

STATE AGENCY ACTION REPORT
ON APPLICATION FOR CERTIFICATE OF NEED

A. PROJECT IDENTIFICATION

1. Applicant/CON Action Number

Seasons Hospice & Palliative Care of Palm Beach County, LLC/CON #10717

6400 Shafer Court, Suite 700
Rosemont, Illinois 60018

Authorized Representatives: Todd A. Stern/Annemarie Switchulis
(847) 692-1127/(248) 928-6312

2. Service District/Subdistrict

Service Area (SA) 9C – Palm Beach County

B. Public Hearing

A public hearing was not held or requested regarding the proposed project.

Letters of Support

Seasons Hospice & Palliative Care of Palm Beach County, LLC (CON application #10717) includes 118 letters of support, 82 of which are stated to be from organizations, healthcare providers and residents in Palm Beach County in Exhibit 4 of the application. The applicant identifies the organization types as follows:

- Academic Institutions
- Assisted Living Facilities (ALFs)
- Community Organizations (includes specialized groups)
- Food Pantry
- Home Health
- Homeless Organizations
- Hospitals
- Physician, Medical Group or Health Center
- Mental Health or Substance Use Treatment

- Other Providers (non-medical)
- Pediatric Medicine
- Religious Entities
- Residents
- Skilled Nursing Facility (SNF) or Rehabilitation Center

Seasons' support letters discuss its provision of high-quality hospice care in Florida and demonstrate the widespread appreciation by other healthcare providers, community organizations and residents for the services it offers. Excerpts of these letters are provided on pages 6, 14, 20, 26-27, 41, 48, 60, 63, 65, 67-68, 71, 73, 81, 92, 113-116, 143, 150, 161-164, 169, 172, 174, 179-180, 235 and 248-249.

Characteristics regarding the dates of the letters of support in CON application #10717, Exhibit 4 include:

- Hugh G. Clark, PhD, MSSW, Chair and Associate Professor, MSW Program Coordinator, Florida Gulf Coast University letter dated July 20, 2020 encourages approval of Seasons' applications in the following service areas/districts:
 - 6B (Polk, Highlands and Hardee Counties) and
 - 9C (Palm Beach County)
- Two others also suggest approval for Seasons hospice applications in both Service Areas 6B and 9C, when Seasons had SA 6B and 9C applications
- Four letters are not dated
- The overwhelming majority of the support letters are dated in August, September or October 2021 and were originally submitted in its CON application #10706 which was received during the 2nd Batching Cycle of 2021.

Letter of Opposition

On April 27, 2022, the Agency received a letter of opposition on behalf of MorseLife Hospice Institute, Inc. d/b/a Palm Beach Hospice by MorseLife to CON application #10717 from D. Ty Jackson, Gray Robinson, Attorneys at Law. He cites the pending SA 9C case at the Division of Administrative Hearings (DOAH), Consolidated Case Nos. 22-0272CON—22-0276CON, with Seasons Hospice & Palliative Care of Palm Beach County, LLC being one of four parties petitioning the Agency's initial decision to approve MorseLife's CON application #10702 CON to provide hospice services in SA 9C.

Mr. Jackson states the following supports denying Seasons application:

- The Fixed Need Pool (FNP) for the July 2023 Hospice Planning Horizon demonstrates that the capacity of existing providers to serve hospice patients in SA 9C already exceeds the projected demand for the Planning Horizon
- Further, the Agency shall not normally approve a new hospice in a SA unless each hospice serving the area has been licensed and operational for at least two years as of three weeks prior to the publication of FNP per Rule 59C-1.0355(4)(b), Florida Administrative Code (See item E.1.a. of this report).
- MorseLife is Agency-approved to expand its operations to all of Service Area 9C
- There are no special or “not normal” circumstances in SA 9C that would warrant approval of an additional hospice provider
- There is a projected surplus of capacity for the July 2023 Hospice Planning Horizon even before MorseLife’s 2021 application attains final approval and licensure
- MorseLife “is poised to address any and all service gaps that might persist upon its expansion” and
- that “Upon successful completion of the pending litigation, MorseLife will provide high quality hospice services to all Service Area 9C residents regardless of ability to pay, disease process, faith, race, ethnicity, location within the Service Area, or otherwise.”

C. PROJECT SUMMARY

Seasons Hospice & Palliative Care of Palm Beach County, LLC (CON application #10717), also referenced as Seasons Palm Beach or the applicant, is a developmental stage for-profit Florida entity established on August 20, 2021. The applicant proposes to establish a new hospice program in SA 9C. Seasons/Accent affiliates provide hospice services in SAs 5A, 5B, 6A, 10 and 11.

Seasons Palm Beach is directly owned by AccentCare, Inc., which it states is the fifth largest hospice provider in the country employing over 4,000 hospice staff across 81 hospice agencies, providing services in 23 inpatient centers, and serving over 40,000 patients annually. AccentCare, Inc.’s ultimate parent is Horizon Acquisition Co. Inc., which is funding the project.

Seasons expects issuance of license on June 1, 2023 and initiation of service on July 1, 2023.

Total project cost is \$859,721 and includes building, equipment, development, and start-up costs.

Seasons Hospice & Palliative Care of Palm Beach County, LLC's preamble to its conditions indicates the conditions "were developed to address specific hospice-eligible patient populations in Palm Beach County with unmet needs" and "are in addition to Seasons Palm Beach's compliance with all state and federally mandated requirements. The parent company will provide \$100,000 per year to Seasons Hospice Foundation to seed these initiatives. Seasons Hospice Foundation will provide funding for some of these conditions, as noted below." Exhibit 60 contains "a letter from Gisele Growe, Seasons Hospice Foundation's Executive Director, committing the funding for those conditions". The applicant's conditions are provided verbatim below.

Care for Underserved Populations in Western Palm Beach County

The Seasons Palm Beach staff conducted a community needs assessment to better understand Subdistrict 9C's hospice needs. Communities in "The Glades" area of western Palm Beach County (Belle Glade, South Bay, and Pahokee) are underserved for hospice due to barriers to access and a lack of programs that address the unique cultural and socioeconomic factors in these areas. Residents of western Palm Beach County are discharged to hospice at a lower rate than residents of other areas such as West Palm Beach, Lake Worth, and Boca Raton. Seasons Palm Beach has developed and targeted programming and initiatives to improve access to hospice and palliative care for these residents and their caregivers.

- 1. Clinical Liaison Visiting Western Palm Beach Hospital and Nursing Home Seven Days a Week¹** - Seasons Palm Beach has met with providers in The Glades and understands one of the primary barriers to hospice care is that hospice staff do not visit area facilities frequently and are slow to respond to referrals. Seasons Palm Beach conditions this application on having a clinical liaison visit Lakeside Medical Center, the only acute care hospital in The Glades, and Glades Health Care Center, the only nursing home in the area, seven days a week. The clinical liaison(s) making these visits will receive additional training and education on the unique needs of these residents, and the programs and resources available to meet those needs. The clinical liaison will round at the hospital each morning to meet with nurse case managers and physicians about any patients who may need hospice care. The clinical liaison will then visit Glades

¹ The applicant's Schedule 6A does not have designated clinical liaison FTEs.

Health Care Center in Pahokee to meet with staff, take referrals, and provide hospice outreach education. The clinical liaison will finish the day by rounding at Lakeside Medical Center again, to meet with hospital staff and patients as nurse case managers and physicians are discharging patients. The clinical liaison will also meet with area senior centers, the assisted living facility, and community organizations in The Glades as their schedule allows.

Seasons Palm Beach will proactively meet the needs of patients by making daily visits to both of these geographically isolated facilities. Instead of responding to requests for hospice admissions, Seasons Palm Beach will work with staff members to anticipate the needs of patients likely to need hospice care, and will alert the clinical and social services team to their likely needs. Seasons Palm Beach clinical liaisons will provide hospice and end-of-life care education to staff members of these facilities, ensuring they understand the clinical guidelines for hospice-eligible patients. The education will allow clinicians to identify hospice-eligible patients earlier in their disease progression so they can receive the full benefits of hospice and palliative care and avoid unnecessary readmissions or prolonged stays. This will improve the end-of-life experience for patients and their families, as studies have shown that “families feel they receive greater benefits from longer lengths of stay in hospice”. Daily visits will also allow Seasons Palm Beach to develop strong relationships with nurse case managers, physicians, and other staff members and become a key resource for questions regarding end-of-life care.

Seasons Palm Beach will show conformance with this condition by submitting as part of its annual monitoring report the name(s) of the clinical liaison(s) whose regular duty it is to visit these facilities, and a description of how those visits are covered on weekends.

- 2. Two Hospice Offices** – Seasons Palm Beach conditions this application on having two hospice offices in Subdistrict 9C. Seasons offices will be in the heart of the highest need areas, to partner with the community and help provide solutions in high Elder Needs Index (ENI) areas. One office will be in or near Belle Glade, Florida. The other will be in Riviera Beach, Florida, where one in five residents lives in poverty. As discussed on page 5 of Schedule B, both these areas have lower rates of discharge from hospital to hospice than other areas in the county and are underserved for hospice care. Providers in these areas also report long response times to requests for visits from hospice staff.

Both hospice offices will be open in the first year of operation. Seasons Palm Beach will show conformance with this condition by submitting a copy of the lease for each office as part of the annual monitoring report.

- 3. Bilingual Staff and Outreach Programs** - Palm Beach County is home to many residents whose primary language is not English. In Belle Glade, for example, more than a quarter of all residents speak a language other than English. French Creole and Spanish are the two most common other languages. Seasons understands it is important to have staff members who can speak to these residents without linguistic barriers to provide successful outreach and education.

Seasons Palm Beach conditions this application on having a Hispanic Outreach Program with one full-time equivalent Spanish-speaking employee (either a social worker, a chaplain, a hospice care consultant, or a combination thereof). Seasons also conditions this application on having a Haitian Outreach Program, with a French Creole-speaking employee (either a social worker, a chaplain, a hospice care consultant, or a combination thereof).

Seasons Palm Beach will show conformance with this condition by submitting as part of the annual monitoring report the names and positions of all staff members who speak Spanish and French Creole.

- 4. Cultural Inclusion Council** - As discussed throughout this application, Subdistrict 9C has socioeconomic and health disparities that present barriers to hospice care for some patients. Seasons Palm Beach will form a Cultural Inclusion Council that meets on a quarterly basis. This council will have at least one Hispanic member, one member with ties to the Guatemalan community, one member of the Haitian community, one member of the LGBTQ+ community, an individual representing the Jewish community, and one member from the African American community. Seasons Palm Beach staff members will also serve on the council, the purpose of which is to consider the cultural values of all Seasons' patients, families, and staff, to provide care that respects what is most important to each individual, to improve the community understanding of hospice and palliative care, and to educate staff to ensure all needs are met while breaking down

barriers to accessing high-quality hospice care. The Cultural Inclusion Council's goals reinforce Seasons' priority of equitable care so all patients, regardless of race, gender, ethnicity, religion, sexual orientation, language, gender identity, or class, die comfortably and with dignity.

Seasons Palm Beach will show conformance with this condition by submitting a copy of the minutes and attendees for each quarterly meeting as part of its annual monitoring report.

- 5. Health Literacy Outreach** – Twenty two percent of Palm Beach County adults are at risk for having difficulty using and comprehending print materials. While some of these adults can read short texts and understand the material sufficiently to perform short tasks (like filling out a short form), others may only understand very basic vocabulary in print related to familiar topics, while others are functionally illiterate. Many residents in areas of Palm Beach County, including Belle Glade and Rivera Beach, have a “basic” or “below basic” health literacy skill level. Seasons Palm Beach values the rights and dignity of all residents, and is committed to making information about end-of-life choices available to all area residents, regardless of literacy level.

Seasons Palm Beach will provide community conversations, materials, and information geared toward those with low literacy, to offer education about advance directives and care options in advance and terminal illnesses. Seasons' supportive staff and outreach workers will meet with community members in areas where free meals and food are offered, and in homeless shelters, churches, and other community settings to provide such education on a monthly basis.

Seasons Palm Beach will demonstrate conformance with this condition by submitting in the annual monitoring report the location, staff members, and number of participants at each monthly Health Literacy Outreach meeting.

The communities of Pahokee and Belle Glade in western Palm Beach County have majority Black populations. Black residents represent 51.6 percent of Pahokee's population and 63.3 percent of Belle Glade residents. These percentages are 2.6 times higher and 3.2 times higher than the countywide percentage, respectively. Seasons Palm Beach understands one barrier to care among Black and African American communities is the conception that entering hospice care is about giving up and ending life prematurely.

- 6. Open Access** allows hospice-eligible patients receiving medical treatments and/or experiencing intense psychosocial challenges earlier access to hospice services. Seasons' Open Access program provides services many other hospices will not consider, such as ventilators for home use, radiation therapy, and chemotherapy. This program is described in more detail on page 52 of the application. Seasons Palm Beach conditions this application on offering its Open Access program in Palm Beach County to patients of all ethnicities and religions, so patients and families can access hospice and advance planning earlier.

Seasons Palm Beach will demonstrate conformance with this condition by providing in the annual compliance report the number of patients each year who enter hospice care with Seasons Palm Beach through the Open Access program.

Providing Palliative and Hospice Care to Pediatric Residents and Their Families

- 7. Partners in Care: Together for Kids** – Seasons Palm Beach conditions this application on applying to become a Partners in Care: Together for Kids (PIC:TFK) provider. There are currently no PIC:TFK providers in Palm Beach County². Through its PIC:TFK program, Seasons will use a palliative care approach to improve the quality of life for patients and their family members. Seasons will offer PIC:TFK to children enrolled in the CMS Health Plan with a life-limiting or threatening illness, as certified by their physicians. These services are offered to a broader range of children than standard hospice care, which requires a six-month terminal diagnosis. PIC:TFK patients and their families will receive counseling, grief counseling, nursing care, pain and symptom control, music therapy, play therapy, art therapy, respite care, chaplain services, and other services.

Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual monitoring report a copy of the application to become a PIC:TFK provider.

- 8. Certified Child Life Specialist** – Seasons Palm Beach will employ a certified child life specialist as part of the hospice team.³ Child life specialists help infants, children, youth, and families cope with

² The reviewer confirmed Palm Beach County does not have a PIC:TFK provider per the Florida Department of Health website @ [partners_map \(floridahealth.gov\)](https://partners_map.floridahealth.gov).

³ The reviewer confirmed Seasons' Schedule 6A has child life specialist FTEs as 0.5 in year one and 1.0 FTE in year two of the project.

the stress and uncertainty of illness, injury and treatment. The American Association of Pediatricians states child life specialists “promote coping and enhance the overall health care experience for patients and families” and are “associated with improved quality, outcomes and patient and family experiences” in pediatric care. The child life specialist will work with the interdisciplinary team to provide evidence-based, developmentally appropriate interventions, including therapeutic play and preparation and education to reduce fear, anxiety, and pain.

Seasons Palm Beach will demonstrate conformance with this condition by submitting the name, hiring date, and credentials of Seasons Palm Beach’s child life specialist as part of its first annual monitoring report.

- 9. Kangaroo Kids** - Seasons Palm Beach will offer its Kangaroo Kids program in Subdistrict 9C. Kangaroo Kids adopts a multidisciplinary approach for serving pediatric patients at the end of life, and their families and loved ones.

As part of this commitment, Seasons Palm Beach will hire a Registered Nurse case manager upon opening to oversee its pediatric program (see Schedule 6). Seasons Palm Beach will hire additional staff with pediatric hospice backgrounds to ensure both the day shift and the on-call and after hours team includes staff members with prior pediatric experience and training. All of Seasons Palm Beach’s clinical staff will receive training in pediatric hospice and family support as part of their onboarding and ongoing training.

Seasons Palm Beach will demonstrate conformance with this condition by submitting the name and credentials of the Registered Nurse case manager with pediatric expertise, and the names of all Seasons Palm Beach staff who have received pediatric hospice training, with the dates of their training noted. This will be submitted as part of the annual monitoring report.

- 10. Camp Kangaroo** - Seasons Palm Beach will offer Camp Kangaroo, a free camp experience that provides a supportive and therapeutic environment for children who have experienced the death of a family member or loved one in the last two years. The camp is open to children ages 5-17. Camp Kangaroo is a weekend day camp and will be held annually in the Belle Glade area. Seasons Hospice Foundation will fund the annual Camp Kangaroo.

Seasons Palm Beach will demonstrate conformance with this condition by submitting an attendee list and the dates of the camp as part of its annual monitoring report.

Programs for Socioeconomically Disadvantaged Residents

Access to and utilization of hospice care are not uniform across all socioeconomic characteristics. Research shows individuals with low incomes are less likely to receive hospice at end of life, as are residents of socioeconomically disadvantaged areas. Not only are socioeconomically disadvantaged individuals less likely to access hospice care at the end of life, but they are also more likely to enter hospice sicker and with more complex needs than their wealthier counterparts. Research shows the lower a person's socioeconomic position, the worse their health is, and experiences of social inequality can compound suffering at the end of life. Research also suggests poverty leads to both more clinically complex end of life needs (due to poorer overall health) and more complex psychosocial needs at end of life.

Although Palm Beach County's median household income and per capita income are higher than the Florida average, there are many socioeconomically disadvantaged communities. In Riviera Beach 20 percent of persons live in poverty, while 25 percent in Lake Worth, nearly 38 percent in Pahokee, and 40 percent in Belle Glade live in poverty. These communities have higher percentages of persons living in poverty than the county's overall percentage of 12 percent. The median household incomes in these cities are lower than the county average; in Pahokee and Belle Glade, they are less than half of Palm Beach County's average.

Seasons Palm Beach will improve access to hospice care for all residents of Palm Beach County. It has designed programming to improve the overall health and well-being of individuals with a lower socioeconomic position. Within its existing Florida service areas, Seasons has experience serving neighborhoods and communities with more complex needs due to their socioeconomic status. Seasons Palm Beach understands socioeconomic status often intersects with race, ethnicity, immigration status, and literacy, and believes the conditions in this application related to those factors will also improve access to hospice care for residents with lower socioeconomic status. In addition to those conditions, Seasons Palm Beach conditions its application on these programs:

- 11. Food Insecurity Program** – Residents in The Glades communities, including Pahokee and Belle Glade, have limited means to afford food purchases, and need assistance and benefits to reduce

experiencing hunger. Seasons Palm Beach conditions this application on assisting those experiencing food insecurities through two avenues. For hospice patients or their bereaved loved ones experiencing food insecurity, Seasons will train its Compassionate Companions and Friendly Bereavement Visitors in assessing food insecurity. The hospice social worker will also assess at the time of admission and during ongoing visits. When there is food insecurity, Seasons Hospice Foundation will provide funding for emergent food needs.

Seasons Palm Beach also recognizes the need in the larger community and conditions this application on a donation from the parent company to a local food bank or pantry for \$100,000 within the first two years of operation.

Seasons Palm Beach will demonstrate conformance with this condition by submitting a notarized statement confirming the total contribution made to local food banks and pantries. In addition, as part of the annual monitoring report, Seasons Palm Beach will submit the number of patients or bereaved clients with emergent food needs served by Seasons Hospice Foundation.

- 12. Homeless Housing Program** – According to the 2020 Point-In-Time Count, there were 1,030 unsheltered persons experiencing homelessness in Palm Beach County, and an additional 480 persons in emergency shelters or transitional housing. 181 seniors were experiencing homelessness, 158 of whom were unsheltered. The total number of persons experiencing homelessness has been growing in Palm Beach County since 2018, and the number of homeless seniors has increased 45 percent since 2017. Palm Beach County has insufficient capacity to shelter these individuals. According to the National Coalition to End Homelessness, there were only sufficient beds for 19 percent of individuals experiencing homelessness.

Seasons Palm Beach conditions this application on providing funding to ensure homeless hospice patients are offered shelter and comfort in their final days. For the first five years of operations, Seasons will annually donate \$25,000 to a local non-profit focused on meeting the needs of people at risk of or experiencing homelessness. Seasons Palm Beach will demonstrate conformance with this condition by submitting a notarized statement confirming the total contributions made.

Support for Elderly Residents Living Alone

According to Census Data relied on by the Department of Elder Affairs (DOEA) in its Profile of Older Floridians publications, over 29 percent of women 60 and older in Palm Beach County live alone, and 17 percent of men 60 and older live alone. The Census estimates over 108,000 Palm Beach County residents 60 and over live alone. Standard hospice services assume the patient has a designated caregiver in the home. In all its programs, Seasons expects some patients will not have designated primary caregivers and is prepared to arrange to meet their needs. Elders living alone are at high risk for depression and anxiety and may have challenges with food insecurity or financial pressures due to their social isolation.

The DOEA developed an Elder Needs Index (ENI) to help aging partners plan for serving areas “with concentrations of vulnerable elders.” Belle Glade and Pahokee and the surrounding areas have a high ENI. These populations often have cultural and linguistic barriers the compound the challenges to receiving comprehensive end-of-life care.

Seasons Palm Beach County will implement four programs to meet the unique needs of hospice patients living alone and the bereaved who are left alone after a hospice patient’s death.

- 13. Caregiver Relief Program** – Seasons Palm Beach conditions this application on providing relief for caregivers through its partnership with Seasons Hospice Foundation. Patients who live alone or with family caregivers experiencing caregiver burnout, and who cannot afford additional custodial care on their own will receive up to six hours of caregiver relief per week. This custodial care will serve several purposes, including assistance with minor household chores and reducing isolation. The custodial care will be provided by contracted services, paid for through The Seasons Hospice Foundation. Hospice patients and their caregivers can obtain this service by completing an assessment with the hospice social worker.

Seasons Palm Beach will demonstrate conformance with this condition by providing as part of the annual monitoring report the number of patients who receive free custodial care and the average hours of custodial care provided.

- 14. Compassionate Companions** - Seasons Palm Beach will provide a volunteer-based companionship program in Subdistrict 9C. All Seasons volunteers are asked about their interests and skills when they join the program. In Subdistrict 9C, volunteers will also be

assessed for interest in becoming companions for hospice patients living alone. These volunteers, Compassionate Companions, will receive special training on how to provide companionship to people living alone, particularly women. Seasons Palm Beach will make every effort to match volunteers with patients based on common interests and backgrounds.

Seasons Palm Beach will train its Compassionate Companions to detect signs of food insecurity and financial distress. As Compassionate Companions identify any additional services or needs patients may have, they will communicate these needs to Seasons Palm Beach staff, who will ensure patients' needs are met. Compassionate Companions will receive a weekly call from a Seasons Palm Beach social worker to see whether the patients they visited have concerns or problems the social worker can address or provide resources for.

Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of Seasons' annual monitoring report the number of Compassionate Companion volunteers, copies of the training materials, and the number of visits to hospice patients.

- 15. No One Dies Alone Program** - Seasons will implement its No One Dies Alone program in Palm Beach County. Seasons educates its staff and volunteers to identify when patients are approaching the final weeks of their lives. At this point, staff and volunteers offer additional support and provide continuous care or volunteer vigils, if the patient/family accept it. If the patient is not appropriate for continuous care, Seasons will offer its Volunteer Vigil program, which uses specially trained volunteers to stay at the patient's home. If volunteers are unavailable, Seasons Palm Beach staff will hold vigil to ensure no patient dies alone against their wishes.

Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of Seasons' annual monitoring report the percent of patients who die with a Seasons staff member or volunteer at their bedside.

- 16. Friendly Visitors Bereavement Program** - This program serves low-risk bereaved clients who are coping well with loss but are lonely and socially withdrawn or isolated. For many elderly individuals, losing a spouse is followed not only by grief for their death, but also by increased isolation, loneliness, and changes in daily routines. This volunteer-based program offers in-person support and weekly phone calls and postal correspondence.

Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual monitoring report the number of volunteers and the number of bereaved persons served in the Friendly Visitors Bereavement Program.

Improving Hospice Access for Traditionally Underserved Populations

17. Seasons Palm Beach will become **Services and Advocacy for Gay Elders (SAGE) Platinum Certified** by the end of its first year of operations. Florida has the second highest number of same-sex couple households in the United States, and West Palm Beach was recently named the second-best city in the country for LGBTQ+ friendly retirement destinations. SAGE credentials agencies that train staff to be culturally competent in the care of LGBTQ+ seniors. None of Palm Beach County's current hospice providers are SAGE Care certified. Area residents will benefit from having a hospice provider that has received training on how best to best meet the needs of LGBTQ+ patients and their loved ones.

Seasons Palm Beach will demonstrate conformance with this condition by submitting verification from SAGE as part of the first annual monitoring report.

18. **Persons with HIV/AIDS** – The Applicant will provide hospice care to patients to with HIV/AIDS. For Seasons' findings on the care needs of individuals with HIV/AIDS, see page 173 of the application. Seasons has specific training for staff to equip them to deliver services with competence and sensitivity. Seasons Palm Beach will demonstrate conformance with this condition by submitting a notarized annual statement confirming the total number of patients and total days of care for persons with a diagnosis of HIV/AIDS.
19. **Persons with Opioid Use Disorders** – Opioid use is a growing challenge for Palm Beach County. The county's death rate per 100,000 people for synthetic opioids climbed from 1.6 in 2013 to 23.1 in 2019. Palm Beach County's rate was 60 percent higher than Florida's rate of 14.4 per 100,000 and more than double the US rate of 11.4. Seasons recognizes the sensitivity of prescribing opioids to hospice patients as a pain management medication and offers training on drug diversion as part of its standard ethics and crisis intervention training. Seasons trains staff on the steps they should take if they suspect drug diversion, the protocol for this is included in Exhibit 13. Seasons conditions this application on having all clinical and leadership staff trained on drug diversion

protocols as part of their onboarding training. Seasons will demonstrate conformance by providing as part of the annual monitoring report a list of all hires who received the protocol and a copy of the protocol.

Serving Palm Beach County's Jewish Population

Palm Beach County is home to a large Jewish population, some of whom have said their end-of-life needs are not currently being met. Seasons Hospice has experience serving Jewish patients and families in adjacent Broward County and in the Miami-Dade area. Based on its expertise, Seasons Palm Beach has developed these conditions to serve area Jewish residents:

- 20. National Institute for Jewish Hospice** - Seasons Palm Beach conditions this application on joining the National Institute for Jewish Hospice in its first year of operations. Page 68 of the application describes this program in more detail. Seasons Palm Beach will demonstrate compliance with this condition by submitting as part of the annual monitoring report an attestation it is offering this program.

- 21. Rabbi Chaplain** – To meet the religious and cultural needs of Jewish patients and their families at the end of life, Seasons Palm Beach conditions this application on having one of its chaplains be a Jewish rabbi. Seasons Palm Beach will demonstrate conformance with this condition by submitting the name and credentials of the Jewish rabbi as part of the annual compliance report.

Seasons first formed its Open Access Program to honor Orthodox Jewish patients observing Halachic Law at the end of life. While this program has expanded to serve patients of all faiths, it medically supports Orthodox Jewish patients who historically do not access hospice care due to hospice's refusal to continue medical treatments. Under Open Access, Orthodox Jewish patients need not forego hospice to honor their faith. The Open Access program described in Condition 6 above will be available for all Jewish residents in Palm Beach County.

Increasing the Number and Quality of Area End of Life Healthcare Providers

- 22. Offer Free CNA Training and Certification** – Florida is facing a shortage of certified nursing assistants (CNAs), which has been exacerbated by COVID-19 and is expected to continue. Through the parent company, the Applicant will offer free training and certification for CNAs. Seasons Palm Beach will recruit area residents who wish to advance their professional credentials by receiving CNA training. This will allow hospice patients to receive care from staff familiar with their community. The training will be provided free to eligible Seasons Palm Beach employees.

Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual monitoring report a list of all employees who receive CNA training through the program, whether they have taken the examination, and whether they have passed it.

- 23. Become a Provider for the Florida-Required Alzheimer’s Education** - Seasons Palm Beach conditions this application on becoming an Alzheimer’s Disease and Related Disorders (ADRD) training provider. Once approved, Seasons Palm Beach will educate all relevant employees and will offer training to Seasons Palm Beach volunteers.

Seasons Palm Beach will demonstrate conformance with this condition by submitting a copy of the application to become an ADRD training provider as part of the annual monitoring report.

- 24. Provide Continuing Education for Professionals** – Community healthcare professionals often struggle with identifying when patients are appropriate for a hospice referral, and they frequently ask for education on how to have these difficult conversations. Seasons Hospice and Palliative Care is accredited by American Nurses Credentialing Center (ANCC) and Association of Social Work Boards (ASWB) to provide continuing education in nursing and social work. Seasons Palm Beach conditions this application on offering continuing education for community healthcare professionals on a variety of topics, including “Pain and Symptom Management,” “Having Difficult Conversations,” “Understanding When to Refer to Hospice,” and “Ethnics and Cultural Needs,” among others, on a quarterly basis.

Seasons Palm Beach will demonstrate conformance with this condition by submitting the dates, titles of presentations, and numbers of attendees at each quarterly continuing education offering.

- 25. Prepare Healthcare Workers of Tomorrow** – Seasons Palm Beach conditions this application on offering internship experiences in Subdistrict 9C. Seasons Palm Beach will offer internships for social workers, music therapists, art therapists, bereavement counselors, chaplains, and medical assistants. Seasons Palm Beach will work with local schools and will also leverage national contracts. Seasons Palm Beach will demonstrate conformance by submitting as part of the annual monitoring report the numbers and types of interns, their associated schools, and the length of service.
- 26. Recruitment Initiatives** – Seasons Palm Beach recognizes the national nursing shortage and will take proactive steps to ensure there are well-qualified nurses in its program. Seasons Palm Beach conditions this application on implementing an employee referral campaign which will leverage the networks of existing AccentCare and Seasons employees nationwide and offer sign-on bonuses to employees who refer a successful new hire to Seasons. The required annual monitoring report will include a list of employees recruited to Seasons Palm Beach through this program.

As a condition of this application, Seasons will use the below-listed organizations to recruit foreign-trained, high-quality workforce members. These well-established organizations facilitate a mutually beneficial relationship between foreign-educated healthcare professionals and healthcare organizations recruiting additional staff. Recruiting through these organizations also allows Seasons to establish a team of professionals who reflect the increasingly diverse population in Florida.

- O’Grady Peyton International
- MedPro International

Seasons Palm Beach also conditions this application on its parent company attending the National Hispanic Nurses Conference for the first three years of operations. This conference will allow Seasons to recruit bilingual, Spanish-speaking nurses and nurses who reflect the areas Seasons serves in Florida.

The required annual monitoring report will include an attestation of participation in the international recruiting organization and an attestation of attending the National Hispanic Nurses Conference.

Providing Advanced Clinical Care

- 27. Palliative Care** - Seasons Palm Beach will provide a clinical symptom management program for people of all ages living with an advanced illness. It will also provide emotional support for their families and caregivers. This program does not require a six-month diagnosis for patients to qualify. Seasons Palm Beach conditions this application on making its Palliative Care program available in Subdistrict 9C to persons at home and in hospitals, assisted living facilities, long-term care facilities, oncology clinics, and outpatient offices. Exhibit 40 provides more material on Seasons' palliative care program.

Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report an attestation it is offering is program.

- 28. Cardiac Care** - This program uses hospice physicians and cardiac-trained hospice nurses to provide the latest heart failure guideline-based therapies, along with education to provide support for patients and families in their home environment. The care team helps prevent unnecessary emergency department visits and hospital admissions by focusing on symptom control, functional status, and quality of life. Page 74 of the application and Exhibit 36 describe the program in more detail. Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report an attestation it is offering this program.

- 29. AICD Deactivation Program** – Automatic implantable cardioverter-defibrillators (AICDs) are similar to pacemakers but are used in patients with a higher risk for sudden cardiac arrest. Page 75 of this application describes the program. Seasons has an AICD Deactivation program in Delaware and conditions this application on offering the program in Palm Beach County. Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report an attestation it is offering this program.

- 30. Pulmonary Care** – Chronic obstructive pulmonary disease (COPD) is the third leading cause of disease-related death in the United States and is the third most common cause of hospital readmission among Medicare beneficiaries. Seasons pulmonary care hospice program uses a multidisciplinary approach that includes hospice and palliative medicine physicians, a nationally renowned hospice Pharm D expert, and hospice nurses experienced in providing care and services to patients with advanced COPD and their caregivers/family members. Seasons conditions this application on providing its Pulmonary Care program, described on page 186 of Schedule B. Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report an attestation it is offering this program.
- 31. Compassionate Ventilator Removals** – Seasons Hospice provides compassionate ventilator removal for patients who have mechanical-assisted breathing, either through a tracheotomy or intubation. Page 187 describes this program in more detail. For the first three years of operations, Seasons conditions this application on offering an annual continuing education event to area hospitals on the hospice approach to compassionate ventilator weaning. Seasons will offer this education event for free, and will educate hospital physicians, nurses, and administrators on how hospice providers can offer vent weaning for eligible end-of-life patients, rather than having the hospital ween from ventilation before discharging to hospice care.

Seasons Palm Beach will demonstrate conformance with this condition by submitting copies of the advertising materials and a roster of attendees as part of the annual compliance report.

- 32. Quality Director** – Studies have shown clinical supervision (guidance by a more experienced healthcare professional) improves the effectiveness of care, ensuring beneficial interventions are provided at the right time and to the right patients. Across its hospices, Seasons always employs leaders at the local team level to oversee staff and ensure quality of care. Seasons Palm Beach will provide high-quality care to residents of Palm Beach County and conditions this application on employing a designated Quality Director, who will provide an additional layer of supervision focused on quality of care. The Quality Director will be a nurse with hospice supervisory experience. Schedule 6 shows the

Quality Director as 0.5 FTE in year one and 1.0 FTE in year two⁴. With this position, the Palm Beach County hospice team will receive feedback and adjust processes and staffing quickly. It will not depend on quality measures that have delayed reporting, such as CAHPS and HIS data.

The Quality Director will be responsible for ongoing, proactive assessment of quality for living hospice patients and their families. The Quality Director will lead the hospice team's quality initiatives, including Back to Bedside leadership visits, which require all supervisory staff to spend at least half a day per week in the field supervising their staff and caring for patients. The Quality Director will also make patient visits to ensure quality of care and receive real-time, in-person feedback from patients and their families on how Seasons Palm Beach can improve their care and hospice experience. The Quality Director will oversee the volunteer team, which makes weekly calls to patients and families on Thursdays to ensure all their medical, medication, and psychosocial needs are met before the weekend. The Quality Director will gather and analyze data collected from phone calls and in-person visits with living hospice patients and their families to identify areas for improvement.

Seasons Palm Beach will show conformance with this condition by submitting the name and contact information for the person hired as the Quality Director, as part of its annual monitoring report.

- 33. Joint Commission Accreditation** – Seasons Palm Beach conditions this application on being accredited by The Joint Commission. Seasons Palm Beach will demonstrate conformance with this condition by submitting proof of accreditation as part of the annual compliance report.
- 34. National Hospice and Palliative Care Organization (NHPCO) and Florida Hospice and Palliative Care Association (FHPCA) Membership.** Seasons Palm Beach is committed to ensuring excellence in hospice and palliative care, and conditions this application on joining both the regional and national organizations focused on expanding access to hospice care and offering guidance on leading practices and quality care improvement. Seasons Palm Beach will join both the National Hospice and Palliative Care Organization and the Florida Hospice and Palliative Care

⁴ The reviewer confirms Schedule 6A has the Director of Quality 0.5 FTE (year one) and 1.0 FTE (year two).

Association. Seasons Palm Beach will demonstrate conformance with this condition by submitting proof of membership as part of the annual compliance report.

- 35. Adherence to Seasons Hospice & Palliative Care's National Ethics Committee** Seasons Palm Beach will benefit from the direction of Seasons Hospice & Palliative Care's National Ethics Committee, which provides guidance and publications on best practices in the provision of hospice care. Seasons Palm Beach staff will be educated on the ethics of end-of-life care, and the standards set forth by Seasons Hospice & Palliative Care's National Ethics Committee. Seasons Palm Beach will adhere to all guidelines and standards set forth by the National Ethics Committee. The required annual monitoring report will include an attestation of adherence to Seasons Hospice & Palliative Care's National Ethics Committee.

Conditions to Improve Patients' Hospice Experience

- 36. Music Therapy** – This program provides an option for pain management and stress relief and generates positive reactions in patients and their families. Page 178 describes Seasons' music therapy program in more detail. Seasons is the largest employer of board-certified music therapists in the nation, and conditions this application on employing a music therapist in Palm Beach County.⁵

Seasons Palm Beach will demonstrate conformance with this condition by submitting the name and credentials of its music therapist as part of the annual compliance report.

- 37. Massage Therapy** – Seasons provides massage therapy through contracted professionals to improve comfort and alleviate pain in its patients. The benefits of massage therapy are described beginning on page 179 of the application. Seasons Palm Beach will enter into legally binding written agreements with licensed massage therapists to provide services to its patients.

Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report a copy of the contract with the massage therapist.

⁵ The reviewer confirms Schedule 6A shows 1.0 FTE music therapist in year one and year two.

- 38. Namaste Care** - This dementia care program, designed by internationally recognized dementia expert Joyce Simard, author of *The End-of-Life Namaste Care Program for People with Dementia*, uses multi-modal interventions to find human connectedness, decrease dementia-related symptoms, and enhance quality of life. Seasons is the only national hospice approved to implement Namaste Care, and Ms. Simard guides all staff through virtual and e-learning modules. See page 78 of the application and Exhibit 11 for more information about the Namaste Care program.

Seasons Palm Beach will demonstrate conformance with this condition by providing training materials for staff and volunteers as part of the annual compliance report.

- 39. We Honor Veterans** - Seasons Palm Beach commits to serving veterans of the armed forces, and all Seasons hospice programs participate in We Honor Veterans, a program of the National Hospice and Palliative Care Organization (NHPCO) in collaboration with the Department of Veterans Affairs (VA). Seasons Palm Beach conditions this application on participating in the We Honor Veterans program. Seasons Palm Beach will demonstrate conformance with this condition by submitting proof Seasons Palm Beach is one of the Hospice Partners from the We Honor Veterans Partner directory. This will be submitted with the annual compliance report.

- 40. Leaving a Legacy** – This program assists patients in creating memories and tangible recordings, artwork, journals, scrapbooks, memory bears, fingerprint necklaces, and other mementoes for the family, to assist with coping during bereavement. Seasons Palm Beach conditions this application on providing this program in Subdistrict 9C. Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report an attestation it is offering this program.

- 41. Virtual Reality** - Seasons Palm Beach conditions this application on offering its patients a virtual reality experience to alleviate symptoms such as pain and anxiety and to allow patients to travel to desired locations without leaving their homes. See page 181 of Schedule B for a description of the program. Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report an attestation it is offering this program.

- 42. Serenity Salon** – The physical and cognitive changes people face near the end of life can make it difficult for them to maintain personal hygiene and grooming behaviors that were once important to them. A decline in personal appearance can lower self-esteem. Serenity Salon brings self-care back to patients and makes them feel like themselves again through haircuts, hair styling, nail services, makeup application, and similar offerings. Seasons Palm Beach conditions this application on providing this program in Subdistrict 9C. Seasons Palm Beach will demonstrate conformance with this condition by submitting as part of the annual compliance report an attestation it is offering this program.

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. The proposed conditions are as stated. However, Section 408.043(3) Florida Statutes states that "Accreditation by any private organization may not be a requirement for the issuance or maintenance of a certificate of need under ss. 408.031-408.045, Florida Statutes." Also, any conditions proposed that are required hospice services would not require condition compliance reports.

Section 400.606(5), Florida Statutes states that "The agency may deny a license to an applicant that fails to meet any condition for the provision of hospice care or services imposed by the agency on a certificate of need by final agency action, unless the applicant can demonstrate that good cause exists for the applicant's failure to meet such condition." Issuance of a CON is required prior to licensure of certain health care facilities and services.

The review of a CON application and ultimate approval or denial of a proposed project is based upon the applicable statutory criteria in the Health Facility and Services Development Act (408.031-408.045, Florida Statutes) and criteria in Chapter 59C-1, Florida Administrative Code. An approved CON does not guarantee licensure of the proposed project. Meeting the applicable licensure requirements and licensure of the proposed project is the sole responsibility of the applicant.

D. REVIEW PROCEDURE

The evaluation process is structured by the certificate of need review criteria found in Section 408.035, Florida Statutes, rules of the State of Florida, and Chapter 59C-1, 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 provided in the application and independent information gathered by the reviewer.

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

Section 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, consultant Steve Love analyzed the application in its entirety with consultation from financial analyst Derron Hillman of the Bureau of Central Services who evaluated the financial data.

E. CONFORMITY OF PROJECT WITH REVIEW CRITERIA

The following indicate the level of conformity of the proposed project with the review criteria and application content requirements found in Sections 408.035 and 408.037 F.S., applicable rules of the State of Florida, and Chapter 59C-1, 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 48, Number 24, of the Florida Administrative Register, dated February 4, 2022, zero need for a hospice program in SA 9C was published for the July 2023 Hospice Planning Horizon. The applicant is applying in the absence of published need.

Pursuant to Rule 59C-1.0335(4)(d), Florida Administrative Code, in the absence of numeric need (as is the case of CON application #10717), the applicant must demonstrate that “special circumstances” exist to justify

the approval of a new hospice. Further, evidence submitted by the applicant must demonstrate one or more of the following:

- That a specific terminally ill population is not being served
- That a county or counties within the service area of a licensed hospice program are not being served

On December 17, 2021, MorseLife Hospice Institute, Inc. d/b/a Palm Beach Hospice by MorseLife was approved to establish a new hospice provider in SA 9C. The reviewer notes that pursuant to Rule 59C-1.0335(4)(b), Florida Administrative Code, "...the Agency shall not normally approve a new Hospice program for a service unless each Hospice program serving that area has been licensed and operational for at least 2 years as of 3 weeks prior to publication of the Fixed Need Pool." Further, pursuant to Rule 59C-1.0335(4)(c), Florida Administrative Code, "...The Agency shall not normally approve another Hospice program to any service area that has an approved Hospice program that is not yet licensed."

Seasons contends that the recent approval of MorseLife’s CON application #10702 to serve the entire SA 9C does not meet the definition of a “new hospice program” as MorseLife is already licensed to serve a portion of the SA.

SA 9C hospice admissions for Calendar Year 2021 are shown in the table below.

**SA 9C (Palm Beach County)
CY 2021 Hospice Admissions**

Hospice	Admissions
Hospice by the Sea Inc	1,981
Hospice of Palm Beach County Inc	7,189
Palm Beach Hospice by MorseLife	189
VITAS Healthcare Corporation of Florida	2,590
Total	11,949

Source: Florida Need Projections for Hospice Programs for the July 2023 Hospice Planning Horizon, published February 4, 2022

Note: All SA 9C programs, except Palm Beach Hospice by MorseLife, serve adjacent service area(s).

Seasons Hospice & Palliative Care of Palm Beach County, LLC cites major populations in SA 9C that it identifies as experiencing unmet hospice needs or barriers to hospice care, which Seasons describes in this section and lists in its response to items E.2.a.(1) and E.3.a. of this report.

Broadly, the applicant contends that the proposed project is to serve the unmet hospice need of underserved populations in Palm Beach County and is submitted in the absence of published need because hospice services are not reasonably available and accessible to all residents of Palm Beach County. Seasons indicates three populations Palm Beach County hospices are not adequately serving include:

- Residents of the western portion of Palm Beach County (including the Belle Glade and Pahokee areas)
- Pediatric hospice patients
- Socioeconomically disadvantaged populations in Palm Beach County

Seasons begins by providing a full-page diagram titled, “Seasons Has Tailored Its Hospice Program to 9C” on pages 4 and 168 of the application. The six major headings within this diagram are:

- Improving access in western Palm Beach County
- Bringing a pediatric program to Palm Beach County
- The “Open Access” program will allow patients and families access to hospice and advanced care planning earlier in their disease trajectory
- Programs in Palm Beach County’s underserved and socioeconomically disadvantaged populations
- Culturally competent care to the area’s LGBTQ+ population
- Enhance access to care and provide high quality clinical programs

The applicant contends that to compete with hospices and serve additional patients, a new hospice provider must have the ability to attract hospice patients, and this can be difficult for a new provider without community hospice experience.

Seasons bullets seven populations in SA 9C it identified as vulnerable populations. The applicant provides a table that reflects its Palm Beach County Community Needs Assessment listing the organizations contacted indicating a cumulative total of 63 contacts.

A discussion of Seasons’ Diversity, Equity, and Inclusion (DEI) Program was included on the application’s pages 23-25.

Seasons asserts that by expanding MorseLife’s service area, the Agency did not adequately address the need for hospice services to the underserved population in The Glades and the underserved pediatric population. Seasons provides detailed discussion of its perceived MorseLife shortcomings in meeting the hospice need and operating a community hospice on the application’s pages 31-37. The reviewer

notes that Seasons has sought redress (DOAH Consolidate Case Nos. 22-0272CON—22-0276CON) regarding the Agency’s initial decision to approve MorseLife’s CON application #10702 to serve SA 9C.

The Seasons provides the following table showing SA 9Cs total population and age 65+ population growth from July 1, 2022 through 2027 and the percent change from 2022-2027.

Palm Beach County Elderly Population Growth, 2022-2027

	2022	2023	2027	Percent Change 2022-2027
Total Population	1,503,449	1,518,978	1,576,602	5%
65+	370,416	380,440	421,428	14%
65+ as % of Total	25%	25%	27%	

Source: CON application #10717, page 38
Florida Population Estimates and Projections by AHCA District 2015-2030, issued September 2021

The reviewer confirms through the Agency’s website at <https://www.floridahealthfinder.gov/facilitylocator/ListFacilities.aspx>, Lakeside Medical Center is the sole general/acute care hospital in The Glades area of western Palm Beach County, with an address of Belle Glade. Seasons emphasizes that in CY 2020, per the AHCA Inpatient Discharge Database, Lakeside Medical Center had the lowest number and lowest percentage of age 65+ resident discharged to hospice (of a total of 462 discharges, 12 were to hospice, or 2.6 percent) compared to any other hospital in Palm Beach County.

Seasons provides a 2019 map (CON application #10717, page 44, “Department of Elder Affairs–Elderly Needs Index, Palm Beach County Area”), indicating that the DOEA developed an Elder Needs Index, to identify concentrations of vulnerable elders in the Palm Beach County area. There are high ENI populations in the Belle Glade and Riviera Beach areas. Seasons cites *US Census Quick Facts*⁶ to provide the following various socioeconomic comparison (by percentage) within targeted Palm Beach County communities:

⁶ The applicant does not provide this publication for review and does not indicate a timeframe for the percentages and totals indicated in the table.

Socioeconomic Comparison of Palm Beach County Communities

	Belle Glade	Pahokee	West Palm Beach	Palm Beach County
Black/African American Pop. %	63.3%	51.6%	34.1%	19.8%
Hispanic/Latino Pop %	26.8%	31.5%	23.0%	23.4%
Language Other than English Spoken at Home, % Age 5+	43.2%	36.3%	23.0%	32.1%
Age 65+ Pop with a Disability %	11.4%	13.9%	7.8%	7.8%
Median Household Income	\$28,028	\$30,180	\$54,603	\$65,015
Per Capita Income in Past 12 Months	\$16,264	\$14,565	\$34,131	\$40,957
Total Retail Sales per Capita	\$6,799	\$2,235	\$28,846	\$14,522
Persons in Poverty %	40.2%	37.6%	17.0%	12.0%

Source: CON application #10717, pages 45, 114 and 147

Seasons discusses its proposed hospice office locations, in or near Belle Glade and in Riviera Beach, Florida (CON application #10717, Schedule C, Condition #2).

Seasons discusses the Centers for Disease Control and Prevention (CDC) as a source to indicate that low literacy skills inherently affect health literacy, which is a person’s, “ability to find, understand and use information and services to inform health-related decisions.” The applicant offers a University of North Carolina, Health Literacy Data Map to indicate quartiles 1 through 4 (with quartile 1 having the lowest literacy) in Palm Beach County. The reviewer notes that Belle Glade, to the north and west of Belle Glade and Riviera Beach (among other areas) indicate quartile 1. Seasons addresses services regarding health literacy outreach (CON application #10717, Schedule C, Condition #5).

Regarding pediatric patients, Seasons explains that in 2021, 170 children ages 0-19 died in Palm Beach County, per the Florida Department of Health Community Health Assessment Resource Tool Set (CHARTS), 2022. Seasons states that no SA 9C hospice provider offers a pediatric hospice program and it is difficult to calculate the hospice use rate for patients under age 18. However, it provides estimates based on AHCA Hospice Demographic Data in the following table:

SA 9C Pediatric Hospice Estimates

	Ages 0-18 Reported Admissions	Ages 0-18 Assumed Admissions	Total Admissions All Ages	Percent of Total Admissions 0-18
Hospice by the Sea, Inc.	*	29	1,931	1.5%
Hospice of Palm Beach County, Inc.	*	29	7,189	0.4%
Palm Beach Hospice by MorseLife	0	0	189	0.0%
VITAS Healthcare Corporation of Florida	*	29	2,590	1.1%
Subdistrict 9C Total		87	11,949	0.7%
Florida		759	159,727	0.5%

Source: CON application #10717, pages 55 and 157-162

Seasons indicates it will provide services/programs for pediatric patients and their families including:

- Kangaroo Kids
- Certified Child Life Specialist
- Partners in Care: Together for Kids (PIC:TFK)
- Camp Kangaroo

Seasons conditions for the provision of palliative and hospice care to pediatric residents and their families (see Schedule C, Conditions 7-10).

Seasons comments that according to an October 2015 publication by the United Way of Palm Beach County, over 181,340 residents in Palm Beach County struggle with hunger and that food insecurity among seniors is growing in Palm Beach County, with over 47,000 residents age 60+ in the area living below 125 percent of the federal poverty level. The percentage of persons living in poverty by area and by percentage is as follows:

- Riviera Beach/20 percent
- Lake Worth/25 percent
- Pahokee/Close to 38 percent
- Belle Glade/40 percent

The applicant comments that according to a 2021 Profile of Older Floridians by the Florida Department of Elder Affairs, an estimated 25 percent of Palm Beach County's age 60+ residents have one or more disabilities, representing over 115,000 residents and of these residents, over 72,000 have an ambulatory disability that makes travel and running errands more difficult.

According to Seasons, per the 2020 Point-In-Time Count, in Palm Beach County, there were 1,030 unsheltered persons experiencing homelessness, 480 persons in emergency shelters or in transitional housing. Of these, 181 seniors were experiencing homelessness, 158 of whom were unsheltered. Seasons conditions project approval to include its Condition #11 – Food Insecurity Program and Condition #12 – Homeless Housing Program.

Regarding the Jewish population in Palm Beach County, the applicant provides a line graph (CON application #10717, pages 66 and 130) to indicate that according to the Brandeis University, 2018 Greater Palm Beaches Jewish Community Study, the Jewish population in Palm Beach County has grown from approximately 77,000 resident (in 1987) to approximately 166,700 residents (in 2018). Seasons contends and the reviewer confirms that this population cohort has grown by 216.49

percent. Seasons notes the Brandeis University study found that 20 percent of the area's Jewish households reported that they were, "just getting along, nearly poor, or poor" and cites its experience serving Jewish populations.

Seasons indicates a large LGBTQ+ population in Palm Beach County, with SA 9C being home to 3,467 same-sex couples, the fifth-highest number of any Florida County, per the UCLA School of Law Williams Institute, "Same-Sex Couple Data and Demographics". Seasons also indicates that per a 2020 study, due to discrimination, refusal of care, bias, erroneous assumptions, or derogatory statements, LGBTQ+ patients, "may be more likely to present with advanced stages of cancer resulting suboptimal palliative care" (page 70 of the application). Seasons offers a narrative description of its plan to reduce barriers to hospice care for LGBTQ+ residents, including the applicant's No One Dies Alone Program (CON application #10717, Schedule C, Condition # 15).

Concerning elderly residents living alone in Palm Beach County, Seasons references plans to address those living alone in Palm Beach County (CON application #10717, Schedule C – Condition #s 13-16).

Seasons points out that in 2021, 25 percent of Palm Beach County residents age 65+ died from heart disease. Seasons provides the Seasons Cardiac Care Program (pages 74-76 of the application), including:

- Primary goals
- Clinical care for Classic IV Stage D patients with end-stage heart failure services
- Patients eligible for the Cardiac Care Program criteria

For the provision of advanced clinical care regarding cardiac care, Seasons references CON application #10717, Schedule C – Condition #s 28 and 29.

Seasons points out that per the Florida Department of Health (CHARTS), there were 52,569 probably Alzheimer's cases among residents age 65+ in Palm Beach County in 2020. For the provision of improving patients' hospice experience, Seasons references CON application #10717, Schedule C – Condition #s 23 and 38.

Specific to the opioid use disorder in Palm Beach County, Seasons contends that, in Palm Beach County, the death rate per 100,000 people for synthetic opioids climbed from 1.6 in 2013 to 23.1 in 2019, with the Palm Beach County rate being 60 percent higher than the Florida's rate of 14.4 per 100,000 and more than double the US rate of 11.4 (page 79 of the application).

For the provision of improving hospice access for traditionally underserved populations, Seasons references CON application #10717, Schedule C – Condition # 19.

2. Agency Rule Criteria and Preferences

Seasons provides a discussion of Rule 59A-38, Florida Administrative Code, hospice licensure requirements on the application’s pages 82-88.

a. Rule 59C-1.0355(4)(e) Preferences for a New Hospice Program. The Agency shall give preference to an applicant meeting one or more of the criteria specified in the below listed subparagraphs:

(1) Preference shall be given to an applicant who has a commitment to serve populations with unmet needs.

The applicant maintains that in part from conducting its own community needs assessment and multiple other sources, its 9C hospice will have programs designed to serve the following specific populations with unmet needs:

- Residents of western Palm Beach County, “The Glades” area of Belle Glade, South Bay and Pahokee
 - Residents with low literacy
- Pediatric hospice patients and children experiencing grief, particularly those in the western portion of Palm Beach County
- Socioeconomically disadvantaged residents, including:
 - Residents experiencing:
 - Food insecurity
 - Risk of homelessness
- Traditionally underserved patients, including:
 - LGBTQ+ residents
 - Jewish residents, particularly those experiencing low income
 - Alzheimer’s/dementia patients
 - Elderly residents living alone
- Patients with:
 - Heart disease
 - HIV/AIDS
 - Opioid use disorder

- (2) Preference shall be given to an applicant who proposes to provide the inpatient care component of the hospice program through contractual arrangements with existing health care facilities, unless the applicant demonstrates a more cost-efficient alternative.**

Seasons states it will contract with existing hospitals and SNFs to provide inpatient care, seeking partnerships throughout the area, including facilities in rural areas. A map indicating “Providers That Have Expressed Interest in a GIP Agreement...” is included on the application’s page 170.

Seasons cites its letters of support from Glades Health Care Center, Lakeside Medical Center and North Lake Care Center that indicate interest in contracting for GIP care.

Three other facilities indicating a willingness to discuss entering into a contractual relationship for GIP care include:

- Encore at Boca Raton Rehabilitation and Nursing Center
- Jupiter Rehabilitation and Health Care Center
- Signature Healthcare of Palm Beach

Samples of AccentCare inpatient agreements/policies are included in the application’s:

- Exhibit 30-Nursing Facility Service Agreement
- Exhibit 31-Hospital Facility Service Agreement
- Exhibit 32-Hospice Care to Residents in a Facility Policy

- (3) Preference shall be given to an applicant who has a commitment to serve patients who do not have primary caregivers at home; the homeless; and patients with AIDS.**

Seasons reiterates its commitment to patients without caregivers at home, residents experiencing homelessness and patients with HIV/AIDS and states that no other hospice provider in Palm Beach County is Services and Advocacy for Gay Elders (SAGE) certified. The applicant proposes SAGE certification as a condition to project approval.

- (4) In the case of proposals for a hospice service area comprised of three or more counties; preference shall be given to an applicant who has a commitment to establish a physical presence in an underserved county or counties.**

This rule criteria and preference is not applicable, as the total SA 9C geographic area is comprised of a single county – Palm Beach County. Seasons also agrees but contends that it documented that the western portion of Palm Beach County is underserved and it is committed to establishing a licensed hospice office in the western portion of the county (CON application #10717, Schedule C – Condition # 2).

- (5) Preference shall be given to an applicant who proposes to provide services that are not specifically covered by private insurance, Medicaid, or Medicare.**

Seasons briefly describes the four hospice core services and bullets 18 additional services, which are described in detail on the application's pages 177-188. Many of the additional services are proposed as conditions to approval on the applicant's Schedule C.

- b. Chapter 59C-1.0355, Florida Administrative Code contains the following general provisions and review criteria to be considered in reviewing hospice programs.**

- (1) Required Program Description (Rule 59C-1.0355(6), Florida Administrative Code): An applicant for a new hospice program shall provide a detailed program description in its certificate of need application, including:**

- (a) Proposed staffing, including use of volunteers.**

Seasons Schedule 6A indicates a total FTE count of 21.2 in year one ending June 30, 2024 and 31.9 in year two ending June 30, 2025. Schedule 6A notes that nursing and other supportive positions of the Kangaroo Kids Program will have pediatric experience and the Medical Director and rehabilitative and palliative therapy services positions will be contracted.

Volunteer services are described in detail including:

- Direct Patient Care
- Indirect Patient Care
- Vigil Program
- Circle of Care
- Loyal Friends Pet Team

(b) Expected sources of patient referrals.

The applicant bullets 13 expected sources of potential patient referrals. Seasons also references the AccentCare publication, “Prognostic Guidelines/When Is My Patient Eligible for Hospice” contained in CON application #10717, Exhibit 45.

(c) Projected number of admissions, by payer type, including Medicare, Medicaid, private insurance, self-pay, and indigent care patients for the first two years of operation.

The table below shows projected admissions and patient days by payer source.

**Seasons Hospice & Palliative Care of Palm Beach County, LLC
Admissions by Payer Source
Years One & Two**

Payer	Admissions		Patient Days	
	Year One	Year Two	Year One	Year Two
Medicare	175	381	11,365	24,796
Medicaid	4	9	243	530
Insurance	3	8	243	530
Self-Pay/Charity	5	10	304	663
Total	187	408	12,155	26,520

Source: CON application #10717, pages 128 and 200 (partially reproduced).

Seasons states that with the understanding there may be an appeal of the initial CON decision, its expected opening date is projected to be July 1, 2023. Further, medically indigent days are included in the self-pay column and are two percent of the annual patient day totals.

(d) Projected number of admissions, by type of terminal illness, for the first two years of operation.

**Seasons Hospice & Palliative Care of Palm Beach County, LLC
Admissions by Terminal Illness/Disease Type
Years One & Two**

Diagnosis	Year One Admissions	Year Two Admissions
Circulatory System	56	120
Neoplasms (Cancer)	52	114
Nervous System (incl. Alzheimer's)	30	66
Respiratory System	16	35
Digestive System	6	13
Endo./Nutrition/Metabolism	5	11
Infectious and Parasitic	5	11
Acute Respiratory Infections	7	15
Injury & Poisoning, External Causes	6	13
Genitourinary System	2	5
Symptoms & Findings, Not Classified	1	3
Other	1	2
Total	187	408

Source: CON application #10717, page 201

- (e) Projected number of admissions, by two age groups, under 65 and 65 or older, for the first two years of operation.**

Seasons states that the number of admissions in each age group is based on its historical experience in Florida, adjusted for the programs described in the application.

**Seasons Hospice & Palliative Care of Palm Beach County, LLC
Admissions by Age Group (Under 65 and Age 65+)
Years One & Two**

Year	Admissions		
	0-64	65+	Total
Year One	27	160	187
Year Two	58	350	408

Source: CON application #10717, page 201

- (f) Identification of the services that will be provided directly by hospice staff and volunteers and those that will be provided through contractual arrangements.**

Seasons bullets 11 elements to be included in any legally binding contracts, along with four additional provisions it indicates also apply. Seasons states that services provided by consultation, contractual arrangements, or other agreements will meet Joint Commission or CHAP standards.

- (g) Proposed arrangements for providing inpatient care.**

Seasons indicates that the inpatient level of care will be through contracts with nursing homes and hospitals which

are enrolled as providers of Medicare or Medicaid services. Inpatient care services were previously discussed in item E.2.a.(2) of this report. A sample AccentCare Nursing Facility Services Agreement is included in the application's Exhibit 30.

(h) Proposed number of inpatient beds that will be located in a freestanding inpatient facility, in hospitals, and in nursing homes.

Seasons states that it has no plans to construct or operate a freestanding inpatient hospice facility in the first two years of operation and will contract for "scatter beds" with SA 9C nursing homes and hospitals. Further, there are no contracts for establishing a specified number of beds.

(i) Circumstances under which a patient would be admitted to an inpatient bed.

Seasons details circumstances under which a patient would be admitted to an inpatient bed and describes an eight-step process in providing inpatient care.

(j) Provisions for serving persons without primary caregivers at home.

Seasons provides a narrative detailing the provisions for serving persons without a primary caregiver at home.

(k) Arrangements for the provision of bereavement services.

Seasons provides a narrative detailing its understanding of the criteria that needs to be met in order to make or have arrangements for the provision of bereavement services. Seasons Exhibit 41 includes its Bereavement Materials.

(l) Proposed community education activities concerning hospice programs.

Seasons details its proposed community education activities on pages 207-210 of the application. Exhibit 52 includes Sample Seasons Community Education and Outreach Events in Florida offered during CYs 2020 and 2021. The application's pages 209-210 include a table listing February 4, 2020 – March 22, 2022 educational events provided as continuing education during the COVID-19 pandemic.

(m) Fundraising activities.

Seasons states it will not engage in fundraising activities and that any donations received will go to the Seasons Foundation (a non-profit foundation within the organization dedicated to providing a long-term benefit for all persons). Exhibit 60 includes a letter from Gisele Crowe, Executive Director, Seasons Hospice Foundation, indicating that the foundation will provide funding for the Schedule C conditions.

b. Rule 59C-1.0355(8) Florida Administrative Code: Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the Agency or its designee on or before July 20th of each year and January 20th of the following year.

Seasons states that its existing Florida hospices meet the Agency reporting requirements and that it conditions CON application #10717 on also meeting those requirements. The reviewer notes that a perusal of CON application #10717, Schedule C, does not expressly condition to the referenced Rule 59C-1.0355(8) Florida Administrative Code: Semi-Annual Utilization Reports. Regardless, the Agency would not condition project approval on a mandated reporting requirement.

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 applicant's service area? ss. 408.035(1), (2) and (5), Florida Statutes.

As previously stated in item E.1.a. of this report, per Volume 48, Number 24, of the Florida Administrative Register, dated February 4, 2022, zero need for a hospice program in SA 9C was published for the July 2023 Hospice Planning Horizon. The applicant is applying in the absence of published need.

Also as previously stated in item E.1.a. of this report, pursuant to Rule 59C-1.0335(4)(d), Florida Administrative Code, in the absence of numeric need, the applicant must demonstrate that "special circumstances" exist to justify the approval of a new hospice.

On December 17, 2021, MorseLife Hospice Institute, Inc. d/b/a Palm Beach by MorseLife (CON application #10702) was approved for SA 9C. As previously referenced, Rule 59C-1.0335(4)(b) and (c), Florida Administrative Code applies and there and is a CON-approved, pending licensure to establish a hospice program to serve the entirety of SA 9C. SA 9C is currently served by the following providers:

- Hospice by the Sea Inc
- Hospice of Palm Beach County Inc
- Palm Beach Hospice by MorseLife
- VITAS Healthcare Corporation of Florida

The following chart illustrates annual hospice admissions for the five years ending December 31, 2021.

**Service Area 9C
Hospice Admissions
Five Years Ending December 31, 2021**

12 Months Ending:	Admissions
December 31, 2021	11,949
December 31, 2020	11,523
December 31, 2019	10,283*
December 31, 2018	10,712
December 31, 2017	10,779

Source: Agency for Health Care Administration Florida Need Projections for Hospice Programs, issued for the referenced time frames

Note: *CY 2019 includes July-December utilization which was not published due to the batching cycle realignment for the first hospice 2020 batch.

Applicants typically reiterate portions in response to item E.1.a. in this section (E.3.a.) of the application. Seasons major need justifications are briefly described below (item E.1.a. of this report has these in more detail).

Seasons reiterates the Agency’s fixed need pool results regarding no published need for an additional hospice program in SA 9C for the Hospice: 1st Batching Cycle-2022. Seasons also reiterates the populations in SA 9C it contends have unmet hospice needs or are otherwise experiencing barriers to hospice care. These include:

- Residents of western Palm Beach County, “The Glades” area of Belle Glade, South Bay and Pahokee
 - Residents with low literacy
- Pediatric hospice patients and children experiencing grief, particularly those in the western portion of Palm Beach County
- Socioeconomically disadvantaged residents, including:
 - Residents experiencing:
 - Food insecurity
 - Risk of homelessness

- Traditionally underserve patients, including:
 - LGBTQ+ residents
 - Jewish residents, particularly those experiencing low income
 - Alzheimer’s/dementia patients
 - Elderly residents living alone
- Patients with:
 - Heart disease
 - HIV/AIDS
 - Opioid use disorder

b. Does the applicant have a history of providing quality of care? Has the applicant demonstrated the ability to provide quality care? ss. 408.035(3), Florida Statutes.

The Agency’s Hospice Quality Reporting Program (HQRP) website at <https://www.floridahealthfinder.gov/Hospice/Hospice.aspx>. shares hospice quality characteristics of the Centers for Medicare and Medicaid Services' reporting requirements found in the assessment sources and survey instruments of:

- CAHPS® (Patients and Family Experience Measures-Consumer Assessment of Healthcare Provider and Systems)
- HIS (Quality of Patient Care Measures-Hospice Item Set)

As of April 15, 2022, the available timeframes for CAHPS® and for HIS are as follows:

- CAHPS® - January 1, 2018 through December 31, 2019
- HIS – January 1, 2019 through December 31, 2019

Below is the Agency’s HQRP information for Accent/Seasons’ hospices having current licensed hospice operations in Florida.

**CAHPS Data
January 1, 2018 through December 31, 2019
for Accent/Seasons compared to States’ Hospice Providers**

	Measures								
	Communication With Family	Getting Timely Help	Treating Patient with Respect	Emotional and Spiritual Support	Help for Pain and Symptoms	Training Family to Care for Patient	Caregiver Rated the Hospice 9 or 10	Willing to Recommend this’ Hospice	AVG Score
Accent/Seasons	72%	70%	83%	84%	72%	65%	69%	74%	74%
State Average	78%	75%	88%	89%	73%	70%	80%	84%	80%

Source: <https://www.floridahealthfinder.gov/Hospice/Hospice.aspx>, as of April 15, 2022

During the CY 2019 reporting period, AccentCare/Seasons four licensed Florida hospices’ that were licensed during the period received a rating of 92.7 percent compared to the State average of 96.4 percent on the

“Patients Who Got An Assessment of All Seven HIS Quality Measures”. During the January 1, 2018 – December 2019 reporting period, Seasons Florida hospices averaged 74 percent on the CHAPS “Willing to recommend this hospice” survey measure compared to the State average of 84 percent.

Seasons addresses AccentCare, Inc. standards relating to care. Specifically, AccentCare’s mission statement - Reimagine care, together and its vision imagines a world where:

- Patients and clients receive the understanding, empathy and excellence they deserve
- Families experience compassionate support from a trusted guide at each step
- Team members grow, thrive, and find inspiration in a supportive work environment
- Communities and strategic partners succeed with the help of a comprehensive and responsive partner

The applicant contends that Seasons brings the following advantages of quality and experience to the proposed SA 9C hospice program:

- Proven ability to quickly grow new programs
- Corporate management services with proven policies, procedures, and training
- Accreditation through the Joint Commission or CHAP
- Proven ability to improve access to hospice services by increasing admissions for underserved populations
- Proven ability to develop hospice programs and services tailored to specific local needs

Seasons provides a diagram titled, “Why Is Seasons the Best Hospice for 9C” (page 18 of the application). Additionally, Seasons provides internal data in providing a bar chart (page 19 of the application), indicating Seasons’ year one and year two, projected and actual, admissions in SAs 5A, 5B, 6A and 10. The reviewer notes a brief perusal of this Seasons bar chart indicates that:

- In year one, for each of the referenced service areas, Seasons actual admissions exceeded projections
- In year two, again for each of the referenced services areas (with the exception of SA 5A, since Seasons did not have a full second year of operations), Seasons actual admissions again exceeded projections

Seasons restates that AccentCare has over 260 locations in 31 states and over 31,000 highly trained and compassionate home health professionals, serving over 260,000 people each year.

In support of its quality of care, Seasons cites:

- Nine accreditations/certifications (including Joint Commission accreditation, among others)
- The eight “TRUE HOPE” values
 - **T**rust-patient and family will trust Seasons’ staff to meet their needs
 - **R**esponsiveness-respond to changing patient needs
 - **U**nderstanding-respect each patient’s values, beliefs and culture
 - **E**mpowerment-be empowered to speak up for patients and families
 - **H**umility-recognize that the patient and family are the experts in their care
 - **O**wnership-complete work and together ensure patient’s needs are met
 - **P**assions-commit to never leaving a patient need unmet
 - **E**xcellence-create the perfect end-of-life experience every time

Seasons provides its patient-centered approach to care through the Seasons Hospice *Circle of Care* diagram on the application’s pages 99 and 215. The National Hospice and Palliative Care Organization’s Ten components of quality Seasons indicates it adheres to are provided on the application’s pages 104 and 221. Other features of quality care include:

- Quality Program Staffing
- Training and Support
- Classes Monthly for Ongoing Quality Education
- Data Collection and Analysis
- Back to the Bedside Program

Seasons explains that the proposed project will have local quality supervision, giving the local hospice team immediate feedback so that processing and staffing can be adjusted quickly. Further, it will not depend too heavily on quality measures that have delayed reporting, such as CAHPS and HIS data.

Seasons Quality Assurance and Performance Improvement (QAPI) Program is described. Quality improvement initiatives under the major heading of “Seasons’ Programs That Positively Affect Quality of Care” include:

- Telemedicine Access
- Electronic Medical Records (EMR)

- Call Center Integrated with EMR
- Circle of Care Calls
- Make a Difference Calls
- Symptom Management Data
- CAHPS Improvement Initiative

Seasons states it will implement existing policies to ensure patient care quality and ongoing improvement and will review these to adapt them to Palm Beach County circumstances. The application's Exhibit 47 contained Quality Assessment and Program Improvement Policies and a two-page, 15-step, AccentCare Policy Number C 4. 2., revised 3/1/19, titled "Performance Improvement Program and Annual Agency Evaluation". Seasons policy statement indicates it will develop, implement and maintain an effective, ongoing data driven QAPI Program designed to improve performance which will include an evaluation to provide the basis for future planning.

Seasons asserts that an applicant's quality of care cannot be fully assessed by comparing scores among providers and a provider's quality is also shown by its growth in census, as this is an expression of the community's perception of the provider's ability and expertise to respond in real time to patient and family concerns and issues. Further:

- Nationally collected HIS and CAHPS hospice quality surveys have limitations that do not allow accurate comparisons between hospice providers for a county or service area
- Comparisons based solely on quantitative scores is not sufficient to assess an applicant's ability to provide quality of care or history of providing quality of care
- These surveys do not:
 - Adjust for demographic or socioeconomic differences in patients
 - Account for a hospice provider's ability to provide quality care in multiple locations vs. a single location

Seasons contends that as a community hospice provider it will have a broader range of patient types than MorseLife, which serves only residents of its affluent retirement community. Further, the following variables prevent even comparisons between providers, including:

- How long the program has been in operation
- Patient population
- Patient location
- Where patients reside with a given community (e.g., MorseLife's CCRC)
- Care locations: home-based vs. a facility (e.g., SNF, ALF, hospital)
- Program enrollment size

- Patient mix
- Patient length of stay

Seasons states the use of February 23, 2021 single HIS composite process measure scores for 13 South Florida (Broward, Miami-Dade, Monroe and Palm Beach Counties) hospice providers. The reviewer reproduces the Seasons scores and the average score, but not the scores of the remaining 11 other hospice providers:

HIS Scores – South Florida Hospice Agency Providers	
Hospice Agency	HIS Composite Process Measure
Seasons Hospice-South Florida	88.2
Seasons Hospice Broward	80.7
Average Score	91.8

Source: CON application #10717, page 227 (partially reproduced)

Seasons indicates CAHPS survey data was available in February 2022 for the July 2020-March 2021 period but does not provide a discussion of its performance or the South Florida Hospice Agency providers as it did with the HIS process measure data. Instead, Seasons indicates that in 2019, it engaged Strategic Healthcare Programs (SHP), a third-party vendor to perform patient experience surveys of Seasons’ Florida hospice patients for the time period of January 1, 2021 to December 31, 2021. These were compared to Florida and national averages benchmarked against other SHP hospice organizations. See the table below.

**Seasons Florida Hospice’s Symptom Management Performance
Percent of Patients Experiencing Improvement within First 48 Hours**

	Pain	Nausea	Shortness of Breath	Anxiety	Appetite	Depression	Drowsiness	Fatigue
Seasons Florida	56.7	81.2	89.3	56.7	82.0	81.8	60.9	66.5
Florida Average	52.2	69.9	67.7	57.4	50.4	61.3	47.2	47.6
National Average	50.5	59.4	57.0	53.3	33.1	41.6	37.5	33.8

Source: CON application #10717, page 228

The reviewer notes that Seasons does not include the Florida hospices or the national hospices that participated in the SHP’s benchmarks. The reviewer independently perused the SHP website, under “Hospice data analytics & benchmarking” [Hospice Data Analytics & Benchmarking Solution | SHP \(shpdata.com\)](https://shpdata.com). According to this website, SHP compares performance metrics to SHP’s largest-in-the-industry database of national and state benchmarks and that SHP’s full suite of benchmarking reports includes:

- Patient demographic and quality
- Symptom control

- Potentially avoidable event reporting
- Real-time Hospice Compare with national and state benchmarks
- Key performance indicators
- HQR Suite
- Hospice Scoreboard Suite

However, with Seasons not having provided an exact benchmark composition, the reviewer cannot assess exactly what Seasons is comparing its scores to in the table on CON application #10717, page 228 (shown above).

Specific to a CAHPS improvement initiative, Seasons states having engaged Hospice Advisors, a consulting company, to conduct an additional 10-questions telephone survey (page 230 of the application). Seasons explains that the survey's objective was to obtain more up-to-date information about the quality of care provided to Seasons' hospice patients and families than what is available in HIS and CAHPS surveys published by CMS and provide insights for improvement initiatives. According to Seasons, some characteristics about the referenced ten question telephone survey are:

- 1,472 phone numbers of active Florida hospice patients/families
- Interviews between September 8 and October 13, 2021
- Questions 1-9 (closed-ended) had 599 respondents
- Question 10 (open-ended) had 576 respondents
- A completion rate of 39.1 percent (stated to be higher than national averages for telephone surveys)

Seasons provides a table regarding the tabulated results (page 231 of the application). The applicant maintains that the survey identified problems and opportunities for improvement in each of its hospices and it is using the responses and comments to improve procedures, training and supervision for Seasons Florida hospice staff.

Seasons survey result (question 10 - If you had a friend who was facing the death of a loved one as you are now, would you tell them about Seasons?" had zero yes and zero no and 57 not sure responses, with 519 'comments'. Comments were stated to indicate that they respondent gave comments but did not give a yes or no response. It does not explain whether the comments were positive or negative or a mix of both. While the applicant indicates this is an open-ended question, Seasons 'willing to recommend this hospice' CAHPS score is 74 percent compared to the Florida and national hospices average of 84 percent. The survey question does not indicate an upgrade in Seasons' low 'willing to recommend this hospice' score.

Additional quality improvement initiative topics discussed include Electronic Medical Record Reeducation, Bereavement Support Assessment, Employee Satisfaction Surveys and Specialized Programs.

Agency records indicate that for the three-year period ending March 30, 2022, Seasons five Florida programs had one substantiated complaint citing the Quality of Care/Treatment category.

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(4), Florida Statutes.

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 benchmarks 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.

Below is an analysis of the audited financial statements for the parent, where the short-term and long-term measures fall on the scale (highlighted in gray) for the most recent year.

10717 - Horizon Acquisition Co., Inc. & Subs		
	Dec-20	Dec-19
Current Assets	\$315,401,000	\$131,526,000
Total Assets	\$2,304,843,000	\$1,132,090,000
Current Liabilities	\$206,044,000	\$101,194,000
Total Liabilities	\$1,436,979,000	\$647,102,000
Net Assets	\$867,864,000	\$484,988,000
Total Revenues	\$949,710,000	\$885,524,000
Excess of Revenues Over Expenses	\$46,692,000	(\$22,221,000)
Cash Flow from Operations	\$15,554,000	(\$17,116,000)
Short-Term Analysis		
Current Ratio (CA/CL)	1.5	1.3
Cash Flow to Current Liabilities (CFO/CL)	7.55%	-16.91%
Long-Term Analysis		
Long-Term Debt to Net Assets (TL-CL/NA)	141.8%	112.6%
Total Margin (ER/TR)	4.92%	-2.51%
Measure of Available Funding		
Working Capital	\$109,357,000	\$30,332,000

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:

On Schedule 2, the applicant indicates capital projects totaling \$1,713,502, which includes the CON currently under review, and CON 10706. The applicant indicates on Schedule 3 of its application that funding for the project will be by cash on hand. With \$56.3 million in cash and cash equivalents, the applicant has sufficient resources to fund this project and all capital expenditures.

Conclusion:

Funding for this project and the entire capital budget should be available as needed.

d. What is the immediate and long-term financial feasibility of the proposal? ss. 408.035 (6), Florida Statutes

The immediate and long-term financial feasibility of the project is tied to expected profitability. Profitability for hospice is driven by two factors, volume of patients and length of stay/condition of the patient. A new hospice program in a service area with published need is more likely

than not to be financially feasible since patient volume and mix is presumed to be available in sufficient amounts to sustain a new program. The focus of our review will be on the reasonableness of projections, specifically the revenue.

The vast majority of hospice days are paid by Medicare (Medicaid is the next largest payer with similar reimbursement rates). As such, revenue is predictable by day and service type. Schedule 7 includes revenue by service type. We have divided the applicant’s projected revenues by the estimated Medicare reimbursement rates for each level of service in year two to estimate the total patient days that would be generated by that level of revenue. The results were then compared to the applicant’s estimated number of patient days. Calculated patient days that approximate the applicant’s projected patient days are considered reasonable and support the applicant’s assumptions of feasibility.

Calculated patient days that vary widely from the applicant’s projected patient days call into question the applicant’s profitability assumptions and feasibility. The results of the calculations are summarized below.

CON 10717	Seasons Hospice & Palliative Care of Palm Beach County				
Palm Beach	Wage Component	Wage Index	Adjusted Wage Amount	Unadjusted Component	Payment Rate
Base Rate Calculation					
Routine Home Care 1-60 days	\$134.24	0.8996	\$120.76	\$69.16	\$189.92
Routine Home Care 61+ days	\$106.09	0.8996	\$95.44	\$54.65	\$150.09
Continuous Home Care	\$1,099.82	0.8996	\$989.40	\$362.70	\$1,352.10
Inpatient Respite	\$288.99	0.8996	\$259.98	\$184.76	\$444.74
General Inpatient	\$678.36	0.8996	\$610.25	\$389.92	\$1,000.17
Year Two Comparison					
Year Two Comparison	Inflation Factor Year Two	Inflation Adjusted Payment Rate	Schedule 7 Revenue Year 2	Continuous Service Hours Provided	Calculated Patient Days
Routine Home Care 1-60 days	1.118	\$212.38	\$1,315,116		6,192
Routine Home Care 61+ days	1.118	\$167.84	\$3,068,604		18,283
Continuous Home Care	1.118	\$1,511.99	\$1,192,676	24	789
Inpatient Respite	1.118	\$497.33	\$22,876		46
General Inpatient	1.118	\$1,118.19	\$527,679		472
Total			\$6,126,951		25,782
			Days from Schedule 7		26,520
			Difference		738
			Percentage Difference		2.78%

As such, the applicant's projected patient days are 2.78 percent or 738 days more than the number of patient days calculated by staff. Operating profits from this project are expected to increase from a net loss of \$748,643 in year one to a net profit of \$380,984 in year two.

Conclusion:

This project appears to be financially feasible.

- e. Will the proposed project foster competition to promote quality and cost-effectiveness? ss. 408.035(7), Florida Statutes.**

Strictly, from a financial perspective, the type of price-based competition that would result in increased efficiencies, service, and quality is limited in health care in general and in hospice specifically. 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 hospice, price-based competition is almost non-existent. With the revenue stream essentially fixed on a per patient basis, the available margin to increase quality and offer additional services is limited.

Conclusion:

Strictly, from a financial perspective, this project will not have a material impact on price-based competition.

- f. Are the proposed costs and methods of construction reasonable? Do they comply with statutory and rule requirements? ss. 408.035 (8), Florida Statutes; Ch. 59A-4, Florida Administrative Code.**

There are no construction costs and methods associated with the proposed hospice program.

- g. Does the applicant have a history of providing 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(9), Florida Statutes.**

Hospice programs are required by federal and state law to provide hospice patients with inpatient care when needed (42 Code of Federal Regulations 418.108). Hospice care also must be provided regardless of ability to pay and regardless of age, race, religion, sexual orientation, diagnosis, payer source or financial status. Therefore, the Agency will not impose a charity care or Medicaid patient day condition on an applicant.

The applicant states Seasons as an organization, has over 20 years of experience providing hospice care to Medicaid patients and medically indigent patients. Seasons provides a table showing the percentage of its Florida hospices payor mix for Medicaid and uncompensated care payor during CY 2018-2020. The applicant indicates Seasons Florida hospices provided over \$11 million in charity care in CY 2020.

Seasons projects Medicaid HMO will comprise 2.0 percent and charity care 2.5 percent of the project's total annual year one and year two patient days.

F. SUMMARY

Seasons Hospice & Palliative Care of Palm Beach County, LLC (CON application #10717) is a developmental stage for-profit Florida entity proposing to establish a new hospice program in SA 9C. Seasons is directly owned by AccentCare, Inc., which has affiliate hospices in SAs 5A, 5B, 6A, 10 and 11. AccentCare and is ultimately owned by Horizon Acquisition Co. Inc., which is funding the project

Total project cost is \$859,721 and includes building, equipment, development, and start-up costs.

Pursuant to project approval, Seasons Hospice & Palliative Care of Palm Beach County, LLC offers a total of 42 Schedule C conditions.

Need/Access:

The applicant is applying in the absence of published need for a new hospice program in SA 9C.

As previously referenced in items E.1.a. and E.3.a of this report, Rule 59C-1.0335(4)(b) and (c), Florida Administrative Code criteria applies as there is CON-approved program pending licensure to establish a new hospice program to serve the entirety of SA 9C.

Seasons contends that:

- The Agency's approval of MorseLife's proposed expansion of its license (CON application #10702) does not constitute a "new hospice program"

- MorseLife is already licensed in Palm Beach County and, as part of the approval terms of its CON application #10702, has agreed to submit its license application to amend its service area to include the entire hospice SA 9C-Palm Beach County. Concluding, therefore, there is not an approved but not yet licensed provider in the service area

Seasons maintains that based on its community needs assessment and data from other sources, the proposed hospice program is designed to serve the following specific populations with unmet needs:

- Residents of western Palm Beach County, “The Glades” area of Belle Glade, South Bay and Pahokee
 - Residents with low literacy
- Pediatric hospice patients and children experiencing grief, particularly those in the western portion of Palm Beach County
- Socioeconomically disadvantaged residents, including:
 - Residents experiencing:
 - Food insecurity
 - Risk of homelessness
- Traditionally underserve patients, including:
 - LGBTQ+ residents
 - Jewish residents, particularly those experiencing low income
 - Alzheimer’s/dementia patients
 - Elderly residents living alone
- Patients with:
 - Heart disease
 - HIV/AIDS
 - Opioid use disorder

The applicant estimates year one total admissions of 187 (12,155 patient days) and estimates year two total admissions of 408 (26,520 patient days).

Quality of Care:

The most currently available Agency-linked CHAPS measure for “Willingness to Recommend the Hospice” for all Florida Hospices had an average score of 84. Seasons Florida average was 74 percent.

AccentCare/Seasons affiliated hospices most currently available HIS measure for ‘Patients who got an assessment of all seven HIS Quality’ Measure was 92.7 percent compared to the States’ average of 96.4 percent.

Seasons contends that CAHPS and HIS existing quality scores do not reflect current/up-to-date quality measurement data as it relates to patients/families and hence, it:

- Engaged Strategic Healthcare Programs (beginning in 2019) to perform patient experience surveys of Seasons' Florida hospice patients as it relates to symptom management, with higher scores for seven of eight symptom management categories
- Engaged Hospice Advisors to conduct a 10-question telephone survey in September/October 2021 to identify any ongoing quality issues and to assess what changes were needed
- Is using the survey responses and comments to improve procedures, training and supervision for Seasons' Florida hospice staff.

Seasons/AccentCare affiliated Florida hospice programs had one substantiated complaint (citing Quality of Care/Treatment) during the three-year period ending March 30, 2022.

Financial Feasibility/Availability of Funds:

- Funding for this project and the entire capital budget should be available as needed
- This project appears to be financially feasible
- Strictly, from a financial perspective, this project will not have a material impact on price-based competition

Medicaid/Medically Indigent:

The applicant discussed Seasons Florida's programs historical service to Medicaid/Indigent/Charity Care patients.

Seasons projects Medicaid HMO will comprise 2.0 percent and charity care 2.5 percent of the project's total year one and year two annual patient days.

G. RECOMMENDATION

Deny CON #10717.

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: June 17, 2022



James B. McLemore
Operations and Management Consultant Manager
Certificate of Need