is to evaluate the reasonableness of the applicant’s profitability projections and, ultimately, whether profitability is achievable for this project. Our analysis includes an evaluation of net revenue per patient day (NRPD), cost per patient day (CPD), nurse staffing ratios and profitability. We compared the NRPD, CPD and profitability to actual operating results from SNFs as reported on Medicaid cost reports (2012 and 2013 cost report years). For our comparison group, we selected SNFs with similar Medicaid utilizations to the utilization projected by the applicant on a per patient day basis (PPD). Comparison group data was adjusted for inflation to match the second year projection (inflation factor was based

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on the New CMS Market Basket Price Index as published in the 3rd Quarter 2015, Health Care Cost Review).

NRPD, CPD and profitability or operating margin that fall within the group range are considered reasonable projections. Below is the result of our analysis.

	PROJECTIONS PER APPLICANT		COMPARATIVE GROUP VALUES PPD		
	Total	PPD	Highest	Median	Lowest
Net Revenues	20,565,816	397	443	366	292
Total Expenses	18,441,579	356	410	353	296
Operating Income	2,124,237	41	44	8	-22
Operating Margin	10.33%		Comparative Group Values		
	Days	Percent	Highest	Median	Lowest
Occupancy	51,830	94.67%	99.48%	89.88%	62.35%
Medicaid/MDCD HMO	26,280	50.70%	60.04%	52.33%	40.72%
Medicare	20,075	38.73%	42.37%	25.09%	10.76%

Staffing:

Section 400.23(3)(a)(1), Florida Statutes, specifies a minimum certified nursing assistant staffing of 2.5 hours of direct care per resident per day and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident day. Based on the information provided in Schedule 6, the applicant’s projected staffing meets this requirement.

The projected NRPD, CPD and profit fall within the group range and are considered reasonable. In addition, the total cost appears to include at least the minimum staffing required. Therefore, the overall profitability appears achievable.

Conclusion:

This project appears to be financially feasible based on the projections provided by the applicant.

Palm Garden of Aventura, LLC (CON #10416):

Analysis:

The immediate and long-term financial feasibility of the project is tied to expected profitability. The purpose of our analysis for this section is to evaluate the reasonableness of the applicant’s profitability projections and, ultimately, whether profitability is achievable for this project. Our analysis includes an evaluation of net revenue per patient day (NRPD),

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cost per patient day (CPD), nurse staffing ratios and profitability. We compared the NRPD, CPD and profitability to actual operating results from SNFs as reported on Medicaid cost reports (2012, 2013, and 2014 cost report years). For our comparison group, we selected SNFs with similar Medicaid utilizations to the utilization projected by the applicant on a per patient day basis (PPD). Comparison group data was adjusted for inflation to match the second year projection (inflation factor was based on the New CMS Market Basket Price Index as published in the 3rd Quarter 2015, Health Care Cost Review).

NRPD, CPD and profitability or operating margin that fall within the group range are considered reasonable projections. Below is the result of our analysis.

	PROJECTIONS PER APPLICANT		COMPARATIVE GROUP VALUES PPD		
	Total	PPD	Highest	Median	Lowest
Net Revenues	29,807,299	385	532	347	246
Total Expenses	28,783,927	372	427	337	234
Operating Income	1,023,372	13	129	7	-70
Operating Margin	3.43%		Comparative Group Values		
	Days	Percent	Highest	Median	Lowest
Occupancy	77,366	92.31%	99.48%	89.52%	55.98%
Medicaid/MDCD HMO	42,899	55.45%	69.96%	63.42%	49.95%
Medicare	27,063	34.98%	33.08%	17.93%	3.65%

The projected NRPD, CPD and profit fall within the group range and are considered reasonable. Therefore, the overall profitability appears achievable.

Staffing:

Section 400.23(3)(a)(1), Florida Statutes, specifies a minimum certified nursing assistant staffing of 2.5 hours of direct care per resident per day and a minimum licensed nursing staffing of 1.0 hour of direct resident care per resident day. Based on the information provided in Schedule 6, the applicant meets this requirement.

Conclusion:

This project appears to be financially feasible based on the projections provided by the applicant.

- e. Will the proposed project foster competition to promote quality and cost-effectiveness? ss. 408.035 (1)(e) and (g), Florida Statutes.**

Dade County HRC, LLC (CON #10413), Dade SNF, LLC (CON #10414), La Mer NH II, LLC (CON #10415) and Palm Garden of Aventura, LLC (CON #10416)

Analysis:

The type of competition that would result in increased efficiencies, service, and quality is limited in health care. Cost-effectiveness through competition is typically achieved via a combination of competitive pricing that forces more efficient cost to remain profitable and offering higher quality and additional services to attract patients from competitors. Since Medicare and Medicaid are the primary payers in the nursing home industry, price-based competition is limited. With a large portion of the revenue stream essentially fixed on a per patient basis, the available margin to increase quality and offer additional services is limited. In addition, competitive forces truly do not begin to take shape until existing business' market share is threatened. The publication of need in this area suggests that there is an unmet and untapped customer base for a new entrant to absorb. Since nursing home services are limited to available beds and the need formula suggest excess capacity in the market to fill those beds, the impact on market share would be limited. The combination of the existing health care system's barrier to price-based competition via fixed price payers and the existence of unmet need in the district limits any significant gains in cost effectiveness and quality that would be generated from competition.

Conclusion:

This project is not likely to have a material impact on competition to promote quality and cost effectiveness.

- f. Are the proposed costs and methods of construction reasonable? Do they comply with statutory and rule requirements? ss. 408.035 (1) (h), Florida Statutes; Ch. 59A-4, Florida Administrative Code.**

Dade County HRC, LLC (CON #10413): The applicant has submitted all information and documentation necessary to demonstrate compliance with the architectural review criteria. The cost estimate for the proposed project provided in Schedule 9, Table A and the project completion forecast provided in Schedule 10 appear to be reasonable. A review of the architectural plans, narratives

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and other supporting documents did not reveal any deficiencies that are likely to have a significant impact on either construction costs or the proposed completion schedule.

The plans submitted with this application were schematic in detail with the expectation that they will be necessarily revised and refined prior to being submitted for full plan review. The architectural review of this application shall not be construed as an in-depth effort to determine complete compliance with all applicable codes and standards. The final responsibility for facility compliance ultimately rests with the applicant owner. Approval from the Agency for Health Care Administration's Office of Plans and Construction is required before the commencement of any construction.

Dade SNF, LLC (CON #10414): The applicant has submitted all information and documentation necessary to demonstrate compliance with the architectural review criteria. The cost estimate for the proposed project provided in Schedule 9, Table A and the project completion forecast provided in Schedule 10 appear to be reasonable. A review of the architectural plans, narratives and other supporting documents did not reveal any deficiencies that are likely to have a significant impact on either construction costs or the proposed completion schedule.

The plans submitted with this application were schematic in detail with the expectation that they will be necessarily revised and refined prior to being submitted for full plan review. The architectural review of this application shall not be construed as an in-depth effort to determine complete compliance with all applicable codes and standards. The final responsibility for facility compliance ultimately rests with the applicant owner. Approval from the Agency for Health Care Administration's Office of Plans and Construction is required before the commencement of any construction.

La Mer NH II, LLC (CON #10415): The applicant has submitted all information and documentation necessary to demonstrate compliance with the architectural review criteria. The cost estimate for the proposed project provided in Schedule 9, Table A and the project completion forecast provided in Schedule 10 appear to be reasonable. A review of the architectural plans, narratives and other supporting documents did not reveal any deficiencies that are likely to have a significant impact on either construction costs or the proposed completion schedule.

The plans submitted with this application were schematic in detail with the expectation that they will be necessarily revised and refined prior to being submitted for full plan review. The architectural review of this application shall not be construed as an in-depth effort to determine

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complete compliance with all applicable codes and standards. The final responsibility for facility compliance ultimately rests with the applicant owner. Approval from the Agency for Health Care Administration's Office of Plans and Construction is required before the commencement of any construction.

Palm Garden of Aventura, LLC (CON #10416): The applicant has submitted all information and documentation necessary for the architectural review. The cost estimate for the proposed project provided in Schedule 9, Table A appears to be reasonable. A review of the architectural plans, narratives and other supporting documents did reveal possible deficiencies that are likely to have a significant impact on either construction costs or the proposed completion schedule.

Deficiencies:

- A-1 Verify proposed Construction completion schedule.
- A-2 Verify parking requirements.

The plans submitted with this application were schematic in detail with the expectation that they will be necessarily revised and refined prior to being submitted for full plan review. The architectural review of this application shall not be construed as an in-depth effort to determine complete compliance with all applicable codes and standards. The final responsibility for facility compliance ultimately rests with the applicant owner. Approval from the Agency for Health Care Administration's Office of Plans and Construction is required before the commencement of any construction.

- g. Does the applicant have a history of and propose the provision of health services to Medicaid patients and the medically indigent? Does the applicant propose to provide health services to Medicaid patients and the medically indigent? ss. 408.035 (1) (i), Florida Statutes.**

A three-year history of Medicaid patient days and occupancy rates for the subdistrict, district and state is provided in the table below.

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**Historical Provision of Medicaid by Subdistrict, District and State
Three Years Ending June 30, 2015
Medicaid Patient Days and Occupancy Rates**

Medicaid Patient Days			
	7/12 - 6/13	7/13 - 6/14	7/14 - 6/15
Subdistrict 11-1	1,731,756	1,792,054	1,846,004
District 11	1,756,892	1,824,185	1,880,289
Florida	15,676,855	15,837,261	15,875,092
Medicaid Occupancy			
	7/12 - 6/13	7/13 - 6/14	7/14 - 6/15
Subdistrict 11-1	64.61%	66.10%	66.93%
District 11	64.49%	66.06%	66.84%
Florida	61.58%	62.05%	61.88%

Source: Florida Nursing Home Utilization by District and Subdistrict, October 2015 Batching Cycle

Dade County HRC, LLC (CON #10413) states Clear Choice provides care on a non-discriminatory basis, accepting all SNF-appropriate patient referrals without regard to payer source. The applicant states that it is a new entity with no operational history. Dade HRC insists that Clear Choice instills a culture of caring and giving back to the community.

The applicant declares that Clear Choice facilities understand that part of serving the community is providing care to people in need despite of payer source. Dade HRC reports that Clear Choice is on track for writing-off over \$1,000,000.00 dollars in unreimbursed care to Medicaid and medically indigent residents/patients.

The applicant provides the following table suggesting the high percentages demonstrate the level of care and commitment provided by Clear Choice to Medicaid residents, including those who utilize the high-intensity rehabilitative services as well as the residential care. See table below.

Proposed Project Medicaid Percent Patient Days

Medicaid Patient Type (Description)	Percent of Patient Days	
	Project Year One	Project Year Two
"Residential" Medicaid	37%	41%
"Community/Skilled" Dual-Eligible Medicaid	14%	14%
Total Medicaid % of PT Days	51%	55%

Source: CON application #10413, page 64

The reviewer compiled the following Medicaid occupancy data for Clear Choice operated Florida facilities for July 1, 2014 to June 30, 2015. See the table below.

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**Clear Choice Operated Facilities, Florida Medicaid Occupancy
July 1, 2014 to June 30, 2015**

District/Subdistrict	Facility	Medicaid Days	Total Days	Medicaid Occupancy
5-2	Belleair Health Care	21,005	40,191	52.26%
2-4	Centre Pointe Health	16,648	40,690	40.91%
7-2	Conway Lakes Health	12,091	39,653	30.49%
5-2	East Bay Rehab	19,039	40,220	47.34%
7-1	Melbourne Terrace Rehab	12,756	43,475	29.34%
8-1	Port Charlotte Rehab	20,757	40,176	51.67%
6-5	Spring Lake Rehab	10,507	41,798	25.14%
6-1	Sun Terrace Health	8,330	35,688	23.34%
	Total	121,133	321,891	37.63%

Source: Florida Nursing Home Bed Need Projections by District and Subdistrict, October 2015 Batching Cycle

The applicant's Schedule 7 indicates for the proposed 109-bed facility that Medicaid HMO and self-pay represent 29.9 percent and 5.4 percent, respectively, of year one and 35.8 percent and 2.8 percent, respectively, year two annual total patient days. The reviewer created the following chart from the applicant's Schedule 7 regarding the proposed facility.

Dade HRC CON #10413, Payer Mix

	Year One (Ending 12/31/2018)	Year Two (Ending 12/31/2019)
Medicare	50.2%	51.9%
Medicaid HMO	29.9%	35.8%
Other Managed Care	6.9%	4.7%
Other Payers	7.6%	4.7%
Self-Pay	5.4%	2.8%
Total	100%	100%

Source: CON application #10413, Schedule 7

Dade SNF, LLC (CON #10414) maintains that it is a newly created entity and does not hold a license for a nursing facility. However, the applicant states that Dade SNF's management company, Consulate, owns or operates 76 SNFs and four ALFs in Florida.

The applicant asserts the following about its current and past occupancy rates at Consulate facilities:

- Total occupancy rates at the Consulate's Florida SNFs range from 95 percent through 88 percent for the year ending June 2015.
- The total occupancy rate at the Consulate's Florida SNFs of 95 percent is higher than the State's rate of 87.8 percent.
- Medicaid occupancy at the existing Consulate Florida SNFs was 61.2 percent. This is just slightly lower than the state-wide Medicaid occupancy rate of 61.9 percent and reflects the higher patient acuity and short-term care population at some of Consulate's Florida SNFs.
- These utilization data document that Consulate care centers are available, accessible and utilized by Medicaid and medically indigent persons.

CON Action Numbers: 10413 through 10416

The reviewer compiled the following Medicaid occupancy data for Consulate operated Florida facilities for July 1, 2014 to June 30, 2015. See the table below.

CON Action Numbers: 10413 through 10416

**Consulate Health Care Operated Facilities, Florida Medicaid Occupancy
July 1, 2014 to June 30, 2015**

District/Subdistrict	Facility	Medicaid Days	Total Days	Medicaid Occupancy
1-1	Bay Breeze Health and Rehabilitation Center	25,351	40,244	62.99%
3-1	Baya Pointe Nursing and Rehabilitation Center	17,982	31,533	57.03%
5-1	Bayonet Point, Consulate Health Care of	22,149	41,781	53.01%
8-6	Beneva Lakes Healthcare and Rehabilitation Center	30,377	39,614	76.68%
6-2	Bradenton Health Care	22,460	37,053	60.62%
6-1	Brandon Health and Rehabilitation Center	16,597	42,561	39.00%
6-1	Brandon, Consulate Health Care Of	24,306	42,069	57.78%
3-5	Brentwood, Health Center at	24,893	41,950	59.34%
6-1	Central Park Healthcare and Rehabilitation Center	24,345	41,841	58.18%
7-2	Colonial Lakes Health Care	48,631	62,768	77.48%
9-4	Coral Bay Healthcare and Rehab Center	29,007	41,417	70.04%
8-5	Coral Trace Health Care	22,101	38,956	56.73%
5-2	Countryside Rehab and Healthcare Center	23,438	40,864	57.36%
4-4	Deltona Health Care	25,246	41,634	60.64%
1-2	Destin Healthcare and Rehabilitation Center	23,445	40,099	58.47%
5-2	Dolphins View, The Health and Rehabilitation Center	8,693	19,293	45.06%
2-2	Emerald Shores Health and Rehabilitation	12,944	26,327	49.17%
8-1	Englewood Healthcare and Rehabilitation Center	23,537	40,541	58.06%
8-5	Evans Health Care	30,687	41,801	73.41%
6-1	Fletcher Health and Rehabilitation Center	24,585	41,214	59.65%
9-5	Fort Pierce Health Care	48,729	56,803	85.79%
11-1	Franco Nursing and Rehabilitation Center	26,890	40,785	65.93%
4-2	Governors Creek Health and Rehabilitation Center	30,807	41,800	73.70%
4-4	Grand Oaks Health and Rehabilitation Center	16,164	42,497	38.04%
6-1	Habana Health Care Center	38,581	52,107	74.04%
10	Harbor Beach Nursing and Rehabilitation Center	13,878	20,054	69.20%
4-1	Harts Harbor Health Care Center	51,815	62,791	82.52%
8-2	Heritage Healthcare and Rehabilitation Center	24,816	32,838	75.57%
2-4	Heritage Healthcare Center of Tallahassee	45,916	61,324	74.87%
5-1	Heritage Park Rehabilitation and Healthcare	29,586	41,905	70.60%
3-6	Heron Pointe Health and Rehabilitation	28,276	42,283	66.87%
10	Hillcrest Health Care and Rehabilitation Center	54,529	83,511	65.30%
7-1	Island Health and Rehabilitation Center	27,303	41,585	65.66%
4-3	Jacksonville, Consulate Health Care of	23,406	39,805	58.80%
7-3	Keystone Rehabilitation and Health Center	24,797	41,983	59.06%
7-3	Kissimmee, Consulate Health Care of	25,943	42,735	60.71%
7-4	Lake Mary Health and Rehabilitation Center	16,115	42,121	38.26%
6-5	Lake Parker, Consulate Health Care At	26,118	41,342	63.18%
6-5	Lakeland, Consulate Health Care of	30,222	41,584	72.68%
5-2	Lakeside Oaks Care Center	20,604	32,035	64.32%
5-2	Largo Health and Rehabilitation Center	35,508	55,630	63.83%
8-6	Magnolia Health and Rehabilitation Center	30,095	40,803	73.76%
2-5	Marshall Health and Rehabilitation Center	31,723	39,583	80.14%
7-1	Melbourne, Consulate Health Care Of	29,600	54,899	53.92%
5-1	New Port Richey, Consulate Health Care Of	28,088	42,412	66.23%
3-2	North Florida Rehabilitation and Specialty Care	17,979	40,932	43.92%
8-5	North Fort Myers, Consulate Health Care Of	26,863	38,597	69.60%
6-5	Oakbridge Healthcare Center	18,848	41,919	44.96%
4-4	Oaktree Healthcare	17,963	21,071	85.25%
4-2	Orange Park, Consulate Health Care Of	25,605	41,877	61.14%
3-7	Osprey Point Nursing Center	12,494	21,001	59.49%
7-1	Palms Rehabilitation and Healthcare Center	28,002	42,490	65.90%
7-2	Parks Healthcare and Rehabilitation Center	25,829	42,441	60.86%
1-1	Pensacola, Consulate Health Care Of	23,113	41,272	56.00%
7-3	Plantation Bay Rehabilitation Center	27,519	42,713	64.43%
8-1	Port Charlotte, Consulate Health Care Of	26,525	39,639	66.92%
9-4	Renaissance Health and Rehabilitation	33,449	39,250	85.22%
7-2	Rio Pinar Health Care	42,888	63,708	67.32%
1-1	Rosewood Health and Rehabilitation Center	40,583	52,180	77.78%
5-2	Safety Harbor, Consulate Health Care Of	30,904	42,513	72.69%
4-3	San Jose Health and Rehabilitation	31,569	41,930	75.29%

CON Action Numbers: 10413 through 10416

District/Subdistrict	Facility	Medicaid Days	Total Days	Medicaid Occupancy
8-6	Sarasota, Consulate Health Care Of	20,201	27,285	74.04%
2-2	Sea Breeze Health Care	28,744	40,566	70.86%
10	Seaview Nursing and Rehabilitation Center	22,020	28,354	77.66%
1-2	Shoal Creek Rehabilitation Center	26,820	41,724	64.28%
3-6	Spring Hill Health and Rehabilitation Center	19,051	42,211	45.13%
5-2	St. Petersburg, Consulate Health Care Of	26,364	42,438	62.12%
2-4	Tallahassee, Consulate Health Care Of	21,036	41,012	51.29%
1-1	University Hills Health and Rehabilitation	31,836	42,258	75.34%
9-1	Vero Beach, Consulate Health Care Of	40,637	55,143	73.69%
7-1	Vista Manor	26,898	38,338	70.16%
6-5	Wedgewood Healthcare Center	16,664	41,382	40.27%
7-4	West Altamonte, Consulate Health Care At	27,425	41,341	66.34%
9-4	West Palm Beach, Consulate Health Care Of	27,630	42,251	65.39%
6-5	Winter Haven, Consulate Health Care Of	22,002	41,741	52.71%
9-4	Wood Lake Health and Rehabilitation Center	30,983	40,074	77.31%
	Total	2,058,727	3,188,426	64.57%

Source: Florida Nursing Home Bed Need Projections by District and Subdistrict, October 2015 Batching Cycle

The applicant's Schedule 7 indicates that Medicaid HMO and self-pay represent 28 percent and 5.5 percent, respectively, of year one and year two annual total patient days.

Below, Dade SNF provides Schedule 7 to account for percentages, by payer, for the first two years of proposed operation.

Dade SNF CON #10414, Payer Mix

	Year One (Ending 02/28/2019)	Year Two (Ending 02/28/2020)
Medicare Part A	53%	53%
Medicaid	28%	28%
Medicare Advantage/Commercial	11%	11%
Private Pay	5%	5%
Other Payers (VA & Workers Comp)	3%	3%
Total	100%	100%

Source: CON application #10414, Schedule 7 – Assumptions

The reviewer created the following payer mix according to the applicant's Schedule 7.

Dade SNF CON #10414, Payer Mix

	Year One (Ending 02/28/2019)	Year Two (Ending 02/28/2020)
Medicare	53%	53%
Medicaid HMO	28%	28%
Commercial	10%	10%
Self-Pay	5.5%	5.5%
Other Payers	2.8%	2.8%
Medicare HMO	0.7%	0.7%
Total	100%	100%

Source: CON application #10414, Schedule 7

La Mer NH II, LLC (CON #10415) provides Greystone's most recent three years' total facility utilization and Medicaid utilization to show the historical demand of Medicaid patients at Greystone facilities in

CON Action Numbers: 10413 through 10416

Subdistrict 11-1. The applicant reports its overall percent Medicaid occupancy for current Greystone facilities in Subdistrict 11-1, North Beach Rehabilitation Center and Unity Health and Rehabilitation Center, for CY 2012, CY 2013 and CY 2014, at 54.22 percent, 54.07 percent and 53.83 percent (North Beach Rehab. Ctr.) and 89.72 percent, 88.01 percent and 86.36 percent, (Unity Health Rehab. Ctr.) respectively.

The applicant indicates that for the first six months of 2015 North Beach Rehabilitation Center, Unity Health and Rehabilitation Center and Subdistrict 11-1 have had Medicaid occupancy rates of 53.73 percent, 78.70 percent and 66.64 percent, respectively. La Mer insists that this information demonstrates that the two Greystone facilities in Subdistrict 11-1 show commitment to serving the Medicaid recipients.

The reviewer compiled the following Medicaid occupancy data for Greystone Florida facilities for July 1, 2014 to June 30, 2015. See the table below.

CON Action Numbers: 10413 through 10416

**Grey Stone Operated Facilities, Florida Medicaid Occupancy
July 1, 2014 to June 30, 2015**

District/ Subdistrict	Facility	Medicaid Days	Total Days	Medicaid Occupancy
5-2	Alhambra Health and Rehabilitation Center	10,698	20,695	51.69%
5-2	Apollo Health and Rehabilitation Center	17,887	33,454	53.47%
4-4	Carlton Shores Health and Rehabilitation Center	15,179	38,923	39.00%
3-5	Citrus Hills Health and Rehabilitation Center	25,505	39,240	65.00%
3-4	Club Health and Rehabilitation Center at The Villages	0	21,117	0.00%
6-2	Greenbriar Rehabilitation and Nursing Center	10,752	26,381	40.76%
4-2	Isle Health and Rehabilitation Center	17,021	34,363	49.53%
3-7	Lady Lake Specialty Care Center	21,311	48,867	43.61%
8-5	Lehigh Acres Health and Rehabilitation Center	18,841	35,112	53.66%
5-2	Lexington Health and Rehabilitation Center	28,674	53,578	53.52%
11-1	North Beach Rehabilitation Center	33,029	17,780	53.83%
5-2	North Rehabilitation Center	5,494	14,647	37.51%
3-2	Park Meadows Health and Rehabilitation Center	31,113	48,170	64.59%
4-4	Ridgecrest Nursing and Rehabilitation Center	21,511	45,059	47.74%
3-2	Riverwood Health and Rehabilitation Center	31,092	39,517	78.68%
7-1	Rockledge Health and Rehabilitation Center	14,998	35,589	42.14%
8-6	Sunset Lake Health and Rehabilitation Center	22,425	41,274	54.33%
3-2	Terrace Health and Rehabilitation Center	17,254	41,237	41.84%
4-4	The Gardens Health and Rehabilitation Center	19,747	35,455	55.70%
3-4	The Lodge Health and Rehabilitation Center	17,013	33,294	51.10%
11-1	Unity Health and Rehabilitation Center	84,878	98,287	86.36%
7-1	Viera Health and Rehabilitation Center	11,532	37,222	30.98%
4-4	Villa Health and Rehabilitation Center	22,622	40,167	56.32%
8-1	Village Place Health and Rehabilitation Center	16,003	31,810	50.31%
10	Wilton Manors Health and Rehabilitation Center	24,892	47,123	52.82%
4-3	Woodland Grove Health and Rehabilitation Center	22,908	38,533	59.45%
Total		562,379	996,894	56.41%

Source: Florida Nursing Home Bed Need Projections by District and Subdistrict, October 2015 Batching Cycle

The applicant's Schedule 7 indicates that Medicaid and self-pay represent 51.23 percent and 0.00 percent, respectively, of year one and 50.70 percent and 0.00 percent, respectively, of year two annual total patient days. The reviewer created the following table from the applicant's schedule 7.

La Mer CON #10415, Payer Mix

	Year One (Ending 12/31/2018)	Year Two (Ending 12/31/2019)
Medicaid	51.23%	50.70%
Medicare	38.88%	38.73%
Other Managed Care	9.89%	10.56%
Total	100%	100%

Source: CON application #10415, Schedule 7

Palm Garden of Aventura, LLC (CON #10416) states that Palm Garden of Aventura, LLC operates Palm Garden of Aventura, and that no other nursing homes are owned or operated by this applicant.

CON Action Numbers: 10413 through 10416

PGA states that Palm Garden serves all patients in need regardless of race, ethnicity, gender or ability to pay. The applicant states the breakdown of payer source from their Schedule 7A shows their commitment to all patients. The reviewer created the following chart from the applicant’s Schedule 7 regarding the proposed facility.

Palm Garden of Aventura CON #10416 Payer Mix

	Year One (Ending 06/30/2019)	Year Two (Ending 06/30/2020)
Medicaid	58.7%	58.7%
Medicare	28.9%	28.9%
Managed Care	7.1%	7.1%
Self-Pay	5.3%	7.3%
Total	100.0%	100.0%

Source: CON application #10416, Schedule 7

The reviewer compiled the following Medicaid occupancy data for Palm Garden Healthcare Holdings’ Florida facilities for July 1, 2014 to June 30, 2015. See the table below.

**Palm Garden Operated Facilities, Florida Medicaid Occupancy
July 1, 2014 to June 30, 2015**

District/Subdistrict	Facility	Medicaid Days	Total Days	Medicaid Occupancy
11-1	Palm Garden of Aventura	21,529	40,746	52.84%
5-2	Palm Garden of Clearwater	25,785	41,644	61.92%
3-2	Palm Garden of Gainesville	18,208	40,457	45.01%
4-3	Palm Garden of Jacksonville	29,721	42,275	70.30%
5-2	Palm Garden of Largo	27,075	45,514	59.49%
3-4	Palm Garden of Ocala	44,214	62,741	70.47%
7-2	Palm Garden of Orlando	27,728	41,421	66.94%
5-2	Palm Garden of Pinellas	25,114	40,456	62.08%
9-5	Palm Garden of Port St. Lucie	27,287	41,860	65.19%
6-1	Palm Garden of Sun City	21,138	39,554	53.44%
6-1	Palm Garden of Tampa	26,632	41,390	64.34%
9-1	Palm Garden of Vero Beach	41,008	55,810	73.48%
9-4	Palm Garden of West Palm Beach	42,278	59,696	70.82%
6-5	Palm Garden of Winter Haven	24,472	39,343	62.20%
	Total	402,189	632,907	63.55%

Source: Florida Nursing Home Bed Need Projections by District and Subdistrict, October 2015 Batching Cycle

The applicant’s Schedule 7 indicates that Medicaid represent 58.7 percent, respectively, of year one and year two and self-pay represents 5.3 and 7.3 for year one and two, respectively of the annual total patient days.

F. SUMMARY

Dade County HRC, LLC (CON #10413) is owned by SBK Capital LLC and will be managed by Clear Choice, proposes to establish a new 109-bed community nursing home in Subdistrict 11-1, Miami-Dade County.

Clear Choice operates eight SNFs in Florida.

The project involves 77,585 GSF of new construction. The construction cost is \$13,313,586. Total project cost is \$22,150,000. Project cost includes land, building, equipment, project development, financing and start-up costs.

The applicant proposes multiple conditions on its Schedule C.

Dade SNF, LLC (CON #10414), an affiliate of Consulate, proposes to establish a new 109-bed community nursing home in Subdistrict 11-1, Miami-Dade County.

Consulate operates 76 SNFs in Florida.

The project involves 77,645 GSF of new construction. The construction cost is \$17,072,500. Total project cost is \$27,031,250. Project cost includes land, building, equipment, project development and financing costs.

The applicant proposes multiple conditions on its Schedule C.

La Mer NH II, LLC (CON #10415) proposes to establish a new 150-bed community nursing home through the delicensure of 41 beds within a 30-mile radius. Upon approval of the proposed project, Jackson Heights NH, LLC d/b/a Unity Health and Rehabilitation Center, agrees to voluntarily relinquish 41 of its 294 community nursing home beds. Once constructed, La Mer will be located in the same subdistrict as Unity Health-- Subdistrict 11-1, Miami-Dade County, Florida. Therefore, 109 new beds will be added to the subdistrict upon implementation of the project.

La Mer is an affiliate of Greystone. Greystone operates 26 SNFs and two ALFs in Florida

The project involves 96,272 GSF of new construction. The construction cost is \$17,134,102. Total project cost is \$29,057,623. Project cost includes land, building, equipment, project development, financing and start-up costs.

CON Action Numbers: 10413 through 10416

The applicant proposes no conditions on its Schedule C.

Palm Garden of Aventura, LLC (CON #10416), owned by PGHH and parented by Parkwood, proposes to add 109 beds to the existing 120-bed Palm Garden of Aventura at 2125 E Dixie Highway, North Miami Beach, Florida 33180, in Subdistrict 11-1, Miami-Dade County. PGA contracts PHM for day-to-day operations.

PGHH owns 13 SNFs in Florida.

The project involves 67,038 GSF of new construction and 6,585 GSF of renovation (73,623 total GSF). The construction cost is \$17,765,070 and the renovation cost is \$1,185,300 (\$18,950,370 in total construction cost). Total project cost is \$23,862,074. Project cost includes land, building, equipment, project development, financing and start-up costs.

The applicant proposes multiple conditions on its Schedule C.

Need

In Volume 41, Number 192 of the Florida Administrative Register dated October 2, 2014, a fixed need pool of 109 community nursing home beds was published for Subdistrict 11-1 for the January 2018 Planning Horizon.

As of December 23, 2015, Subdistrict 11-1 had 8,456 licensed and 213 approved community nursing home beds. During the 12-month period ending June 30, 2015, Subdistrict 11-1 experienced 89.49 percent utilization (total occupancy) at 54 existing community nursing homes.

Dade County HRC, LLC (CON #10413) has identified a sub-acute care service gap in the local community for patients that need high-intensity rehabilitative services in a SNF such as that proposed by the applicant.

Dade HRC insists that the identified gap in sub-acute care services is evident from the various letters of support received in the application. There were various letters of support that were quoted that suggest a gap in sub-acute care services in the Miami-Dade area.

The applicant states the proposed project will meet the identified gap, enhancing geographic access for medically complex post-acute patients by providing a local alternative for patients to remain close to home for care.

CON Action Numbers: 10413 through 10416

Dade SNF, LLC (CON #10414) explains the applicant has conducted additional analysis to determine what services, programs and facility features would most benefit the area residents needing skilled nursing care. Dade SNF states having identified three special programs to serve area patients' needs: Alzheimer's and memory care unit, EHR/ Telemedicine programs and bilingual Spanish speaking staff with Hispanic programming.

The applicant contends that the proposed facility will fulfill the need of the subdistrict and the three special programs that are conditioned in the applicant will increase access and availability.

La Mer NH II, LLC (CON #10415) proposes to establish a new 150-bed community nursing home through the published fix need pool or 109 beds aggregated with the delicensure of 41 community nursing home beds at Unity Health Rehabilitation Center. The applicant states the benefits associated with the original plan (CON #10392) are still realized.

Including the original benefits, La Mer emphasizes three main advantages of "replacing" CON #10392 with the proposed project under CON #10415:

- 1) Minimizing disruption to patients currently served by Unity Health and Rehabilitation Center
- 2) Minimizing the impact on existing nursing homes within the planning area that may be impacted by the addition of a new facility
- 3) To implement the project quickly, bringing the proposed 109 new beds into service by January 1, 2018

La Mer maintains that establishing the proposed project will move the beds to an area with greater need which will in return increase access and availability to skilled nursing care in the 33185 area.

Palm Garden of Aventura, LLC (CON #10416) proposes to add 109 beds to the existing 120-bed Palm Garden of Aventura (SNF) at 2125 E. Dixie Highway, North Miami Beach, Florida 33180.

The applicant states that one of the critical needs within this area, and a key rationale for the proposed 109-bed addition at PGA, is an increased supply of private patient rooms.

PGA states that in addition to the published need, Palm Garden's own assessment of population size and growth as well as patterns of area hospital discharges to nursing homes, and community support, affirms that PGA is the ideal candidate to help meet the needs and enhance access to nursing home care among area residents.

CON Action Numbers: 10413 through 10416

The applicant notes that the bed-addition project will include an expansion of respiratory services to include care of patients requiring ventilator care. PGA asserts that it will provide complete skilled nursing respiratory care, including licensed and certified respiratory therapist on-site to provide services around the clock seven days a week. The applicant states that these respiratory enhancements will allow PGA to provide state-of-the-art disease management through resident and care provider education to optimize function, understand the disease process, prevent regression, and in many cases move toward weaning from ventilator assist.

Quality of Care

Each co-batched applicant provides a description of their respective ability to provide quality care.

Dade County HRC, LLC (CON #10413) describes how they will provide quality care to the identified gap to high-intensity sub-acute care patients demonstrated through the history of Clear Choice facilities. Clear Choice facilities operate two Gold Seal facilities. The applicant's controlling interest had 23 substantiated complaints at its eight Florida SNFS during November 18, 2012 to November 18, 2015.

Dade SNF, LLC (CON #10414) explains how they will provide quality of care to the three identified gaps emphasized by the applicant. Consulate operates no Gold Seal facilities and there are currently 15 Consulate facilities on the Agency's Nursing Home Watch List. The applicant's controlling interest had 692 substantiated complaints at its 76 Florida SNFs during November 18, 2012 to November 18, 2015.

La Mer NH II, LLC (CON #10415) indicates how the proposed facility will be managed by an experienced nursing home operator, Greystone, which currently runs 26 successful SNFs in Florida. Greystone currently operates no Gold Seal facilities and there are currently five Greystone facilities on the Nursing Home Watch List. The applicant's controlling interest had 159 substantiated complaints at its 26 Florida SNFs during November 18, 2012 to November 18, 2015.

Palm Garden of Aventura, LLC (CON #10416) contends that its paramount priority and commitment are to provide the highest possible quality of physical, emotional, social and spiritual care for its residents, in an environment in which they feel safe, secure, and at home.

CON Action Numbers: 10413 through 10416

PGA is not a Gold Seal facility nor is it on the Agency's Nursing Home Watch List, and currently has a one-star Agency rating. Palm Garden Healthcare Holdings currently operate no Gold Seal Facilities and there is currently one Palm Garden facility on the Agency Nursing Home Watch List.

The applicant's controlling interest had 56 substantiated complaints at its 14 Florida SNFs during November 18, 2012 to November 18, 2015.

Financial Feasibility/Availability of Funds

Dade County HRC, LLC (CON #10413)

- Funding for this project appears likely, but not guaranteed.
- Based on the information provided in Schedule 6, the applicant's projected staffing meets this requirement.
- This project appears to be financially feasible based on the projections provided by the applicant.
- This project is not likely to have a material impact on competition to promote quality and cost effectiveness.

Dade SNF, LLC (CON #10414)

- Funding for this project is not guaranteed but appears likely.
- Based on the information provided in Schedule 6, the applicant's projected staffing meets this requirement.
- This project appears to be financially feasible based on the projections provided by the applicant.
- This project is not likely to have a material impact on competition to promote quality and cost effectiveness.

La Mer NH II, LLC (CON #10415)

- Funding for this project is in question
- Based on the information provided in Schedule 6, the applicant's projected staffing meets this requirement.
- This project appears to be financially feasible based on the projections provided by the applicant.
- This project is not likely to have a material impact on competition to promote quality and cost effectiveness.

CON Action Numbers: 10413 through 10416

Palm Garden of Aventura, LLC (CON #10416)

- Funding for this project is likely but not guaranteed.
- Based on the information provided in Schedule 6, the applicant's projected staffing meets this requirement.
- This project appears to be financially feasible based on the projections provided by the applicant.
- This project is not likely to have a material impact on competition to promote quality and cost effectiveness.

Medicaid/Charity Care

Dade County HRC, LLC (CON #10413) does not propose to condition project approval to a percentage of Medicaid days.

The applicant's Schedule 7 indicates for the 109-bed facility that Medicaid HMO and self-pay represent 29.9 percent and 5.4 percent, respectively, of year one and 35.8 percent and 2.8 percent, respectively, year two annual total patient days.

Dade SNF, LLC (CON #10414) does not propose to condition project approval to a percentage of Medicaid days.

The applicant's Schedule 7 indicates that Medicaid HMO and self-pay represent 28 percent and 5.5 percent, respectively, of year one and year two annual total patient days.

La Mer NH II, LLC (CON #10415) does not propose to condition project approval to a percentage of Medicaid days.

The applicant's Schedule 7 indicates that Medicaid and self-pay represent 51.23 percent and 0.00 percent, respectively, of year one and 50.70 percent and 0.00 percent, respectively, of year two annual total patient days.

Palm Garden of Aventura, LLC (CON #10416) does not propose to condition project approval to a percentage of Medicaid days.

The applicant's Schedule 7 indicates that Medicaid represent 58.7 percent, respectively, of year one and year two and self-pay represents 5.3 and 7.3 for year one and two, respectively of the annual total patient days.

Architectural

Dade County HRC, LLC (CON #10413): The cost estimate and the project completion forecast appear to be reasonable. A review of the architectural plans, narratives and other supporting documents did not reveal any deficiencies that are likely to have a significant impact on either construction costs or the proposed completion schedule.

Dade SNF, LLC (CON #10414): The cost estimate and the project completion forecast appear to be reasonable. A review of the architectural plans, narratives and other supporting documents did not reveal any deficiencies that are likely to have a significant impact on either construction costs or the proposed completion schedule.

La Mer NH II, LLC (CON #10415): The cost estimate and the project completion forecast appear to be reasonable. A review of the architectural plans, narratives and other supporting documents did not reveal any deficiencies that are likely to have a significant impact on either construction costs or the proposed completion schedule.

Palm Garden of Aventura, LLC (CON #10416): The cost estimate and the project completion forecast appear to be reasonable. A review of the architectural plans, narratives and other supporting documents did reveal two deficiencies that are likely to have an impact on either construction costs or the proposed completion schedule.

G. RECOMMENDATION

Approve CON #10416 to add 109 community nursing home beds in District 11, Subdistrict 1, Miami-Dade County. The total project cost is \$23,862,074. The project involves 67,038 GSF of new construction, 6,585 GSF of renovation and a total construction cost of \$18,950,370.

CONDITIONS:

- 109 new private skilled nursing beds/rooms in tower addition to Palm Garden of Aventura
- Partnership with Select Respiratory Services – Palm Garden of Aventura in working relations with Aventura Hospital will have a full time respiratory therapist from Select Respiratory Services at the facility
- Chaplin/Spiritual Services – Palm Garden of Aventura offers spiritual care and guidance for all patients and family members every day at the facility. Currently the Chaplin is available for half days every day

CON Action Numbers: 10413 through 10416

- at the facility. The Chaplin currently ministers to over 30 patients a week at the facility. Palm Garden of Aventura will work with the Chaplin so that at least 50 percent of all Palm Garden patients will receive weekly spiritual and support services that all of its patients request.
- Educational opportunities at Palm Garden of Aventura for students - Palm Garden of Aventura's therapy department has for several years mentored Florida International University (FIU) and other students - particularly students to be Physical Therapists. FIU has an ongoing relationship with PGA to allow students every semester to study and work with Palm Garden's full-time Physical Therapist. An integral part of this ongoing program is to educate the students and equip them with the requisite knowledge to evaluate and treat the geriatric population. Palm Garden has established a contract with the FIU to build on this opportunity. Additionally, PGA has worked with students from Keiser University to help the students gain skills needed to care for elderly patients and to expose them to new ideas and current trends in the industry. Palm Garden of Aventura is committed to continuing these educational programs.
 - PGA will expand respiratory services to include care of patients requiring ventilator care. Fifteen beds on the fourth floor of the proposed expansion will be equipped with piped oxygen and suction to better accommodate the needs of these residents. Following the expansion Palm Garden will provide complete skilled nursing respiratory care, including licensed and certified respiratory therapist on-site to provide services around the clock seven days per week.

Deny CON #10413, CON #10414 and CON #10415.

AUTHORIZATION FOR AGENCY ACTION

Authorized representatives of the Agency for Health Care Administration adopted the recommendation contained herein and released the State Agency Action Report.

DATE: _____

Marisol Fitch
Health Administration Services Manager
Certificate of Need