

STATE AGENCY ACTION REPORT
ON APPLICATION FOR CERTIFICATE OF NEED

A. PROJECT IDENTIFICATION

1. Applicant/CON Action Number

Affinity Care of Palm Beach County, LLC (CON application #10819)

2102 Avenue Z, Suite 201
Brooklyn, New York 11235

Authorized Representative: Patti Greenberg
(510) 499-9977

2. Service District/Subdistrict

Service Area 9C – Palm Beach County

B. PUBLIC HEARING

No public hearing was requested or held.

Letters of Support

Affinity Care of Palm Beach County, LLC (CON application #10819) submitted approximately 52 SA letters of support. These include

Hospitals, Skilled Nursing, and Assisted Living Facilities:

- Kelly Berube, LCSW, Acute Inpatient Rehabilitation Center, HCA Florida JFK Hospital
- Jonathan Burstein, Operator of
 - Beach Breeze Rehab and Care
 - Boca Circle Rehabilitation Center
 - Palm Beach Nursing Center “*willing to enter into contractual arrangements.... to make inpatient beds available*”
- Mayer Fischl, CFO
 - Boca Del Mar Nursing and Rehab Center
 - Heartland Nursing and Rehab Center
 - West Delray Nursing and Rehab Center
- Mark Friedman
 - Owner and Operator, The Encore at Boca Raton Rehabilitation and Nursing Center

- Managing Member, Jupiter Rehab. & Healthcare Center
- Administrator, Regents Park Nursing & Rehabilitation Center
- Nicki Anno, VP of Operations,
 - The Luxe at Jupiter Health and Rehabilitation Center
 - The Luxe at Wellington Rehabilitation Center
- Seth Wiesel, Administrator, Menorah House Nursing and Rehabilitation Center
- John S Glass, Administrator, The Legacy at Boca Raton Rehabilitation and Nursing Center
- Ricki Kaneti, President, Colonial Skilled Nursing Facility, LLC and Colonial Assisted Living at Palm Beach LLC,
- Ari Adler, Manager, Director of Corporate Development, Oasis at Boynton Beach and Oasis at Boynton Beach Assisted Living
- Melissa Hines, Administrator, Royal Palm Beach Health and Rehabilitation Center
- Amelia Lopez, RN, DON, The Terrace of Delray Beach Nursing and Rehabilitation Center *“We would be willing to enter into appropriate contractual agreements to allow Affinity to provide inpatient level hospice services in our facility.”*
- Heidi Kurland, Admissions Coordinator, The Rehabilitation Center of the Palm Beaches, Palm Beach County, NH
- Erika Shelton, Regional Director of Admissions, Southern HealthCare Management, Boynton Beach Rehabilitation Center
- Daniel Rizzi, Community Outreach Coordinator, Abbey Delray,
- Kendra Stephens, Executive Director, Darcy Hall of Life Care
- Pamela L. Fuess, NHA, Operator, Ventura Health and Rehabilitation Center
- Christine Levine, Executive Director, Arden Courts
- Tim Pierelli, Executive Director, Volante of Delray Beach
- Bryce Robinson, Regional Vice President, Sonata Delray Beach, Sonata Boynton Beach, and Sonata Boca Raton, ALFs

Other Healthcare Providers:

- Beth Parets, Care Coordination Team Manager, Conviva Care Centers- Senior Primary Care Centers in Palm Beach (Health Care Clinic Exemption/Clinical Laboratory- Conviva West Palm Beach, Conviva Forest Hill, Conviva Care Center, Conviva Greenacres, Conviva Palm Beach Gardens, Conviva Lake Worth, Conviva Royal Palm Beach
- Michael Tindel, M.D., Gastroenterologist in Boca Raton
- Nada Boskovic, M.D., Internal and Hospice and Palliative Medicine
- Dr. Samuel Siddiqui, Center for Neurology
- Manuel Espinel, MD, Internal Medicine, Palm Beach County

- Christopher Cascio, Regional Director, Arosa Southeast
- Conner Galvin, Director, S. Florida Region-Advocate In Home Care
- Andrea Alberti, CEO and Owner, Horizon Care Services
- Kim Holmes, Account Executive, Senior Nannies Home Care
- Kathy Maston, Senior Account Executive, Complete Home Care
- Fara Linton, Human Resources, FIRST at Home Inc
- Robin Coven, Executive Vice President, Haven Home Health
- Eddie Castro, VP of Operations, Paramount Home Care Agency
- Giselle Goncalves, Home Care Coordinator, Pinnacle Home Care

Government Officials, Business and Community Leaders:

- Florida Senator Lori Berman District 26 Palm Beach County
- Representative John Snyder, Florida House of Representatives, District 86
- Representative David Silvers, Florida House of Representatives, District 89
- Mack Bernard, Commissioner, Palm Beach County, District 7
- Candy Cohn, CSA, Owner and President, Oasis Senior Advisors South Florida
- Alex Escobar, Owner, Assisted Living Locators
- Bijou Ikli, CEO, Florida Assisted Living Association
- Jennifer Smith, Owner, JW Healthcare Innovations
- Yandry Llanes, Business Developer, CareLink Alliance
- Susanne Veder, Executive Director, Baseline Balance
- Nathan Langston, Director of Marketing, Medical Services of America
- Arlan Larson, Vice President, NovoPharm

Religious Organizations and Clergy:

- Danielle N. Hartman, President and Chief Executive Officer, Ruth and Norman Rates Jewish Family Services (JFS)
- Melissa Rapkin, President of Palm Beach Guardianship Association, Guardianship Care Manager, Alpert Jewish Family Service
- Rabbi Sholom Kessler, Executive Director, Friendship House
- Rabbi Moshe Wolvovsky, Director, The Wisdom Circle, Chabad of Boca Raton
- Rabbi Josh Broide, Overseer, Center for Jewish Engagement (CJE), The Jewish Federation of South Palm Beach County
- Rabbi Zalman Bukiet, and Rabbi Moshe Kramer, Associate Rabbi and Hebrew School Director, Chabad of West Boca Raton
- Rabbi Efrem Goldberg, Boca Raton Synagogue, BRS West Orthodox Union, Hahn Judaic Campus

- Rabbi Moishe Denberg, Senior Rabbi and Rabbi Arete Gopin, Assistant Rabbi, Chabad of Central Boca Raton
- Rabbi Ruvy New, Director and Spiritual Leader, Boca Beach Chabad, Chabad East Boca Raton

OUT OF SA

- Espen Spangler, Director of Admissions, Aspire at the Sea
- Elaine Lundgren, Leasing Consultant, Grand Villa Senior Living of Deerfield Beach, ALF, Broward County
- Dante Valdivieso, President, Lightstream Medical, Home Medical Equipment, Miami-Dade County
- Heather Grasso, Director of Marketing and Business Development, Rapidx-Mobile Diagnostic Services
- Annie Gill, Director of Operations, Elder Benefits, LLC
- Robin Rouah, Partner, Placement Counselors
- Heidi F. Friedman, Esquire, Founder and Senior Member, Board Certified Elder Law Attorney, Friedman Elder Law and Estate Planning Department, LLC
- Mitchell Kitroser, Esquire, Kitroser Lewis and Mighdoll

The applicant's support also includes Andre Roitman, Hatzalah South Florida (licensed EMS provider), dated October 9, 2023, Memorandum of Understanding pledging collaboration with developing protocols for hospice and EMS services emergency transport, education, and to identify additional opportunities to improve the delivery of hospice and palliative care to Palm Beach County's Jewish population.

Letters of Opposition:

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 #10818 from D. Ty Jackson, with the Holland & Knight LLP law firm. Mr. Jackson cites the Service Area's FNP formula's projected need of 694 and indicates it does not apply because MorseLife has been licensed for less than two years as of three weeks prior to the publication of the August 2024 FNP (Rule 59C-1.0355(4)(b) Florida Administrative Code). He also notes that Affinity Care of Palm Beach LLC (a separate Affinity Care entity) is appealing the Agency's December 17, 2021, denial of its Service Area 9C CON application #10698 to the First District Court of Appeals and contends that denial of this application is required "to avoid what could result in two additional (Service Area 9C) hospice programs". Further, Affinity's application is an effort to avoid competition resulting from a comparative review and "eliminates AHCA's ability to select the best program to fill a need if one were to existing in SA 9C".

Mr. Jackson also contends that since the need formula results in a 694 FNP, the applicant cannot apply under Rule 59C-1.0355(4)(d) Florida Administrative Code special circumstances and Rule 59C-1.0355(4)(b) FAC (referenced above) prohibits the approval as MorseLife has been licensed and operational for less than two years. MorseLife notes that the Agency has “repeatedly” confirm MorseLife’s program is a new or additional hospice despite its prior limited license. Further, Affinity waived any challenge to the FNP by failing to timely allege error in the August 2024 FNP.

Mr. Jackson describes SA 9C hospice utilization, population growth, and access by racial and ethnic characteristics in support of the statements that there have been no material changes in the August 2021 and August 2024 batching cycles and “to the extent there have been some changes in SA 9C in recent years, those changes weigh against approval of another hospice in SA 9C”. The SA’s high penetration rate of 76.6 percent in CY 2023 or 5th highest of the 27 SAs is also cited. Mr. Jackson states MorseLife’s “demonstrated early success in expanding hospice access” (see Item E. 1 a.) should afford it to have the remainder of the two-year grace period for new hospice programs. He concludes that MorseLife based on the above issues, opposes Affinity’s approval and respectfully urges the Agency to deny the application.

Jeffrey L. Frehn, with Radey Attorneys & Counselors at Law, on behalf of Trustbridge, Inc., which has two 9C hospices – Hospice of Palm Beach County, Inc. and Hospice by the Sea, Inc. submitted a 19-page letter in opposition to Affinity’s project. Mr. Frehn argues that there is no need for a new hospice program as MorseLife is still in the two-year start up period and Affinity did not timely challenge the FNP. Trustbridge provides documentation to support its contention that no unmet need exists in Service Area 9C.

Trustbridge states existing providers are meeting the needs of Palm Beach County residents and there is no need for an additional hospice program at this time. In support of this, Trustbridge includes Palm Beach resident deaths from FloridaHealthCHARTS for CYs 2020—2023 as Exhibit 1. Exhibit 2 documents Palm Beach County population by age cohorts for July 2024 and July 2029. Exhibit 3 includes the 12 months ending June 30, 2021—2024 and Exhibits 4 and 5 address 9C’s (76.6 percent) hospice penetration rate, which exceeds the states’ 70.2 percent average and is the 5th highest during CY 2023.

Trustbridge contends that Affinity will not offer better access or quality or any new program or service not presently available in the service area. Trustbridge cites its quality of care, commitment to outreach and service

to the service area's diverse population. Exhibit 6 shows Trustbridge patient care staff by race/ethnicity and Exhibit 7 shows Trustbridge has 268 Bilingual Patient Care Staff (20 languages) and 151 of these speak Creole, 52 Spanish, 37 French, and no other language having one than three staff members. Trustbridge's service and partnerships designed to serve the Glades are also documented.

Trustbridge states it has substantial resources and facilities that are geographically accessible to all Palm Beach residents and their caregivers. These include five office locations and six inpatient care centers that are available 24 hours a day. Further, it offers a broad array of specialized services to meet the needs of each patient. These include complex case palliative services and comfort measures such chemotherapy, radiation therapy, transfusion therapy and intravenous medications, music therapy, virtual reality, equine therapy and pet therapy.

Trustbridge also participates in Florida's PIC:TFK Program to serve pediatric patients and its specialized services include a children's grief program and Camp Good Grief. Trustbridge discusses its specific disease programs which include a cardiac program, oncology program, programs for dementia patients, and pulmonary care.

Trustbridge contends Affinity cannot justify given the absence of an unmet need or an access problem. In reference to Affinity's proposed 'Glades Initiative', Trustbridge states it has a partnership with Lakeside Medical Center and the Health Care District of Palm Beach County and that it already operates an office in the Glades and notes MorseLife proposed to open an office in Glades. In reference to Affinity's "Jewish Hospice Care Initiative", Trustbridge states it already accredited by the National Institute for Jewish Hospice and the Palm Beach County Board of Rabbis and has strong linkages to the Jewish community. Trustbridge also has established relationships with the Palm Beach Fire and Rescue and 'AMR', the ambulance provider. Affinity's proposals for Alzheimer's and Dementia Care, Pulmonary Care, Cardiac Care, Palliative Resources, We Honor Veterans and "Programming Beyond the Hospice Benefit" are addressed with Trustbridge concluding Affinity would not "improve the current offerings to hospice patients in Palm Beach County".

Mr. Frehn concludes Trustbridge "encourages the Agency to deny the unneeded hospice program proposed by Affinity".

B. PROJECT SUMMARY

Affinity Care of Palm Beach County, LLC (CON application #10819) also referenced as Affinity Care Palm Beach, or the applicant, is a for-profit Florida Limited Liability Company, affiliated with Continuum Care Hospice and Affinity Health Management. Collectively, the organization operates 21 affiliate hospice programs across 11 states including Florida, Tennessee, Washington, Pennsylvania, Virginia, Ohio, Missouri, Indiana, Maine, Oklahoma, and Connecticut as well as the District of Columbia. Affinity Care has five Florida licensed hospice affiliates – Affinity Care of Manatee LLC (Service Area 6C), Affinity Care of Charlotte and Desoto LLC (SA 8A), Continuum Care of Sarasota LLC (Service Area 8D), Continuum Care of Broward LLC (Service Area 10), and Continuum Care of Miami Dade LLC (Service Area 11). Affinity Care affiliates also have two CONs approved pending licensure—CON #10774 (Affinity Care of Hillsborough LLC in Service Area 6A) and CON #10783 (Affinity Care of the Treasure Coast, LLC in Service Area 9B).

The applicant expects issuance of license in April 2025 and initiation of service in May 2025.

Total project cost, which includes equipment, project development and start-up cost is \$391,640.

Pursuant to project approval, Affinity Care of Palm Beach County LLC offers the following Schedule C conditions:

Clinical Specialty Programs

1. Meet Patient Needs via Enhanced Patient Touches

- The Applicant will assure each patient has 5 to 7 Home Health Aide visits per week, provided this is acceptable to the IDT, patient and family.
- The Applicant will assure each patient has a minimum of 2 RN visits per week, provided this is acceptable to the IDT, patient and family.
- The Applicant will provide a social worker and chaplain (if the patient and family want a chaplain visit) at least weekly, which helps to keep families and loved ones well supported.

- Affinity Care commits to increasing visit frequency during the final weeks of life to provide support. The Applicant will utilize AI predictive analytics software that analyzes hundreds of data points in a patient medical record to assist in identifying patients who are entering their final days of life.
- The Applicant will seek to respond to all referrals within one hour, initiate the assessment process within two hours, and expedite admission to the hospice subject to having a physician order in hand and the patient/family selecting the hospice option.

2. Glades Initiative

- The Applicant has conditioned approval of this application on the provision it will provide specific initiatives to enhance access to and utilization of hospice in The Glades.
- The Applicant will establish a satellite office in The Glades to provide visibility, community participation and serve as a convenient home base for team members covering that area of the County.
- Affinity's care team serving The Glades will have a specific hospice care team that is representative of the minority community and bilingual. This team will include, at a minimum, a nurse, social worker and chaplain.
- The Applicant will partner with Lakeside Medical Center and the Health Care District of Palm Beach County to increase awareness of hospice services. A community relations representative will regularly be on site at the facility to meet with hospice appropriate patients and answer any and all questions they or their caregivers may have about hospice and Affinity Palm Beach to optimize early enrollment in hospice to enhance quality of life for terminal patients while reducing unnecessary re-hospitalizations.
- The Applicant will partner with existing community organizations and resources that service the Black and Hispanic communities in The Glades, such as but not limited to The Glades Initiative, federally qualified health clinics, local churches and community centers, to educate on the benefits of hospice.

3. Jewish Hospice Care Initiative

- The Applicant will provide a Jewish Hospice Care Initiative to Jewish patients in a manner that recognizes Jewish heritage, history and traditions.
- The Applicant will seek accreditation for its Jewish Hospice services through the National Institute for Jewish Hospice (NIJH). NIJH provides staff training on the cultural beliefs and sensitivities so that the hospice provider can better serve the Jewish terminally ill.
- The Applicant will ascribe to Chayim Aruchim, incorporating their information into its program.
- The Applicant will embrace the Chadad on Call program and will work closely with this organization in delivering spiritual programming for the terminally ill Jewish population.
- The Applicant will employ a rabbi to serve as a chaplain on the hospice team.
- The Applicant will work with Rales Jewish Family Services, Jewish Federation, Chabad and other Jewish organizations to sponsor quarterly community education events and workshops at various locations through Palm Beach County regarding the benefits of hospice services, including an explanation of the hospice benefit available under Medicare, the interdisciplinary team approach to care for patients in hospice, and the ways in which hospice can meet the physical, emotional, and spiritual needs of Jewish patient and the patient's family at the end of life.
- The Applicant will establish specific protocols for meeting the special needs of the Jewish population including having a focus on the needs and providing recognition and support for holocaust survivors; addressing pain control measures, and providing life sustaining measures in accordance with religious observances; coordinating with and having available support from local Rabbis for spiritual care, guidance and consultation; coordinating with JFS and its partners to ensure patient plans of care include recognition of Kosher diet requirements of patients.
- The Applicant will have a Jewish services coordinator on its staff available to respond to needs of Jewish patients, and to be

available to respond to any requests from Jewish community organizations for assistance and evaluation of patients, including but not limited to 24/7 triage coverage, physical visits to access hospice eligibility of patients and admission regardless of ability to pay (charity patients); and availability of palliative care programs for Jewish patients that are in need of support but do not presently meet the requirements for admission to hospice care.

- The Applicant will develop a bereavement program specifically designed to address the needs of the Jewish patients, families, caregivers and those who are in need of grief support regardless if they are associated with hospice services.
- The Applicant will work with Rendever, its Virtual Reality designer, to coordinate inclusion of Palm Beach County patients into the specialized virtual reality platform for the Jewish population that honors the history and plight of the Jewish experience and provides “travel” to religiously significant sites and experiences throughout the world.
- The Applicant will collaborate with Jewish organizations such as Rales JFS and The Wisdom Circle to identify additional opportunities to improve the delivery of hospice and palliative care to the Jewish population in Palm Beach County.

4. Lift Up Minority Penetration Rates

- The Applicant has conditioned approval of this application on the provision it will provide specific initiatives to enhance access to and utilization of hospice by minority population groups.
- The Applicant will have a specific hospice care team that is representative of the minority community and bilingual or multi-lingual including Spanish speaking team members. This team will include, at a minimum, a nurse, social worker and chaplain.
- The Applicant will partner with local organizations to increase awareness of hospice services in the minority community. A community relations representative will develop an action plan which will include identifying facilities with large minority populations. The rep will regularly visit those facilities to educate leadership and clinical professionals. The rep will also then be available to meet with hospice appropriate patients and answer all questions they or their caregivers may have about

hospice and Affinity Palm Beach. This should optimize early enrollment in hospice to enhance quality of life for terminal patients while reducing unnecessary re-hospitalizations.

- The Applicant will partner with existing community organizations and resources that service the Black and Hispanic communities, such as but not limited to federally qualified health clinics, local churches and community centers, to educate on the benefits of hospice.
- As part of its Advisory Council commitment, the Applicant will form a Minority Advisory Council and recruit minority related community organizations and others to be on this Council which will meet quarterly to review the Applicant's programming and develop initiatives to be implemented.
- The Applicant will also assure patient needs are met with complex treatments such as palliative radiation to reduce pain or other similar types of service as patients transition into hospice or require such services for pain reduction.¹
- The Applicant will become Medicaid certified so that it may accept any hospice patients, including those on Medicaid.
- The Applicant will provide 24/7 triage coverage, and physical visits to assess hospice eligibility of patients and admission regardless of ability to pay (charity patients).

5. EMS Community Paramedic Program

- The Applicant will develop and initiate a community paramedic program in coordination with local EMS providers, beginning mid-year one.
- The Applicant will implement the Hatzalah South Florida / Affinity Care Memorandum of Understanding and the activities incorporated therein.
- The Applicant will provide funding to local EMS providers for community paramedics, beginning in mid-year one.
- The Applicant will provide education and training of community paramedics on the program and criteria.

¹ This is part of Affinity's programs; other providers may refer to this as Open Access.

6. Veterans Outreach Program

- The Applicant will conduct a minimum of monthly educational visits and contacts with Veterans organizations in Palm Beach County, including but not limited to VFW Posts, American Legion Posts, West Palm Beach VA Medical Center (hospital and campus), its outpatient affiliated clinics in Boca Raton and Delray Beach (primary care, mental health and select specialty care) and Palm Beach County Veterans Committee (established by The Friends of Veterans).
- The Applicant will implement its Veterans outreach program, We Honor Veterans, once certified and will strive to achieve Level 5 certification to increase access and improve the quality of care for Veterans in Palm Beach County.
- The Applicant will implement its Honor Guard Program. As Veterans come on service, the Applicant will give family a flag. When the Veteran passes, his/her body will be covered with the flag and include an Honor Guard processional with the covered body at its removal from the home.
- The Applicant will designate one of its hospice liaisons to carry out all Veterans outreach initiatives.
- The Applicant will encourage Veteran family members in the general community to participate in its bereavement programs, whether or not they were hospice patients, and which will include specific programming for bereaved families of Veterans including family members of Veteran suicides.
- As part of its Advisory Council commitment, the Applicant will form a Veterans Advisory Council and recruit Veteran related community organizations and others to be on this Council which will meet quarterly to review the Applicant's programming and develop initiatives to be implemented.
- The Applicant will assure its social workers are well trained in the assessment and ongoing interaction with the Veteran.
- The Applicant's Equine Therapy program will be available for Veterans who choose this treatment modality, noting it is particularly helpful for those with PTSD.
- The Applicant will coordinate with Southeast Florida Honor Flight to encourage hospice patients to participate in the Honor

Flight program for patients physically capable of participating in this important one day event. The Honor Flight Network is a national network comprised of independent Hubs working together to show our nation's veterans the appreciation and honor they deserve.²

- The Applicant's Virtual Reality platform will offer Veterans a virtual flightless experience for Veterans who are unable to participate in the Honor Flight Network trip identified above.

7. Affinity Alzheimer's and Dementia Care

- The Applicant will implement the Affinity Alzheimer's and Dementia Care program which was designed to bring the latest innovations in end-of-life care to Alzheimer's and dementia patients and their caregivers.
- The Applicant will coordinate with Palm Beach County's Alzheimer's support and advocacy groups to educate the local community about the benefits of its specialized Alzheimer's and Dementia Care hospice program. Educational opportunities will be offered to major organizations addressing Alzheimer's and dementia care issues including but not limited to Premiere Research Institute (West Palm Beach), Alzheimer's Research and Treatment Center (Wellington), Southeast Florida Chapter of the Alzheimer's Association, Florida Alzheimer's Association, among other local organizations and caregiver groups. The Applicant will seek out research opportunities to share data to further develop best practices for care and treatment of terminal dementia and Alzheimer's patients.
- All staff will be required to complete 2.5 hours of Continuing Education Units (CEU's) covering evidence-based protocols for behavioral symptoms, in addition to Florida's minimum CEU requirements.
- All patients in this program will be provided with music therapy.
- All patients will be provided with a tactile box, fidget box, or similar stimulation tools used with Alzheimer's patients used in care and treatment of patients with dementia.

² The applicant describes the Southeast Florida Honor Flight as a 100% volunteer organization that utilizes Palm Beach International Airport for four Honor Flights per year, serves six counties including Palm Beach County whose top priority is to serve most senior heroes and veterans of any war with a terminal illness that wants to visit their memorial.

- The Applicant will offer a specifically tailored caregiver support group for those with loved ones battling Alzheimer's and dementia.
- Affinity Care will work with area facilities, such as nursing homes, who have patients with dementia, to educate their clinical staff on treatment criteria and programs.

8. Affinity Pulmonary Care

- The Applicant will offer the Affinity Pulmonary Care program to improve the end-of-life care for patients suffering from pulmonary diagnoses. The Applicant will increase the awareness among healthcare providers and Service Area 9C residents about hospice care for patients confronted with pulmonary diseases.
- The Applicant will employ a respiratory therapist upon certification who will manage the patient's respiratory plan of care and provide respiratory related education to the patient, their family and to the hospice team and the community.
- The Applicant will collaborate with a community Pulmonologists and other pulmonary care professionals on an ongoing basis to assist in patient assessments, education and provision of services.

9. Affinity Cardiac Care

- The Applicant will implement the Affinity Cardiac Care program designed to improve the end-of-life care for patients suffering from end stage cardiac diseases along with increasing the awareness among healthcare providers and residents of Service Area 9C on the importance of hospice care for patients confronted with end stage cardiac disease.
- All Affinity Palm Beach staff will be provided specialized education on the management of end stage cardiac patients.
- The Applicant will collaborate with community Cardiologists and other cardiac professionals on an ongoing basis to assist in patient assessments, education and provision of services.

10. Continuum Palliative of Florida

- The Applicant will implement its Continuum Palliative of Florida program within six months of receiving its Medicare

certification. This will provide patients with relief from symptoms and pain, supporting the best quality of life, before the patient terminates treatment and qualifies for hospice. This will significantly improve the perception of hospice, repair the negative image hospice historically has amongst minorities and help to develop an end of life care plan designed for the individual. Combined, the approach to hospice treatment, education and outreach, staffing with culturally like personnel and providing palliative care as a pathway or bridge to hospice, the Applicant will be lifting up the lower minority penetration rates for both Blacks and Hispanics.

- The Applicant will conduct community education on advance care planning (i.e. living wills, durable power of attorney, review of 5 wishes document).
- The Applicant will provide physician-led palliative care services including social work and chaplaincy, either within facilities or in the patient's place of residence.

**Quality and Patient Satisfaction Initiatives and Programming
Beyond the Hospice Benefit**

- 11.** The Applicant will offer a personal emergency response indicator such as Life Alert, to every patient at home.
- 12.** The Applicant will provide triage coverage 24 hours a day, 7 days a week, and physical visits to assess hospice eligibility of patients and admission regardless of ability to pay (charity patients).
- 13.** The Applicant will have a designated Quality Director to conduct quality assessments, monitoring, and report all issues to senior management.
- 14.** The Applicant will become accredited by CHAP once certified.
- 15.** The Applicant will have a confidential compliance hotline available for its employees who may have concerns with state or Medicare regulations and/or standards of conduct. The hotline, available 24 hours a day, 7 days a week, will maintain anonymity upon request.
- 16.** The Applicant will introduce its Wound Care Program to Palm Beach County. This program utilizes a specialized third-party company to do wound care. This commitment to wound care services will benefit many of Affinity's patients.

- 17.** The Applicant will implement its Virtual Reality Program upon licensure of its program. It will be made available to all eligible Affinity Palm Beach patients.
- 18.** The Applicant will implement its Music Therapy Program upon licensure of its program. It will staff a minimum of one Board Certified Music Therapist. It will be made available to all eligible Affinity Palm Beach patients.
- 19.** The Applicant will implement its Equine Therapy Program upon Medicare certification of its program. It will be made available to all eligible Affinity Palm Beach patients who are physically able to make the trip to the stable partner.
- 20.** The Applicant will host two annual symposium events, one for families and the other for providers. The annual Remembrance Symposium will be held for bereaved families and caregivers to honor their loved ones and provide ongoing support for families and caregivers. The second annual event will be Hospice Awareness Symposium for providers (physicians, nurses, pharmacists, and others) to educate these professionals on hospice services and how they could be incorporated into their medical practices.
- 21.** The Applicant will maintain its foundation, Continuum Care Hospice Foundation, and assure that 100 percent of its donations go to patient care, and that funds do not cover overhead costs, salaries or other operating expenses. Rather, these funds will go to end of life wishes of the patients and assistance with burials and cremations for indigent patients. They will also provide resources to patients with limited means to ensure family has access to medical appointments, coordinating transportation and utilizing these funds to reach appointments as needed.
- 22.** The Applicant will collaborate with local colleges and universities to educate students including offer training for nursing students as to the day in the life of a hospice RN with the goal to increase the labor pool of future nurses interested in end of life and palliative care.
- 23.** The Applicant will commit to education tuition reimbursement for its CNAs who want to pursue an RN degree and will also commit to assuring its staff has education beyond the minimum required for its license utilizing the Relias education learning tool.

- 24.** With its focus on spiritual engagement, the Applicant will ensure that it has contractual arrangements with specific denominations to assure that patients requiring specific end of life rituals will have their needs appropriately met.

Affinity Palm Beach includes a statement for each condition that it “will be measured by a signed declaratory statement submitted by the Applicant to AHCA”.

The proposed conditions are as stated by the applicant. 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. 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.”

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.

Hospice programs are required by federal and state law to provide services to everyone requesting them and therefore the Agency would not place conditions on a program to provide legally required services such as palliative radiation and chemotherapy and care to the indigent and charity patients.

C. REVIEW PROCEDURE

The evaluation process is structured by the certificate of need review criteria found in Section 408.035, Florida Statutes. 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 assessing the responses provided in the application and independent information gathered by the reviewer.

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

Section 59C-1.010(3)(b), Florida Administrative Code, allows no application amendment information subsequent to the application being deemed complete. The burden of proof to entitlement of a certificate rests with the applicant. As such, the applicant is responsible for the representations in the application. This is attested to as part of the application in the Certification of the applicant.

As part of the fact-finding, the consultant, Sarah Zimmerman analyzed the application with consultation from Financial Analyst Derron Hillman of the Bureau of Central Services, who evaluated the financial data.

D. CONFORMITY OF PROJECT WITH REVIEW CRITERIA

The following indicate the level of conformity of the proposed project with the criteria and application content requirements found in Florida Statutes, Sections 408.035 and 408.037; applicable rules of the State of Florida, Chapters 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 50, Number 151 of the Florida Administrative Register, dated August 2, 2024, the Agency published zero need for a new hospice provider in Service Area 9C (Palm Beach County) for the January 2026 hospice planning horizon. The applicant is applying to establish a hospice program in the absence of published numeric need.

MorseLife Hospice Institute, Inc. d/b/a Palm Beach by MorseLife (via CON application #10702) was licensed to serve the entirety of Service Area 9C on June 24, 2023. As previously referenced, Rule 59C-1.0355(4)(b), Florida Administrative Code applies as the Agency will not

normally approve a new hospice program for a service area that has a hospice program that has not been licensed and operational for at least two years as of three weeks prior to publication of the fixed need pool. There also remains the issue of the Affinity Care of Palm Beach LLC’s Service Area 9C project pending 1st DCA decision on CON #10698.

Service Area 9C has four licensed hospice programs whose utilization is shown in the table below. As previously stated, Palm Beach Hospice by MorseLife was licensed to serve the entire Service Area 9C effective June 24, 2023.

**Service Area 9C
Hospice Admissions
12 Months Ending June 30**

Hospice	2024	2023	2022	2021	*2020
Hospice by the Sea Inc	1,945	2,031	2,142	1,873	1,641
Hospice of Palm Beach County Inc	7,312	7,364	7,138	7,227	6,886
Palm Beach Hospice by MorseLife	474	237	197	183	159
VITAS Healthcare Corporation of Florida	2,401	2,597	2,747	2,449	2,544
Total	12,132	12,229	12,224	11,732	11,230

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

Note: * 2020 includes 5,529 July-December admissions which were not published due to the cancellation of the July 2020 batching cycle. Hospice by the Sea Inc had 828, Hospice of Palm Beach County, Inc. had 3,395, Palm Beach Hospice by MorseLife had 44, and VITAS Healthcare Corporation of Florida had 1,262 admissions during July-December 2019.

Pursuant to Rule 59C-1.0355(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.

Affinity contends that there is not a newly licensed provider in Service Area 9C because the approval of MorseLife’s CON application #10702 to serve the entire Service Area 9C does not constitute a “new hospice program” noting that as part of the approval terms of its CON application #10702, MorseLife agreed to submit its license application to amend its service area to include the entire hospice Service Area 9C-Palm Beach County. The applicant states that it has applied under Not Normal Circumstance because MorseLife Hospice Institute, Inc. d/b/a Palm Beach by MorseLife (via CON application #10702) was licensed to serve the entirety of Service Area 9C on June 24, 2023. Affinity argues that if the “default to zero provision” had not been applied, there would have been a published need adding that Morselife has been licensed since 2019 and has more than two years of experience. Therefore, the applicant states that the “Not Normal Circumstance created by the two licensure dates relating to a single provider, necessitates AHCA approving this CON Application based on Not Normal Circumstances.”

Affinity notes that currently, there are four licensed hospice providers to serve 16,551 deaths annually and with 18,187 deaths projected in the county by the January 2026 planning horizon, the numeric gap is 694 additional hospice patients in Palm Beach County.

The applicant discusses SA 9C population and demographics noting that Palm Beach County is the third most populous county in the state of Florida with more than 1.5 million residents in which one in four residents are over age 65. Palm Beach County is the wealthiest county in the state with a median household income of \$76,510, with a notable percentage of households earning \$500,000 or more. The applicant adds that the majority of employed residents work in white-collar jobs, and that the county is a leader in agricultural productivity, particularly from western regions.

Affinity argues that there is a stark contrast between the affluent eastern area and the western farming communities referred to as "The Glades," which includes Belle Glade, Pahokee, and South Bay as these communities, predominantly minority and migrant populations, have a median household income of around \$36,000, with 30 percent of households living in poverty. Affinity argues this area is historically underserved "in every aspect from healthcare to education" particularly in hospice care. Affinity states it will seek to enhance hospice utilization of residents across many specific cohorts as well as the general population targeting The Glades, seniors, Jewish population, Veterans and blacks/Hispanics. Affinity notes that it will establish a satellite office in The Glades to provide visibility, community participation and serve as a convenient home base for team members covering that area of the county.

The applicant argues that it is well-qualified to be approved given evidence of Not Normal Circumstances, having successful start-up experience in both Broward and Miami-Dade Counties adding that as of March 31, 2024, Miami-Dade County had 322 admissions, while Broward County had 381 admissions over the past 12 months. Further, it has successful operations in southwest Florida, specifically in Sarasota (2021) and Manatee (2023) counties where there was no published need.

Affinity cites its support from 20 nursing homes (37 percent of 9C total), numerous assisted living facilities, independent living communities, home health agencies and integral physicians, and various other community leaders and elected officials.

Affinity states the Glades has limited health care resources, including only one nursing home and one hospital and will collaborate with existing providers, physicians, and community resources that have

already expressed support for its initiative. The applicant has the support of the Jewish community, including Jewish Family Services, The Wisdom Circle, and rabbis from throughout the county, to provide religiously sensitive hospice care to terminally-ill Jewish patients. Further, Affinity has partnered with Conviva Care Centers, which serves predominantly Hispanic seniors, to enhance hospice utilization as well as signing a memorandum of understanding (MOU) with Hatzalah Ambulance Service to reduce unnecessary emergency room trips for hospice patients and with two SNFs to establish dedicated inpatient units when census warrants. The applicant references its letters of support and MOUs in Tab 5 of this application.

Affinity's map on page 33 showing the location of the 54 nursing homes in Palm Beach County as well as a key on pages 34-36 that defines how they are represented: Red markers indicate the 20 nursing homes that have recently supported Affinity Palm Beach's project, pink markers represent facilities that voiced support in 2021 but have pending updates or are requesting to reuse their initial letter of support, blue markers represent the remaining Palm Beach County facilities. Affinity Palm Beach argues that this illustrates the support it has from nursing homes in all densely populated areas of the county, which is a significant advantage for a new hospice looking to reduce the number of underserved patients.

Affinity that it used the Agency's need formula using Service Area 9C's historical utilization to show that for seniors, there are more non-cancer patients (612) than cancer patients (131), with a ratio of 17.7:82.3 which it states is consistent with its experience in the state, where its programs in Sarasota, Miami-Dade, and Broward admitted mostly non-cancer patients. The applicant states it will focus on increasing hospice utilization in non-cancer diagnoses and implementing its specialty programs for non-cancer patients through its strategic initiatives aim to make the most impactful enhancement in hospice utilization. Affinity notes that the projected gap in service is 694 admissions, which exceeds the minimum threshold of 350 admissions adding that the entire gap is within the population 65 and older, which is the applicant's target population.

Florida Office of Vital Statistics CY 2022 data is included in four tables on pages 39-41 of the application that address Service Area 9C resident deaths by cause:

- By Cause of Death -Ages 65+ and All Ages
 - Percent of Total Deaths
- Ages 65+ and All Ages
- All Ages

- Total Deaths, including
 - Black Deaths
 - Percent of Total Black Deaths
 - Hispanic Deaths
 - Percent of Total Hispanic Deaths
- By Cause of Death, Race and Ethnicity, and Ages 65+
- Total Deaths, including
 - Black Deaths
 - Percent of Total Black Deaths
 - Hispanic Deaths
 - Percent of Total Hispanic Deaths

The applicant summarizes that in 2022, Palm Beach County had 16,551 resident deaths, with 81.5 percent (13,491) aged 65 and older with the leading causes of death as follows: non-cancer related (81 percent), cardiovascular diseases (39.2 percent), cancer (19.3 percent), respiratory diseases (6.8 percent), and nervous system diseases (4.2 percent) which includes Alzheimer's and dementia (a subset of nervous system deaths). Further, an estimated 21 percent of total deaths in 2022 in Palm Beach County were Black and Hispanic minorities, with: 1,836 Black deaths 1,702 Hispanic deaths in 2022.

Affinity contends that when analyzing its data on cause of death in Palm Beach County minority communities it concluded that 17 percent of senior deaths in 2022 were among Black and Hispanic minorities. Further, while 81.5 percent of the total deaths were among seniors, only 60 percent of Black deaths and 68 percent of Hispanic deaths were elderly which suggests this cohort lives shorter lives and have lower life expectancy rates than whites.

Affinity explains that for all seniors, including Black and Hispanic cohorts, cardiovascular disease, cancers, other residual causes, infectious disease and respiratory diseases were the top five causes of death in 2022 followed by nervous system diseases.

Affinity Care of Palm Beach County strategic initiatives described in detail in the application include:

1. Meet Patient Needs via Enhanced Patient Touches and Hospice Responsiveness
2. Initiative in The Glades to Enhance Hospice Utilization
3. Comprehensive Program and Outreach to the Jewish Community through Collaboration with Rales Jewish Family Services, The Wisdom Circle and Other Organizations to Meet their Needs and Enhance Hospice Utilization

4. Uplift Hospice Utilization Amongst Hispanic and Black Minority Groups (Including in The Glades)
5. Collaboration with Senior Primary Care Clinics to Elevate Hospice Utilization Amongst Seniors
6. Develop and Initiate a Community Paramedic Program with Local EMS to Reduce Unnecessary Trips to the Emergency Room, Including Hatzalah South Florida, the Jewish Ambulance Service
7. Veteran Outreach Programming to Enhance Veteran Utilization
8. Dedicated Hospice Inpatient Units at Nursing Homes
9. Detailed Program and Outreach to Enhance Hospice Utilization for Dementia and Alzheimer's Disease
10. Patient and Referral Responsiveness to Enhance Quality Experience

Affinity Care states that it “prides itself on its service intensity, which far surpasses NHPCO guidelines for staffing. Termed ‘boots at the bedside’, Affinity utilizes its revenues to assure its patients have daily or almost daily touches.” The applicant adds that this results in:

- Regular ongoing communication with the patient and family
- More effectively managing pain and related symptoms
- Avoiding unnecessary hospitalizations or emergency calls
- Improved patient and family satisfaction

Two tables on pages 45 and 46 compares three Florida Affinity Care programs to the four SA 9C existing providers for the CY 2023 hospice visit hours per patient day, in the last week of life and by discipline (RN, HHA and MSW hours) in the last week of life.

Affinity concludes that its level of service is significantly higher than that of the existing providers, with more frequent visits and care at the patient's bedside. Further, every new patient is engaged at Affinity Care within two hours of referral, seven days a week, 365 days per year, and will provide an immediate response or return call (not more than one hour), patients are visited by a home health aide (HHA or aide) five to seven days per week, and that a registered nurse visits every patient at least two times weekly, and daily if the patient is actively passing and that a social worker and chaplain (if the patient and family want a chaplain visit) at least weekly.

Further, when applying Medicare measures, Affinity's visit hours per patient day are higher than those of the existing providers, with two of Affinity's programs ranking number two and number seven in the state. The existing providers, including Morse Life, which is a long-time existing and operational hospice provider in the area, provide fewer visits per week and have lower visit hours per patient day. Affinity notes that its

hours per patient day rates are 30-80 percent higher than the statewide average of 0.70 with its Miami-Dade program ranking 2nd and the other two programs ranking 7th and 13th. Additionally, the applicant contends only one of the three existing hospice providers offers services that are similar to its programs noting that two are below its standards, and a fourth provider, MorseLife, operates at only 31-43 percent of its visit hours per patient day.

Agency	Visits Per Week	Rank in State
Continuum Care of Miami Dade LLC - 101565	9.6	1 of 52
Affinity Care of Sarasota - 101564	7	7 of 52
Continuum Care of Broward LLC - 101562	6.2	11 of 52
VITAS Healthcare Corporation of Florida - 101545	4.8	16 of 52
Hospice by the Sea INC - 101504	3.7	21 of 52
Hospice of Palm Beach County INC - 101512	2.9	44 of 52
Palm Beach Hospice by Morselife - 101560	2.2	52 of 52

Source: CON application #10819, page 45, Visits er Patient Per Week, Calendar Year 2023 - Medicare data, CY 2023 (Health Pivots)

Affinity has received strong support from numerous healthcare facilities, assisted living facilities, clinicians, physicians, businesses and community leaders in Palm Beach County. Most nursing homes and physicians cite Affinity’s service intensity, and that ALF and HHAs also included its weekly patient touches and boots at the bedside as reason for the project’s approval. Affinity provides sample excerpts from these letters beginning on the application’s page 137.

Affinity asserts that it has built relationships with hospitals and physicians in Palm Beach and Broward counties, including Baptist Hospital affiliates and West Boca Medical Center and that because it is located in a contiguous county, it is well-known to local providers who can benefit from its enhanced services in Broward and Miami-Dade counties, and therefore, being dually licensed in these two counties to facilitate seamless discharges of patients from the facility to their home. Further, the applicant argues that its approval would be beneficial for hospital patients, discharge planners and physicians, including those in Broward and Miami-Dade which discharge approximately 200 Palm Beach patients annually directly to hospice.

Affinity Care states its will have sufficient staffing and resources to meet the following conditions:

- The Applicant will seek to respond to all referrals within one hour, initiate the assessment process within two hours, and expedite admission to the hospice subject to having a physician order in hand and the patient/family selecting the hospice option.
- The Applicant will provide triage coverage 24 hours a day, 7 days a week, and physical visits to assess hospice eligibility of patients and admission regardless of ability to pay (charity patients).

- The Applicant will assure each patient has 5 to 7 Home Health Aide visits per week, provided this is acceptable to the IDT, patient and family.
- The Applicant will assure each patient has a minimum of 2 RN visits per week, provided this is acceptable to the IDT, patient and family.
- Affinity Palm Beach commits to increasing visit frequency during the final weeks of life to provide support.
- The Applicant will provide a social worker and chaplain/Rabbi (if the patient and family want a chaplain/Rabbi visit) at least weekly, which helps to keep families and loved ones well supported.
- The Applicant will utilize AI predictive analytics software that analyzes hundreds of data points in a patient medical record to assist in identifying patients who are entering their final days of life.

Affinity describes the eastern and western portions of Palm Beach County as being “vastly different”, noting that one is affluent and one - The Glades has consistently been ranked the poorest communities in the state. The applicant notes that this area is underserved due to it being a predominantly minority and migrant community, with a median household income of approximately \$36,000 and with 30 percent of households living below poverty.

The applicant presents a map on page 51 that illustrates the location of Belle Glade, Pahokee, and South Bay within western Palm Beach County relative to the rest of the SA and notes that The Glades has one hospital, one nursing home, one assisted living facility, and two federally qualified health centers yet is still has a shortage of hospice services.

Affinity notes that The Glades has a population of approximately 33,758 residents as of 2024 and notes that there are three municipalities within The Glades, first Belle Glade, which has the most residents with 20,460, followed by Pahokee at 7,666, and South Bay with 5,632. Further, of the 33,758 residents in The Glades, 4,825 are seniors with an estimated 10.8 percent of residents in Belle Glade, 7.4 percent in South Bay, and 12.6 percent of Pahokee.

The Glades 2024 Population Estimates					
	33430 Belle Glade	33476 Pahokee	33493 South Bay	The Glades Total	Palm Beach County
Total Population	20,460	7,666	5,632	33,758	1,538,467
65+ Population	3,129	1,148	548	4,825	410,999
Percent 65+	10.8%	12.6%	7.4%	10.7%	26.7%

Source: CON application #10819, page 52, Claritas/Envionics and NHA Analysis

The applicant states that Palm Beach County has 1.5 million residents of which 384,138 are Hispanic and 273,410 are Black noting that:

- 57.8 percent of The Glades' residents are Black, ranging from 55 percent in Belle Glade to 62.6 percent in Pahokee which is much higher than the county average of 17.8 percent Black
- Nearly 32.9 percent of residents in The Glades are Hispanic in contrast to Palm Beach County overall with 25.0 percent of Hispanic residents
- Within The Glades, the portion of Hispanics as a percent of total ranges from 24.8 in South Bay to 36.8 percent in Belle Glade
- In Palm Beach County one out of every four residents are Hispanic and one out of nearly six are Black

The Glades and Palm Beach County 2024 Population Estimates by Race Ethnicity					
	33430 Belle Glade	33476 Pahokee	33493 South Bay	The Glades Total	Palm Beach County
Percent Hispanic	36.8%	28.5%	24.8%	32.9%	25.0%
Percent Black	55.0%	62.6%	61.5%	57.8%	17.8%

Source: CON application #10819, page 52, Claritas/Enviroics and NHA Analysis

Affinity surmises that Lakeside Medical Center, a hospital in Belle Glade, serves a disproportionately high percentage of Black patients, who make up 57.8 percent of The Glades population but account for 66 percent of the hospital's medical surgical patients. Further, Hispanics account for 33 percent of The Glades population but account for less of Lakeside's total inpatient population.

For the past three years, Lakeside Hospital has discharged 1.8 percent of its Black medical surgical patients to hospice care, compared to all other Palm Beach County hospitals (2.4 percent for Black patients and 4.8 percent for White non-Hispanic patients) and 2.8 percent of its Hispanic medical surgical patients to hospice care, compared to all other Palm Beach County hospitals (2.8 percent for Hispanic patients and 4.4 percent for White non-Hispanic patients) demonstrating an underservice in the county and most significantly at this hospital. The applicant presents a charts on pages 53 and 54 to support its claim.

Affinity cites its letters of support from the Administrator of Glades Health Care Center, the City Manager of Pahokee, the Mayor of South Bay and physicians with robust practices in The Glades, a physician practicing at Lakeside Medical Center in Belle Glade address the underserved minority population in The Glades, the need for additional services, and support for Affinity Palm Beach strategies. The applicant notes that its strategies include but are not limited to, the following:

- Establishing an office in the Glades to provide hospice and palliative care services to our medically underserved population.
- Creating a hospice care team (nurse, social worker, etc) to serve the area which includes minority and Hispanic speaking professionals.
- Be Medicaid certified to accept any Medicaid clients.
- Admit any qualifying hospice patient even if a charity care patient.
- Admit patients during both day and night, including weekends to enable family participation after work or days off.
- Educating the area's professional staff on palliative and hospice care resources and how to incorporate into treatment plans when appropriate.
- Assist facility and area professionals in educating the community regarding end of life care.
- Contract and work with the Glades hospital (Lakeside) to effectively transition hospital patients.
- Contract and work with the Glades nursing home (Pahokee) to assure those residents.
- Collaborate with The Glades Initiative and develop and present other similarly constructed community education programs.
- Implement Affinity Care's specialty programs: virtual reality, music therapy with a board-certified music therapist and equine therapy.
- Work with the local clinics including the federally qualified clinics, C.L. Brumback Clinic and Conviva Clinic.

Affinity reiterates that it is well-qualified to meet the needs of minority demographics based on its history in other markets to and its specific action plan developed for use in The Glades. The applicant states that its focus will be on outreach and education within specific minority communities, including The Glades and will accomplish the specific initiatives to enhance access to and utilization of hospice by implementing the following action items:

- The Applicant will establish a satellite office in The Glades to provide visibility, community participation and serve as a convenient home base for team members covering that area of the County.
- Affinity's care team serving The Glades will have a specific hospice care team that is representative of the minority community and bilingual. This team will include, at a minimum, a nurse, social worker and chaplain.
- The Applicant will partner with Lakeside Medical Center and the Health Care District of Palm Beach County to increase awareness of hospice services. A community relations representative will regularly be on site at the facility to meet with hospice appropriate patients and answer any and all questions they or their caregivers

may have about hospice and Affinity Care to optimize early enrollment in hospice to enhance quality of life for terminal patients while reducing unnecessary re-hospitalizations.

- The Applicant will partner with existing community organizations and resources that service the Black and Hispanic communities in The Glades, such as but not limited to The Glades Initiative, federally qualified health clinics, local churches and community centers, to educate on the benefits of hospice.
- The Applicant will become Medicaid certified so that it may accept any hospice patients, including those on Medicaid.
- The Applicant will provide 24/7 triage coverage, and physical visits to assess hospice eligibility of patients and admission regardless of ability to pay (charity patients).

Affinity states it will annually meet to develop new strategies and plans to best serve The Glades and create plans for budgeting purposes.

Affinity states that as of 2018, Palm Beach County has approximately 290,000 Jewish residents of which approximately 156,000 reside in the northern and approximately 134,000 reside in the southern regions of the county. The applicant provides a visual demonstration (map) on page 58 showing the distribution of the Jewish population by area of Palm Beach County. Palm Beach County had over 117,000 Jewish seniors, comprising 40 percent of the Jewish population and indicating a significantly older demographic compared to the county overall. The Jewish population is about 20 percent of the total population, while seniors make up roughly one-third of the county's population.

Affinity shares that in Palm Beach County, 23 percent of Jewish households faced economic hardship last year, with over 30 percent having individuals with chronic health issues, disabilities, or special needs. Additionally, the county has 12,000 Holocaust survivors, among the most in the country, that are living longer, into their 80s and even early 90s and have profound needs. Two Jewish Federations serve this community: the Jewish Federation of South Palm Beach County and the Jewish Federation of Palm Beach County. Additionally, the Ruth & Norman Rales Jewish Family Services (Rales JFS), established in 1979, provides vital services to the Jewish community in southern Palm Beach County and collaborates closely with the Jewish Federation of South Palm Beach County. Excerpts of Danielle N. Hartman, President and Chief Executive Officer, Rales Jewish Family Services are on the application's pages 59 and 60.

Affinity Palm Beach adds that it received support for its application from various community figures, including a guardian from Alpert Jewish Family Services, Rabbis Moshe and Henni Wolvovsky, and other Jewish leaders in Palm Beach County. Affinity notes that The Wisdom Circle, Inc. and Chabad-Lubavitch of Boca Raton, highlight the lack of hospice services for Jewish seniors in the area and that the organizations mission is to care for the physical, emotional, intellectual and spiritual needs of the seniors in southern Palm Beach County. Excerpts from its letters on the application's pages 61-67 include:

- Melissa Rapkin, Guardian, Care Manager and Alpert Jewish Family Services
- Rabbi Moshe Wolvovsky, The Wisdom Circle
- Rabbi Josh Broide, CJE Overseer, Jewish Federation of South Palm Beach County
- Rabbi Sholom Kessel, Executive Director, Friendship House
- Rabbi Bukiet, Chabad of West Boca Raton
- Rabbi Moshe Kramer, Chabad of West Boca Raton
- Rabbi Efrem Goldberg, Boca Raton Synagogue
- Rabbi Arele Gopin, Chabad of Central Boca Raton
- Rabbi Moishe Denburg, Senior Rabbi, Chabad of Central Boca Raton

Affinity states its affiliate - Shalom Hospice operates in nine Tennessee counties and has recently expanded to Washington State to serve the underserved Jewish community. Affinity will integrate Shalom Hospice's specialized programs to provide culturally and religiously sensitive hospice care to Jewish patients, recognizing their heritage and traditions. The applicant confirms that Affinity is Jewish-owned and operated, led by Mr. Samuel Stern, an Orthodox Jew with expertise in Talmudic Law and his leadership will ensure that the care provided is attuned to the specific needs, rituals, and practices of the Jewish population.

Affinity on the pages 68-70 of the application states it will (these are conditions to CON approval also):

1. Address the Jewish end of life needs of Jewish patients by incorporating NIJH training and education in its regular activities and for all staff members.
2. Embrace the Chabad on Call program and become an active provider with this organization in Palm Beach County.
3. Employ a rabbi to serve as a chaplain on the hospice team.
4. Work with the Chabad organizations, local rabbis and other organizations to sponsor quarterly community education events and workshops.

5. Have a Jewish services coordinator (liaison) on its staff available to respond to needs of Jewish patients, and to be available to respond to any requests from the Jewish community organizations for assistance and evaluation of patients.
6. Develop a bereavement program specifically designed to address the needs of Jewish patients, families, caregivers and those who are in need of grief support (including those not in hospice)
7. Work with Rendever, its Virtual Reality designer, to incorporate its special virtual reality platform for the Jewish population that honors the history and plight of the Jewish experience and provides "travel" to religiously significant sites and experiences throughout the world.

Affinity discusses the disparity in access, barriers, and cultural challenges that minority populations face regarding hospice care citing multiple studies (pages 73-75) and states its research show five primary reasons why African Americans are less likely to choose hospice:

1. African Americans have a deeply rooted distrust of the healthcare system. This is due to a history of disrespectful and inadequate treatment by the (predominantly white) medical community. This history makes for a fraught relationship between African American communities and the medical communities that serve them, with hospice included.
2. Lower economic status and resources-America's race relations have left many African American communities at an economic disadvantage. When it comes to healthcare, hospice and palliative care included, lower economic status and resources has a definite effect on the breadth and scope available to them. Poorer communities tend to have less access to healthcare services.
3. A recent study found that eight out of 10 African Americans are willing to spend everything they had to stay alive, compared with only half of the white counterpart. This trend may be positively correlated with cultural differences, as well as socioeconomic disparities.
4. Lower care satisfaction among family members. Studies have shown that hospice and palliative care help improve satisfaction in end-of-life care. Family members of African American patients consistently reported lower satisfaction in end-of-life care. The most widely reported discontent was absent or problematic communication with physicians and a higher tendency for patients to not have written advance care planning documents.

5. End-of-life care is inconsistently offered throughout the nation. Quality of care in hospice programs can vary state to state, from city to city and even from program to program. A national survey recently revealed that across the country, end-of-life care programs did not meet the national staffing recommendations which often results in such services being generally unavailable. Unavailability of services or timeliness of service further compounds the issue of racial disparity in end-of-life care.

The applicant argues that if Hispanics and Blacks had equal access to hospice as their non-black counterparts, there would have been many more hospice admissions in SA 9C and that its minority outreach program will be designed to lift up the minority penetration rate. This is quantified below. Affinity states that for SA 9C:

- There are 273,000 Black residents representing 17.8 percent of total population
- by 2029 it is estimated that there will be 288,000 Black residents in Service Area 9C representing a 4.8 percent growth
- over 35,400 Black seniors, increasing 20.4 percent to 42,600 in the next five years
- In 2022, there were 1,836 Black deaths of which 1,097 were seniors

Affinity’s tables on pages 77 and 78 depict SA 9C county’s black penetration rate compared to total County, and non-black populations for CYs 2021, 2022, 2023. The applicant concludes that the deficit in hospice admissions for minorities in Palm Beach County has decreased from nearly 25 percent in 2021 to 18 percent in 2023, indicating some improvement but still highlighting ongoing disparities. In 2022, if the same hospice admission rate for non-Blacks (77 percent) had applied to Black deaths, there would have been an additional 210 Black hospice admissions. The applicant adds that the death service ratio for hospice (hospice deaths to Medicare beneficiary deaths) shows disparity, with an overall rate of 65.5 percent in 2023 compared to just 47.3 percent for Black Medicare enrollees, suggesting the 18-point disparity would have resulted in 217 additional Black hospice admissions.

Race	Palm Beach County		
	CY 2021	CY 2022	CY 2023
Black Population	48.2%	54.9%	59.1%
Total Population	70.1%	72.4%	75.4%
Total Population, excluding Black	72.7%	74.1%	77.0%
Disparity:			
Black vs Total	-21.9%	-17.4%	-16.3%
Black vs All Other	-24.5%	-19.2%	-17.9%

Source: CON application #10819, page 77.

The applicant cites the 2020 study published by Katherine Ornstein et al, concluding that African Americans choose more intensive treatments at the end-of-life and are less likely to use hospice services relative to white decedents. Affinity uses Agency Inpatient Data to support its claim of the disparity between discharge patterns for black medical surgical patients versus all other.

Palm Beach County Med-Surg Discharges by Race, CY 2023			
	Black	All Other	Overall
Percent discharged to Hospice	2.2%	4.7%	
	Hispanic	All Other	Overall
Percent discharged to Hospice	2.6%	4.5%	4.3%

Source: CON application #10819, page 78

Affinity notes that black patients are referred to hospice less than non-blacks, at just 47 percent of the rate adding that if the rate of Black discharges had been the same as “All Other” in the above table, there would have been over 600 additional Palm Beach County black discharges to hospice. Further, the referral of Hispanic patients to hospice is also less than non-blacks, at just 57 percent of the rate noting that if the rate of Hispanic discharges had been the same as “All Other” in the above table, there would have over 250 additional Palm Beach County Hispanic discharges to hospice. Affinity concludes the data suggests the black population is underserved between 210-600 annual admissions, and Hispanics are underserved by approximately 250.

Affinity states that Palm Beach County 2022 Hispanic penetration rate was 12 percent lower than that of non-Hispanics in 2021, adding that this gap decreased by 5 percent in 2022 and by 2 percent in 2023. Further, a 17 percent decline in Hispanic beneficiary deaths contributed to an increase in the Hispanic penetration rate to 73 percent but isn’t certain to be sustained. Consequently, The applicant assures that it will incorporate Hispanics in its minority outreach program, adding that the VA report shows that minorities will comprise more than one-third of Veterans by 2040.

Affinity provides its affiliate programs hospice penetration for minority groups on the application’s pages 79-81 to support its claim that it will enhance service to these communities.

- Broward County in the most recent calendar year (2023), Affinity's percentage of black admissions to total admissions was 21.2 percent. Black deaths as a percent of total in Broward County are approximately 22 percent. Therefore, Affinity is reaching the black population on a proportionate basis which is meaningful given the underserved black population historically. Black penetration rate was 47 percent in 2021, increased to 57 percent in 2022, and

increased further to 67 percent in 2023, showing the hospice community has enhanced access for the black population

- Similarly, Affinity's percentage of Hispanic admissions to total admissions have now reached 18.4 percent. Hispanic deaths as a percent of total in Broward County are approximately 18 percent. The Hispanic penetration rate was 65.6 percent in 2021, increased to 68.5 percent in 2022, and further to 77 percent in 2023, shows enhanced access for the Hispanic population
- In analyzing this data, it is important to note that the norm in hospice care is that hospices typically do not serve the Black and Hispanic communities proportional to their percentage of total death population. Affinity does provide proportional access in Broward through implementing its minority outreach efforts
- Miami-Dade County has been operational for two years as of March 2024, this affiliate has made significant in-roads to enhancing Hispanic penetration rates. The percent of Hispanic deaths to total deaths in Miami-Dade County is approximately 65 percent including external causes, younger population etc. Yet Continuum Miami-Dade in the most recent calendar year (its first full calendar year of operation) admitted 65.5 percent Hispanics. Hispanic penetration rate was 60.7 percent in 2021, increased to 67.4 percent in 2022, and increased further to 76 percent in 2023
- With respect to the black population, its 2023 population represented approximately eight percent of total admissions. Continuum believes it has enhanced penetration as the penetration rate in 2021 was 44 percent and as of 2023 had increased to 58.7 percent. Its efforts to further enhance black penetration rate is ongoing
- Other Affinity Entities -Shalom Hospice in Middle Tennessee was implemented to address the underserved Jewish population. While the Jewish population only comprises one percent of the area's population, Shalom's Jewish hospice admissions approximate 12 - 14 percent of total admissions

Affinity Palm Beach confirms it has conditioned this application on the provision it will implement a minority outreach program by developing strategies that will focus on building trust in the black cohort and partnering with existing community resources that service the black and Hispanic community. Further, it will enhance hospice utilization within the black demographic and employ active members of the local black community. The applicant notes its staff will have scheduled community education events to educate those who may have a deep-rooted mistrust of health care, and of hospice. Affinity's letters of support addressing minorities and Medicaid patients are in Tab 5 of the application.

Affinity next lists in bullet points its action items and conditions relative to Hispanic and black minority groups which highlights specific initiatives that include The Glades:

- The Applicant will hire team members who reflect the diversity of the minority population groups. This team will include, at a minimum, a nurse, social worker and chaplain
- Affinity's care team serving The Glades will have a specific hospice care team that is representative of the minority community and bilingual. This team will include, at a minimum, a nurse, social worker and chaplain
- The Applicant will partner with area hospitals to increase awareness of hospice services. A community relations representative will regularly be on site at the facility to meet with hospice appropriate patients and answer any and all questions they or their caregivers may have about hospice and Affinity Care to optimize early enrollment in hospice in order to enhance quality of life for terminal patients while reducing unnecessary re-hospitalizations
- The Applicant will partner with existing community resources that service the Black and Hispanic communities such as but not limited to churches and community centers, in order to educate on the benefits of hospice
- The Applicant will become Medicaid certified so that it may accept any hospice patients, including those on Medicaid
- The Applicant will provide 24/7 triage coverage, and physical visits to assess hospice eligibility of patients and admission regardless of ability to pay (charity patients)
- The Applicant will implement its Continuum Palliative Care Program to first provide patients with relief from symptoms and pain, supporting the best quality of life, before the patient terminates treatment and qualifies for hospice. This will significantly improve the perception of hospice, repair the negative image hospice historically has amongst minorities and help to develop an end-of-life care plan designed for the individual. Continuum contends that it will be lifting up the lower minority penetration rates for both Blacks and Hispanics.

In response to the growing demand for hospice services among seniors in Palm Beach County, Affinity states plans to partner with local primary care clinics such as Sanitas Medical Centers, Conviva Care Center, Chen Medical, and area Federally Qualified Health Clinics such as FoundCare to improve hospice utilization and services in SA 9C.

Affinity Care has established a successful relationship with Conviva Care Centers, the largest network of Senior Primary Care Centers in Palm Beach County, which has 24 locations. The applicant adds that Continuum Care of Broward collaborates with Conviva in Broward County, and this partnership will extend into Palm Beach County upon approval. Affinity Palm Beach ensures it will coordinate with Conviva and its clinics, including physicians, staff, patients, and families, noting locations in Belle Glade, Lake Park, Boca Raton, Lake Worth, Lantana, Delray Beach, West Delray, Loxahatchee, Palm Beach Gardens, Greenacres, Wellington, West Palm Beach. An excerpt from Beth Parets, Care Coordination Team Member, Conviva Care Center is on the application's pages 85 and 86.

The applicant highlights its partnership with Sanitas Medical Centers, which operates 21 senior primary care clinics in the tri-county South Florida area, including five in Palm Beach County (Boca Raton, Boynton Beach, Wellington, West Palm Beach, and Palm Beach Gardens). Affinity notes that these clinics provide advanced primary care, urgent care, specialty care, laboratory services, and diagnostic imaging, primarily serving a Hispanic/Latino patient population. Additionally, it will partner with Chen Medical Centers (Chen). The applicant will also collaborate with Sanitas Medical Center and Chen Medical Center to enhance hospice education and programming.

Affinity also plans to partner with FoundCare, Inc., a nonprofit Federally Qualified Health Center (FQHC) with locations in Palm Beach County, including Belle Glade, Boynton Beach, West Palm Beach, and Palm Springs offering a range of services, including primary care, women's health, behavioral health, social services, education, and AIDS programming to improve access to hospice care for lower-income seniors, particularly those from minority backgrounds facing healthcare disparities.

Affinity Palm Beach lists the foundational initiatives it will use to meet the great demand for hospice services amongst Palm Beach County seniors:

- Provide senior primary care clinics with quarterly educational meetings for their caregivers, including physicians, on end-of-life care, including pain management, palliative care, and hospice care, to support their internal disease management programs.
- Present community programs to the senior primary care clinic patients to provide a more comprehensive understanding of hospice and palliative care offerings
- Provide assessments for these senior primary care clinic patients within two hours of a referral and will initiate the admission process within one hour of a referral

- Provide responsive communications to senior primary care clinic caregivers to keep them fully informed on the condition of their patients
- Continue to collaborate with each senior primary care operator to identify additional opportunities to improve the delivery of hospice and palliative care to the residents in Palm Beach County

Concerning plans to develop and initiate a community paramedic program with local EMS to reduce unnecessary trips to the emergency room, Affinity Care indicates that this is a relatively new initiative and an emerging concept, a collaboration between EMS and the hospice provider. Affinity Palm Beach has partnered with Hatzalah South Florida, a nonprofit and licensed EMS provider that focuses on the Jewish community, to launch a program focused on providing emergency medical services (EMS) in Service Area 9C. Hatzalah uses trained volunteers as paramedics and EMS technicians from the communities they serve, allowing emergency responses in just two to three minutes, much quicker than traditional 911 services. Hatzalah is dedicated to fast response times and only operates where it can recruit sufficient volunteers and is licensed to provide EMS and transport services in Palm Beach County. Affinity and Hatzalah's signed a Memorandum of Understanding is included in the application's Tab 5.

Affinity Care provides three diagrams to show a visual depiction of the process that takes place when a hospice patient's condition suddenly changes or deteriorates that offers four undesired consequences and proposes its collaborative partnership will support that patient and family in the home setting, averting unnecessary transport to the emergency department. Affinity bullets some of its Schedule C conditions:

- to will develop and initiate a Community Paramedic Program in coordination with local EMS providers, to be initiated mid-year one
- implement the Hatzalah South Florida/Affinity Care Memorandum of Understanding and the activities incorporated therein
- provide funding to local EMS providers for community paramedic training, beginning in mid year one
- and to provide education and training of community paramedics on the program and criteria.

Affinity states that it has budgeted \$10,000 community paramedic training in year one and \$10,000 in year two.

Veterans programming is discussed on the application's pages 95 - 101. Affinity notes that Service Area 9C has a Veteran population of approximately 73,646 which does not reflect active-duty servicemen and

servicewomen who may also live in the service area. Affinity provides a chart for the five-year Service Area 9C Veteran deaths, total deaths and percentage of deaths represented by the veterans.

	CY 2018	CY 2019	CY 2020	CY 2021	CY 2022	5-Year Total
Veterans	3,490	3,293	3,501	3,514	3,256	17,054
Total	14,730	14,832	17,223	17,791	16,551	81,127
% Veterans	23.7%	22.2%	20.3%	19.8%	19.7%	21.0%

Source: CON application #10819, page 98, Florida Office of Vital Statistics

Affinity cites its proposed condition to implement its Veterans outreach program We Honor Veterans, once certified and will strive to achieve Level 5 certification, designate one of its hospice liaisons to carry out all Veterans outreach initiatives, form a Veterans Advisory Council and recruit Veteran related community organizations and others to be on this Council which will meet quarterly to review programming and develop initiatives. Affinity will assure its social workers are well trained in the assessment and ongoing interaction with the Veteran, implement its Honor Guard Program and as Veterans come on service - give the family a flag. When the Veteran passes, his/her body will be covered with the flag and include an Honor Guard procession with the covered body at its removal from the home. Affinity will encourage Veteran family members in the general community to participate in its bereavement programs, whether or not they were hospice patients, and which will include specific programming for bereaved families of Veterans including family members of Veteran suicides. Additional conditions includes Affinity Equine Therapy program that will be available for Veterans who choose this treatment modality, noting it is particularly helpful for those with PTSD. See the applicant’s conditions for more related to veterans care.

Affinity Palm Beach states that it will offer the inpatient care component of its program by establishing contractual agreements with nursing homes and hospitals in Palm Beach County. The applicant notes that it has been active in the local market since 2021, engaging with nursing home leadership, health systems, assisted living facilities and other healthcare and community organizations to assess the need for hospice services and concluded a community preference for inpatient hospice units in nursing homes, which provide a more homelike atmosphere compared to hospitals, particularly since there are approximately four times as many nursing homes as hospitals in the area.

Affinity’s response is to develop as many “contractual relationships with nursing homes as possible throughout the county...particularly given that 100 percent of the gap in hospice service in Palm Beach County resides within the 65 and older cohort”. The applicant notes again its

support from 20 nursing homes, representing 37 percent of all SNFs in the county, with several facilities expressing intent to contract for routine and inpatient care as needed. Affinity reiterates that it has formalized agreements with two SNF operators in Boca Raton and West Palm Beach to create such units. Although Affinity Palm Beach asserts it does not anticipate needing these inpatient units until at least its third year, it has conservatively budgeted funds to support its development by the end of year two and is confident when warranted, it will be able to meet these needs.

Affinity states that in Service Area 9C, there were 296 related deaths in 2022. The crude death rate for Alzheimer's in Service Area 9C is 19.4 per 100,000 population. This decreased from 19.7 in 2021. The applicant provides the estimate of Alzheimer's population within SA 9C as of 2024 noting that more than 20,400 persons with "severe" Alzheimer's and that given that the hospices in the SA report substantially less Alzheimer's hospice patients, there is a distinct gap between those afflicted with the disease and those admitted to hospice.

Estimates of Persons Afflicted with Alzheimer's Dementia Hospice Service Area 9C			
	Population	Prevalence	Alzheimer's Estimate
Age 65 to 74	196,603	5.0%	9,830
Age 75 to 84	148,525	13.1%	19,457
Age 85+	65,871	33.3%	21,935
Total	410,999		51,222

Source: CON application #10819, page 108, Population estimates Claritas, 2024; prevalence 2023 Facts and Figures

Affinity estimates Alzheimer's patients in SA 9C data shows 438 hospice patients with Alzheimer's disease of the estimated 20,400 in severe stage of Alzheimer's equals a 2.1 percent utilization rate (438/20,400).

Agency	2023 Admits	Alzheimer Rate	Estimated Alzheimer's Patients
Hospice of Palm Beach County	7,312	2%	146
Hospice by the Sea	1,945	3%	58
Palm Beach Hospice by Morse Life	474	24%	114
VITAS Healthcare Corporation	2,401	5%	120
Total	12,132	3.6%	438

Source: CON application #10819, page 108, Admits from AHCA Hospice Utilization book, August 2, 2024, Alzheimer rate from Medicare (Health Pivots) for CY 2023 and 12 Months Ending March 31, 2024.

Affinity that its Alzheimer's admissions in Broward have averaged five percent since licensure, Sarasota eight percent, Manatee 12 percent and Miami-Dade 13 percent compared to the 3.6 percent in the above chart. The applicant contends that with a 16 percent estimated rate in Palm Beach County, it will expand the Alzheimer's service level by 80 admissions in year two, for an 18.3 percent increase.

Specific to race and ethnicity, Affinity Care indicates an October 2020 Alzheimer's Association survey pertaining to the impact of race or ethnicity on hospice quality of care concluded that 36 percent of Black Americans and 18 percent of Hispanic Americans believe discrimination hinders their access to care, and many report experiencing discrimination in healthcare settings. Further, 66 percent of Black Americans and 39 percent of Hispanic Americans feel their race or ethnicity makes it more difficult to receive quality care.

Affinity states that a survey carried out specific for caregivers, either paid or unpaid, of individuals with Alzheimer's and dementia also cites discrimination as a major barrier, noting that minorities often feel disregarded and underestimated by healthcare providers due to their race or ethnicity with half of Black Americans and 33 percent of Hispanic Americans reporting having experienced discrimination when seeking health care. There are about 25 letters referencing Alzheimer's programming in the application's Tab 5. The applicant cites its Alzheimer's/dementia initiatives in hospice care in its Schedule C and lists the conditions on the application's pages 111 and 112. Affinity ensures that its hospice team strives to enable the patient and family to maintain dignity and quality of life with the goal is to provide physical, emotional, and spiritual comfort for the patient and to provide tools, information, and support for the patient's family so that they feel confident in the crucial decisions that come along with terminal illnesses. It will offer a host of unique programs, services and features that truly set it apart from other hospice operators, many of which are not specifically covered by private insurance, Medicaid or Medicare and will be extended to SA 9C residents upon approval.

Affinity next addresses its "Non-Core Services" conditions (see the conditions at the applicant's summary). The applicant reiterates that its service intensity, which it notes far surpasses guidelines for staffing and is quite different than much of the service intensity currently provided by the licensed providers in Service Area 9C.

When discussing its "Specialty Clinical Programs" the applicant notes that it will employ its "Affinity Cardiac Care" program. Affinity addresses its Cardiac Care Program by stating that cardiac disease is the leading cause of death in Service Area 9C accounting for 35 percent of all deaths in 2022 and 39 percent in seniors over the age of 65. Further, approximately one in five Medicare patients with heart failure discharged from Palm Beach County hospitals are readmitted to the hospital within 30 days.

The applicant contends it will increase awareness and provision of services by collaborating with community cardiologists and other cardiac professionals on an ongoing basis to assist in patient assessments, education, and provision of services.

The applicant provides tables showing the estimated cardiac patients admitted to the existing hospices and the estimated penetration rates which it states demonstrates Service Area 9C is being underserved. Affinity notes that with an estimated count of 2,807 relative to the 5,862 deaths, cardiac penetration is only 47.9 percent.

Estimated Cardiac Admissions at Existing Providers			
Agency	% Cardiac	Admits	Estimate
Hospice of Palm Beach County	25%	7,312	1,828
Hospice by the Sea	23%	1,945	447
Morse Life	21%	474	100
VITAS Healthcare	18%	2,401	432
Total	23.1%	12,132	2,807

Source: CON application #10819, page 116, Health Pivots for CY 2023 for cardiac percent; AHCA Utilization Book for admissions.

Cardiovascular Disease	Percent of Deaths	Deaths	Estimated Admits	Cardiac Penetration
All Ages	35.4%	5,862	2,807	47.9%

Affinity states that it will admit 110 patients with end stage heart disease in year two and has conditioned this application on the provision it will provide specialized education on the management of end stage cardiac patients for all of its team members.

Affinity addresses its Affinity Pulmonary Care by stating in 2022, 999 residents of Palm Beach County died from respiratory illnesses, accounting for six percent of all deaths in the area of which 918 were aged 65 and older. Further, between 17.9 percent and 21.1 percent of Medicare patients discharged from the hospital in Palm Beach County with a COPD diagnosis are expected to be readmitted within 30 days.

The applicant contends it will increase awareness and provision of services about hospice care for patients confronted with pulmonary diseases.

The applicant provides tables showing the estimated pulmonary patients admitted to the existing hospices and the estimated penetration rates which it states demonstrates Service Area 9C is being underserved. Affinity notes that with an estimated count of 538 relative to the 999 deaths, respiratory penetration is 46 percent.

Affinity provides two tables that show the estimated pulmonary patients admitted to the existing hospices which it states demonstrates SA 9C is being underserved.

COPD Admissions at Existing Providers			
Agency	% COPD	Admits	Estimate
Hospice of Palm Beach County	4%	7,312	292
Hospice by the Sea	4%	1,945	78
Morse Life		474	
VITAS Healthcare	7%	2,401	168
Total	4.4%	12,132	538

CON application #10819, page 117, Health Pivots CY 2023 for COPD percent; AHCA Utilization Book for admissions.

Respiratory	Percent of Deaths	Deaths	Estimated Admits	Respiratory Penetration
All Ages	7.1%	1,168	538	46.1%

Affinity Palm Beach forecasts it will admit 50 respiratory cases in its second year of operation and has conditioned this application on the provision it will employ a respiratory therapist upon certification who will manage the patient's respiratory plan of care and provide respiratory related education to the patient, their family and to the hospice team and the community. The applicant contends it will increase awareness and provision of services by collaborating with community pulmonologists and other pulmonary care professionals on an ongoing basis to assist in patient assessments, education, and provision of services.

Affinity notes that its Wound Care Program will contract with a specialized third-party company, currently CuraTech, to provide wound care services to its hospice patients.

Affinity confirms that its Music therapy is a clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a board-certified music therapist (MT-BC). The applicant asserts the music therapy program goals are to reduce the amount of suffering Affinity Care patients may be feeling, creating a space for more social interaction and includes a 13-point bullet list on page 118 of the application listing the goals its program. Further, all Affinity Care music therapists achieve music therapist board certification, and its music therapists FTEs are based on one music therapist for an average daily census (ADC) of 50 patients. Affinity contends that this is very meaningful as other hospices who provide 'music therapy' often utilize volunteers for this program or employ one music therapist for the entire program regardless of ADC and having certified therapists in sufficient number to regularly provide this therapy will be greatly beneficial for residents of Service Area 9C.

The applicant states its virtual reality (VR) program was deployed at Affinity Care as a result of the organization's culture and mission to provide "non-pharmacological interventions" to help with the experience of its patients and families. Affinity Care offers that there are two different elements of the Virtual Reality Program:

- Patient Virtual Reality Program which is where the patient wears the headset and has the experience
- Community Virtual Dementia Tour is provided to patient families and community facilities (e.g., nursing homes and assisted living facilities), to give them a virtual tour of patients with dementia

Affinity adds that a new addition currently under development in response to one strategic initiative in Service Area 9C, is a Jewish hospice virtual reality experience. The applicant notes that it and Rendevar have created a special virtual reality platform for the Jewish population that honors the history and plight of the Jewish experience and provides "travel" to religiously significant sites and experiences throughout the world.

Affinity shares that Rendevar provides VR goggles as well as tablets for the staff to guide experiences and estimates that 95 percent of Affinity hospice patients have utilized virtual reality. The applicant notes that it also includes the CNet.com article on Continuum Care Hospice's virtual reality program titled, "How families are giving a fantastic trip to loved ones in hospice" and a clip from a PBS program which highlighted affiliate, Continuum Care of Mass. use of virtual reality in Tab 5 of the application's Supporting Documents.

Affinity Care offers a detailed description of its equine therapy program and states that it will secure a collaboration with an area horse stable to provide equine therapy. Affinity has conditioned approval of this CON application on the provision that it will offer equine therapy to its patients once Medicare certified.

Veterans programming was previously discussed on page 95 of the application. Affinity indicates it will serve and support the Veterans in Service Area 9C through its We Honor Veterans Program and will participate in a host of Veteran outreach efforts.

Affinity details its Continuum Palliative Resources plan defining it as a separate and distinct program that this is an advanced disease management program for patients who are at a maximum therapy level and have approximately 24 months from the end-of-life. Affinity contends that it focuses on three of the biggest diagnosis groups which

have the highest implication of re-hospitalization, highest regulatory scrutiny, and the highest impact financially to payors, referred to as the 3C's: cancer, congestive heart failure and chronic obstructive pulmonary disease (COPD). The applicant notes that Affinity Global Management LLC d/b/a Continuum Palliative of Florida is the entity that will provide palliative care and initiated palliative care services in Broward County during quarter four of 2021 with Sarasota, Miami-Dade and Manatee Counties shortly after they were certified.

The applicant contends its palliative care program will greatly benefit the Service Area 9C citing that eleven of the 12 hospitals in Palm Beach County have a 30-day readmission rate hospital wide above the national average. Seven of the 12 have rates above national average for COPD. Eight of the 12 are above national average for heart failure patients. Even national average is quite significant when considering 14.6 percent of all patients hospital-wide are readmitted nationally, 18.5 percent of all COPD patients and 19.8 percent of all heart failure patients nationally are readmitted to the hospital within 30 days of discharge; yet most Palm Beach hospitals exceed the national rate. These contrast with only 2.9 percent of patients readmitted who are enrolled with Continuum Palliative of Florida Program.

Palm Beach County Hospitals - 30-Day Readmission Rates And Continuum Palliative of Florida' Readmission Rate Total Unplanned Readmissions, COPD and Heart Failure			
Hospital	Hospital Wide	COPD	Heart Failure
Bethesda Hospital*		19.6%	21.1%
Boca Raton Regional Hospital	14.6%	19.6%	19.6%
Delray Medical Center	15.2%	19.5%	19.8%
Good Samaritan Medical Center	16.4%	21.1%	21.4%
HCA Florida JFK Hospital*	14.8%	18.4%	21.4%
Jupiter Medical Center	15.7%	18.7%	20.1%
Lakeside Medical Center	16.0%	n/a	n/a
Palm Beach Gardens Medical Center	14.7%	19.2%	20.0%
HCA Florida Palms West Hospital	15.4%	18.1%	19.6%
St Mary's Medical Center	16.1%	n/a	20.0%
Wellington Regional Medical Center	14.7%	17.9%	21.8%
West Boca Medical Center	15.5%	18.6%	20.5%
National Experience	14.6%	18.5%	19.8%

Source: CON application #10819, page 125, Medicare.gov Hospital Compare, September 2024; (*) includes more than one hospital's data.

Affinity Care states that this unique program and service:

- Improves communication between hospitals, skilled nursing facilities, primary care physicians, and specialists that result in positive outcomes for patients
- Improves medication management which would have otherwise led to unplanned emergency room visits and/or re-hospitalizations
- Ongoing patient and caregiver education on disease progression, alternative medical services available, expectations as disease

progresses, how to manage symptoms, knowing when to call the physician

- Identifies goals of care and decreasing patient and caregiver anxiety by encouraging difficult conversation with patients nearing end-of-life about what they really want. Serves as a connection to the community for resources to assist in providing additional services that can aid in transportation, food services, facility placement, spiritual care, amongst others
- Reduces the patient's propensity to use hospital and/or emergency department as their medical manager and reinforce better options
- Decreases cost of care as patients near end-of-life

A brochure on Continuum Palliative of Florida is provided in Supporting Documents. The applicant argues that this is a competitive distinguisher as other applicants may suggest having to achieve a specific ADC to initiate the program or identify a partner to initiate the program and that it will initiate the program regardless of census at that time. Affinity contends that this program will provide patients with relief from symptoms and pain, supporting the best quality of life, before the patient terminates treatment and qualifies for hospice resulting in significantly improving the perception of hospice, repair the negative image hospice historically has amongst minorities and help to develop an end-of-life care plan designed for the individual.

Affinity reiterates its response regarding the minority population in Service Area 9C. The applicant contends that will provide specific initiatives to enhance access to and utilization of hospice for minorities in a service area where nearly 43 percent of the population is Hispanic and Black as well as addressing the needs of the Jewish cohort.

Commitment to Quality Services

Affinity contends each team member is committed to the Affinity Care Hospice Pledge:

- Hospice affirms life
- Hospice recognizes dying as a process and so our care provides comfort rather than cure
- Hospice neither hastens nor postpones death.
- Hospice provides physical, emotional and spiritual care to terminally ill persons and their families
- Hospice helps the terminally ill person maintain quality of life and helps family members through an extremely stressful time in their lives

The applicant cites that it has conditioned as:

- the provision it will have a designated Quality Director to conduct quality assessments, monitoring, and report all issues to senior management
- it will seek CHAP accreditation as soon as it meets the minimum patient census to allow for CHAP accreditation survey; it expects this to occur within 60 days of licensure
- it will offer a personal emergency response indicator such as Life Alert, to every patient at home
- will provide triage coverage 24 hours a day, 7 days a week, and physical visits to assess hospice eligibility of patients and admission regardless of ability to pay (charity patients)

Affinity contends the interdisciplinary team it provides will be specially trained in hospice and palliative care so that they have the ability and expertise to efficiently manage symptoms, control pain, and care for psychological, social, emotional, and spiritual needs of every patient.

The applicant notes that the IDT works with the patient and their family and/or caregivers to develop a plan of care through a broad spectrum of various disciplines and perspectives to treat the patient with the clinical field staff as well as the administrative staff who support them working towards a common goal - to provide the highest quality of care to each and every patient. Affinity notes that the patients and their families and caregivers are the ultimate decision makers in the patient's care. Further, Affinity team members provide bereavement support for 13 months following the death of the patient, or as long as the family members request it.

Team members include:

- **Hospice Medical Director** - is available 24 hours a day, seven days a week as the liaison with the patient's personal physician, the rest of the medical community and other members of the IDT
- **Patient's Primary Care Physician** - directs and approves the plan of medical care whether the patient is at home, skilled nursing facility or inpatient unit, consulting and maintaining a collaborative relationship with the hospice team
- **Care Managers (RN/Primary Care Nurse)** is the head of the team that initiates the Care Plan with the patient, family, SNF or inpatient staff and members of the IDT. Hospice is physician directed and nurse coordinated so this nurse is the point of contact for the physician and alerts other team members when visits by various team members should be made. The patient/family has access to the team's RN 24 hours per day, seven days per week and may provide symptom management, pain

control, education or emotional support for the patient and/or family

- **Medical Social Worker** - The medical social worker specializes in providing emotional support, counseling and guidance to patients and families coping with stress related to the illness, helping to identify community resources and providing a holistic approach to care that addresses all the patient's and family's concerns
- **Spiritual Counselors/Chaplain** - Spiritual Counselors are non-denominational employees whose services include regular on-call visits, crisis assistance, and funeral or memorial services. In addition to the employed Chaplains for the hospice program, Affinity Care will contract with local religious leaders to ensure availability of spiritual care for patients and families that may express their preference for clergy of a particular faith, whether that is a Jewish Rabbi, a Catholic Priest, an Islamic Mullah, a Protestant Pastor, or Hindu, Buddhist, or other faith's spiritual clergy whenever requested by the patient
- **Hospice Aides** - provide the personal care to hospice patients as directed by the care plan and provide feedback to and from the Team Nurse/Case Manager
- **Music Therapists**
- **Trained Volunteers**
- **Bereavement Counselors** - work with patients and families to assist with coping and grief mechanisms in dealing with the bereaved and in finding healthy paths to healing. Counseling is available for family members and loved ones for at least 13 months following the patient's death
- **Other Extended Services** - may include Dietician, Physical Therapist, Psychologist/Psychiatrist, Respiratory Therapist, Occupational Therapist, Speech Pathologist, Pharmacist, and Massage Therapy

Affinity includes a chart illustrating how its IDT “members surround the patient in care” on page 132 of this application.

Affinity offers its conditions related to its IDT members and ongoing recruitment and education:

- All staff will be required to complete 2.5 hours of Continuing Education Units (CEU's) covering evidence-based protocols for behavioral symptoms, in addition to Florida's minimum CEU requirements
- All Affinity Palm Beach staff will be provided with specialized education on the management of end stage cardiac patients

- The Applicant will collaborate with local colleges and universities to educate students, including offer training for nursing students as to the day in the life of a hospice RN with the goal to increase the labor pool of future nurses interested in end of life and palliative care
- The Applicant will commit to education tuition reimbursement for its CNAs who want to pursue an RN degree and will also commit to assuring its staff has education beyond the minimum required for its license utilizing the Relias education learning tool

The applicant notes that in addition to the above, it will host two annual symposium events, one for families and the other for providers:

- The annual Remembrance Symposium will be held for bereaved families and caregivers to honor their loved ones and provide ongoing support for families and caregivers
- The Hospice Awareness Symposium for providers (physicians, nurses, pharmacists, and others) to educate these professionals on hospice services and how they could be incorporated into their medical practices

Affinity Palm Beach contends that it has garnered an outpouring of support from Service Area 9C providers and community leaders which includes home health agencies, assisted living facilities, physicians and ancillary service providers, the Jewish community, and elected officials, providing a list of sponsors of letters of support, followed by excerpts of letters by the respective sponsors on pages 134 through 164 of this application. The applicant includes its letters in their entirety Tab 5 of this application.

Affinity concludes its discussion summarizing that it has identified Not Normal Circumstances sufficient to warrant its approval and determined that the underserved groups within Service Area 9C include: the generally underserved as they do not receive as intense hospice services as could be provided under the Medicare benefit, underserved minorities, Veterans, those with late-stage Alzheimer's or dementia and others. Further it notes it is committed to daily touches, personal alert buttons, responsiveness at admission and ongoing. The applicant adds that the Jewish population of Palm Beach County is in need of a hospice that is acutely aware of the religious considerations, cultural aspects and sensitivities at the end-of-life. Affinity reiterates that it is committed to elevating hospice utilization amongst seniors and deploying initiatives to enhance hospice utilization amongst those with Alzheimer's Disease and other non-cancer and cancerous diseases.

Affinity provides its year one and two projected admissions and admissions by terminal illness as shown below (pages 165 and 166):

Affinity Care of Palm Beach County Projected Admissions by Terminal Illness Years One & Two		
Disease	Year One Admissions	Year Two Admissions
Cancer	42	100
Cardiac	46	110
Respiratory	21	50
Stroke / Coma	25	60
Alzheimer's' / Dementia	33	88
Other	42	100
Total	204	498
Under 65	10	25
Over 65	194	473

Source: CON application #10819, page 166

Affinity states that of the 154 admissions in year one, the absorption period is also reasonable as only 10 admissions (6.5 percent) are anticipated in the first 90 days of operation which includes the licensure period beginning of month one and anticipated certification by the beginning of month four.

The applicant adds that the mix of hospice patients under the age of 65 to hospice patients over the age of 65 in year two is projected to be 5:95 and is based on the estimated gap or shortfall in the under 65 being minimal. Further, the mix of cancer to non-cancer programs is projected at a ratio of 20:80 whose rate is based on the published gap between cancer and non-cancer. The applicant notes that its disease mix is based on analysis of patient by disease at its operations, its expected penetration of persons with Alzheimer's, cardiac diseases, pulmonary diseases, other motor neuron diseases and annual deaths by disease category.

2. Agency Rule Criteria and Preferences

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 subparagraphs 1-5 below.

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

Affinity Care states it is committed to meeting the needs of all Palm Beach County patients and their families and in reference to underserved populations refers to its need response to Item E. 1. a. of this report.

- (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.**

The applicant states it will provide the inpatient care component through contractual agreements with SA hospitals and nursing homes.

- (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.**

The applicant states it will serve homeless patients and notes that the State of Florida reports 1,855 homeless people in Palm Beach County. When the patient is homeless or without a caregiver at home, Affinity will offer the personal emergency response indicator to enable immediate communication with the provider. The Foundation's expenditures for special needs patients will be used to assist patients without caregivers, homeless or AIDS patient with specific needs. The applicant notes that Palm Beach County has one of the highest rate of AIDS per thousand (577.1 per 100,000) in the State per the www.FLHealthCharts.com data. Affinity indicates it will use its connections with local health care primary care clinics for seniors and other health care providers to identify HIV positive/AIDS patients that are terminally ill and provide care plans to meet their needs.

- (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.**

Service Area 9C is a single county (Palm Beach), so this doesn't apply.

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

Affinity Care states that in every market it serves, it is committed to providing high quality services and again references its item E.1. response. Details of “Non-core Services” (proposed as conditions to the application’s approval) are provided and include its service intensity, personal emergency response indicator, music therapy, virtual reality program, equine therapy, Veterans programming, Continuum Palliative of Florida, and minority outreach.

- b. Rule 59C-1.0355(5) Consistency with Plans. An applicant for a new Hospice program shall provide evidence in the application that the proposal is consistent with the needs of the community and other criteria contained in local health council plans and the State Health Plan. The application for a new Hospice program shall include letters from health organizations, social services organizations, and other entities within the proposed service area that endorse the applicant’s development of a Hospice program.**

Affinity Care of Palm Beach reiterates that it has garnered support and endorsements for the project providing numerous letters of support including support from hospitals, skilled nursing facilities, assisted living facilities, community organizations, and other community leaders and stakeholders. The applicant states that it has demonstrated it is consistent with the Plans, the needs of the community and has conducted a thorough needs assessment.

- c. Chapter 59C-1.0355(6), Florida Administrative Code contains the following general provisions and review criteria to be considered in reviewing hospice programs. Required Program Description: 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.**

Schedule 6A shows total FTEs at 18.32 in year one (ending March 31, 2025) and 55.15 FTEs in year two (ending March 31, 2026). This is stated to exclude contract staff. Affinity indicates that its program will benefit from Affinity Health Management resources, such as a national quality assurance director, a dedicated pharmacist, financial services and billing.

- (b) Expected sources of patient referrals.**

Affinity reiterates its letters of support and indicates that attracting patients will not be difficult. The applicant lists by category and by

name, the entities/individuals in support of its application and their letters included in Tab 5 of the application.

- (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.**

**Affinity Care of Palm Beach, LLC
Admissions by Payer Source**

Payer Source	Year One Admissions	Year Two Admissions
Medicare	180	438
Medicaid	12	30
Charity	7	17
Self-Pay	1	3
Insurance	4	10
Total	204	498

Source: CON application #10819, page 192.

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

**Affinity Palm Beach Admissions by Terminal Illness
Years One and Two**

Disease	Year One Admissions	Year Two Admissions
Cancer	42	100
Cardiac	46	110
Respiratory	21	50
Stroke/Coma	25	60
Alzheimer's /Dementia	33	88
Other	42	100
Total	204	498

Source: CON application #10819, page 192.

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

**Affinity Projected Admissions by Age Cohort
Years One and Two**

Age Group	Year One Admissions	Year Two Admissions
Under 65	10	25
65 and Older	194	473
Total	204	498

Source: CON application #10819, page 193.

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

Affinity states that staff and volunteers will directly provide all core services, including physician services, nursing services, social work services, pastoral/ counseling, and dietary counseling. The applicant will contract for and purchase certain services as needed including durable medical equipment, medical supplies, pharmaceuticals, physical therapy, speech therapy and occupational therapy. Non-core services including music therapy and virtual reality will be provided staff and will not be a contract service. Equine therapy will be provided by a therapist at the contracted stable, supported by Affinity staff “who are always present during these therapy sessions”.

(g) Proposed arrangements for providing inpatient care.

The applicant states it will arrange for inpatient care through contractual arrangements with Service Area 9C hospitals and nursing homes to meet its patients’ needs and 19 nursing homes provided letters indicating “willingness to enter into patient agreements”.

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

Affinity indicates this is not applicable as it will develop relationships with service area nursing homes, ALFs and hospitals to use their facilities.

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

Affinity indicates that the necessity for inpatient care will be determined by the interdisciplinary team. If a patient needs hospitalization for any reason unrelated to the terminal diagnosis, traditional Medicare Part A would be utilized. In addition to general inpatient care, it will employ admission criteria for inpatient respite care which is offered on an “as needed” basis for a maximum of five days per respite admission under Medicare or Medicaid. The applicant comments that for patients covered under other insurance, the duration of respite services may be longer. Affinity’s policy and procedure on inpatient services is included in CON application #10819, Volume III, Tab 16. The applicant states “a similar policy will be developed, maintained and adhered to”.

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

Affinity provides a narrative detailing its understanding of the criteria that needs to be met to serve patients without a primary caregiver.

(k) Arrangements for the provision of bereavement services.

Affinity provides a brief narrative (pages 195 and 196 of the application) detailing its understanding of the criteria that needs to be met to make or have arrangements for the provision of bereavement services. The applicant will employ a bereavement coordinator and the program will provide services to meet the needs of families and caregivers for up to 13 months after the death of the patient. The application's Volume III, Tab 16 contains Affinity's bereavement assessment and services policies.

(l) Proposed community education activities concerning hospice programs.

Affinity indicates it will provide extensive community education activities surrounding the benefits of hospice to increase hospice awareness and utilization. The applicant notes it includes 1.75 FTE Hospice Liaison Educator in year one and 3.5 FTEs in year two. Affinity Care will focus its efforts on outreach and education within specific minority communities. Further, it will host two annual symposium events and will establish two Advisory Councils which it proposes as conditions to the application's approval.

(m) Fundraising activities.

Affinity maintains that it "will not actively raise funds from the community" but will should an individual wish to make a charitable donation they will be referred to the Continuum Care Foundation. Foundation funds are used only for the care and support of hospice patients. Affinity also cites its condition #21.

d. 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.

Affinity Care of Palm Beach responds that it will comply with all reporting requirements and will submit this information to AHCA or its designee by July 20 and January 20 of each year as required.

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? Section 408.035(1) and (2), Florida Statutes.

As previously stated in item E.1.a. of this report, per Volume 50, Number 151, of the Florida Administrative Register, dated August 2, 2024, zero need was published for a new hospice program in Service Area 9C (Palm Beach County) for the January 2026 hospice planning horizon.

The applicant reiterates the populations in SA 9C it contends have unmet hospice needs or are otherwise experiencing barriers to hospice care. These include:

- The elderly aged 65 and older
 - Low-income elderly
- Residents of western Palm Beach County, "The Glades" area of Belle Glade, South Bay and Pahokee
- Minorities including Black, Hispanic, and Jewish residents
- Patients with:
 - Cardiovascular disease
 - Pulmonary disease
 - Alzheimer's/dementia patients
- Veterans

Service Area 9C utilization is detailed in Item E. 1. a. of this report.

Service Area 9C (Palm Beach County) has 19 hospitals with 4,395 licensed beds, 54 SNFs with 6,185 beds, 191 ALFs with 9,464 licensed beds, and 295 home health agencies as of October 22, 2024.

The applicant reiterates the populations in SA 9C it contends have unmet hospice needs or are otherwise experiencing barriers to hospice care. These include:

- The elderly aged 65 and older
 - Low-income elderly
- Residents of western Palm Beach County, "The Glades" area of Belle Glade, South Bay and Pahokee
- Minorities including Black, Hispanic, and Jewish residents
- Patients with:
 - Cardiovascular disease
 - Pulmonary disease
 - Alzheimer's/dementia patients
- Veterans

Affinity of Palm Beach reiterates its response to E.1.a. and highlights that it is a distinguishable type of provider from the existing providers noting that two of the existing providers, Hospice of Palm Beach County and Hospice by the Sea, are both controlled by a single entity, Trustbridge, and are legacy non-profit organizations both founded in Palm Beach County. Further, the third hospice is VITAS Healthcare Corporation, a national publicly traded entity under the Chemed Corporation umbrella (NYSE:CHE). Finally, MorseLife is a private non-profit affiliated with a continuing care retirement community and outpatient programs. The applicant argues that it prioritizes investing in direct patient care rather than in layers of middle and upper management, focusing on having a patient-centered approach which allows it to dedicate significantly more time to caring for patients.

Affinity reiterates that the Not Normal Circumstances exist because “Morse Life provides the least number of visits per week in both the County and the State” and “Morse Life's expansion beyond its former CON exempt hospice operations has not resulted in a greater intensity of service for its patients, as Morse Life continues to rank at the bottom of all the state hospices in terms of the number of visits by hospice professionals to its patients per week.”

The applicant also responds to the Health Care Access Criteria on the application’s pages 205 and 206.

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 maintains a Hospice Quality Reporting Program (HQRP) website at <https://www.floridahealthfinder.gov/Hospice/Hospice.aspx>. In this website, the Agency shares hospice quality characteristics through the following 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)

The timeframes for CAHPS® and for HIS are as follows:

- CAHPS® (Patients and Family Experience Measures-Consumer Assessment of Healthcare Provider and Systems) during January 1, 2022—December 31, 2023

- HIS (Quality of Patient Care Measures-Hospice Item Set) during January 1, 2023—December 31, 2023 and January 1, 2022—December 31, 2023

Affinity has one Florida affiliate with a STAR rating (3 star). The table below has the available quality information for Affinity’s licensed Florida hospices that had ratings as of December 5, 2024.

**Quality of Care Metrics Data
October 23, 2021—October 23, 2024
Affinity Florida Affiliates, Florida, National**

	Willing to recommend this hospice	Patients Who Got an Assessment of All 7 HIS*	% RN MSW visits**	HCI Score**
Affinity Care of Sarasota	84%	100%	63.6%	10
Continuum Care of Broward LLC	NA	100%	65.4%	10
Continuum Care of Miami Dade LLC	NA	100%	77.1%	10
Florida Average	82%	97.8%	56.5%	9.7
National average	84%	91.8%	47.4%	8.8

Source: Medicare.gov - <https://www.medicare.gov/care-compare/?providerType=Hospice>, Data last updated: 11/26/24.

Affinity Care of Palm Beach County LLC begins by reiterating its response to section 3.a. and E.1.a. and that its Service Area 9C program will develop and maintain a QAPI program that will be similar to its affiliates.

Affinity notes that:

- The purpose of Affinity/Continuum’s QAPI Plan is to provide a strategy for the systematic organization-wide implementation of quality assessment and performance improvement activities
- This ensures that the organization provides appropriate, high-value, effective and efficient services in accordance with its mission and current standards of practice
- Through QAPI activities, Affinity/Continuum provides a mechanism for identification and prioritization of opportunities for problem identification and improvement in care and operations

Affinity Care of Palm Beach discusses its QAPI Committee noting that it will consist of the following representatives:

- Executive Director will serve as chairperson - will be responsible for creating the QAPI culture, promoting an environment for change and facilitating the quality assessment and performance as well as for selecting and appointing the committee members
- Clinical Manager
- Medical Director
- Three-five members of Affinity's staff

Further, the QAPI Committee responsibilities include:

- Identifying trends in clinical outcomes
- Evaluating data related to systems and services offered to patients
- Monitoring new systems and services
- Monitoring customer and patient satisfaction

Affinity's QAPI Committee is responsible for evaluating and prioritizing QAPI activities based on results of aggregated, analyzed data which will ensure that the organization is providing appropriate, high-value, effective and efficient services in accordance with its mission and current standards of practice, providing a mechanism for identification and prioritization of opportunities for problem identification and improvement in care and operations. The QAPI Committee will include:

- Monthly meetings
- The chairperson will select a co-chair to act in the chairperson's absence and assist with the committee's work.
- Committee members will be required to attend regularly scheduled meetings
- The committee will focus on significant areas of improvement each month, track progress of agencies performance improvement plans
- Only trended information, no patient specific information, will be communicated outside the QAPI Committee
- The QAPI Committee will track and analyze adverse patient events
- Agency staff will be kept informed of PIPS and involved in QAPI process

The applicant adds that its department managers and supervisors are responsible for providing leadership to ensure the communication and coordination of QAPI activities and its clinical and office personnel are responsible for identifying opportunities for improvement through their daily contact with patients, physicians and other employees. Affinity's QAPI Plan, sample QAPI activities, and agenda items are included in the Supporting Documents of this application.

Affinity argues that its operational affiliates demonstrate excellent quality metrics using the HIS Quality Measures and that they contract with data vendor SHP for the collection and submission of their data to CMS. The applicant contends that the most recent scores for its affiliates, compared to the states within which it operates, and national benchmarks show that in all categories, score 100 percent exceeding the state averages in which it operates as well as national averages.

Affinity states it will have seek Community Health Accreditation Partner (CHAP) Accreditation and Medicare Certification.

Affinity summarizes its Service Intense Model staffing ratios below:

- Registered Nurse one for every 10 patients
- Home Health Aides one for every six patients
- Social Workers one for every 25 patients
- Chaplains one for every 25 patients
- Music Therapists one for every 50 patients
- Volunteer Coordinator one for every 100 patients, at least one

Affinity summarizes its minimum core staffing conditions (see these conditions in the project summary). Affinity states that along with the following non-core services it will also offer doulas, massage therapy, reiki, and aroma therapy:

- Virtual Reality Therapy
- Equine Therapy
- Music Therapy
- Staffing levels exceeding NHPCO's hospice home care teams guidelines
- Jewish Programming
- EMS Community Paramedic Program
- Continuum Palliative of Florida
- Veterans Outreach
- Disease Specific Programming

The applicant responds that it will provide initial orientation, continuing education and in-service training to its staff via its online education program through Relias Learning. Continuing education/in-service training are described on page 217 of the application.

- c. **What resources, including health personnel, management personnel and funds for capital and operating expenditures are available for project accomplishments and operations? 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. However, the applicant is a developmental stage entity and has \$500,000 in cash but no operations. Therefore, an analysis of the short and long-term financial position of applicant cannot be conducted and we must look at access to capital on a standalone basis.

Capital Requirements and Funding:

On Schedule 2, the applicant indicates capital projects totaling \$451,640, which includes this project (\$391,640), and other exempt non-review items (\$60,000). The applicant indicates on Schedule 3 of its application that funding for the project will be cash on hand. The applicant has \$500,000 in cash, which is well in excess of the funding needed for this project.

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 below the applicant’s projections suggest an understatement of revenue which is a conservative assumption. Calculated patient days above the applicant’s projections suggest an over statement of revenue and call into question the applicant’s profitability assumptions and feasibility. The results of the calculations are summarized below.

CON 10819	Affinity Care of Palm Beach County, LLC				
Palm Beach	Wage Component	Wage Index	Adjusted Wage Amount	Unadjusted Component	Payment Rate
Base Rate Calculation					
Routine Home Care 1-60 days	\$144.10	0.9036	\$130.21	\$74.23	\$204.44
Routine Home Care 61+ days	\$113.75	0.9036	\$102.78	\$58.60	\$161.38
Continuous Home Care	\$1,177.23	0.9036	\$1,063.75	\$388.23	\$1,451.98
Inpatient Respite	\$309.70	0.9036	\$279.84	\$198.01	\$477.85
General Inpatient	\$727.27	0.9036	\$657.16	\$418.04	\$1,075.20
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	1.114	\$227.84	\$5,267,695		23,120
Routine Home Care 61+ days	1.114	\$179.86	\$1,717,489		9,549
Continuous Home Care	1.114	\$1,618.16	\$65,563	24	41
Inpatient Respite	1.114	\$532.55	\$68,251		128
General Inpatient	1.114	\$1,198.26	\$153,533		128
		Total	\$7,272,531		32,966
			Days from Schedule 7		34,053
			Difference		1,087
			Percentage Difference		3.19%

As such, the applicant’s projected patient days are 3.19 percent or 1,087 days more than the number of patient days calculated by staff. Revenues appear to be understated, which is a conservative assumption. Operating

profits from this project are expected to increase from a net loss of \$675,666 in year one to a net profit of \$431,479 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; Chapter 59A-4, Florida Administrative Code.**

This does not apply.

- 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.

Affinity Care of Palm Beach County LLC (CON application #10819) states “Historically, Affinity on average provided a combined 5.5 percent Medicaid/charity”. The applicant’s Schedule 7 shows Medicaid will be 5.99 percent and 5.97 percent of year one and year two total annual patient days and self-pay 3.96 percent in both years one and two.

F. SUMMARY

Affinity Care of Palm Beach County, LLC (CON application #10819) proposes to establish a new hospice program in Service Area 9C in the absence of published need. Affinity Care hospice affiliates serve Service Areas 6C, 8A, 8D, 10 and 11 and have two CONs approved pending licensure—CON #10774 in SA 6A and CON #10783 in Service Area 9B.

Affinity Care expects issuance of license in April 2025 and initiation of service in May 2025 with the total project cost being \$391,640.

Pursuant to project approval, Affinity Care of Palm Beach County, LLC proposes 24 Schedule C conditions.

Need/Access:

The applicant contends that MorseLife does not qualify as a hospice licensed less than two years in the service area. However, MorseLife was approved to serve the entire service area effective June 24, 2023, and has been licensed less than two years as of three weeks prior to the FNP published August 2, 2024.

The applicant also contends the populations that have unmet hospice needs or are otherwise experiencing barriers to hospice care include:

- The elderly aged 65 and older
 - Low-income elderly
- Residents of western Palm Beach County, “The Glades” area of Belle Glade, South Bay and Pahokee
- Minorities including Black, Hispanic, and Jewish residents
- Patients with:
 - Cardiovascular disease
 - Pulmonary disease
 - Late-stage Alzheimer's or dementia Veterans

Two issues mitigate against approval of the project

- MorseLife was licensed to serve the entire service area less than two years as of three weeks prior to the fixed need pool.
- An Affinity Care affiliate is still appealing the approval of MorseLife’s application at the District Court of Appeals.

Quality of Care:

Affinity Care of Palm Beach County LLC demonstrates in great detail the ability to provide quality care.

Agency records indicate that for the three-year period ending October 23, 2024, Affinity Care’s affiliated Florida hospices had two substantiated complaints—with two in the Quality of Care/Treatment and one Resident/Patient/Client Rights category.

Financial Feasibility/Availability of Funds:

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

The project appears to be financially feasible.

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

Medicaid/Indigent/Charity Care:

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.

Affinity Care of Palm Beach County LLC states “Affinity on average provided a combined 5.5 percent Medicaid/charity”. The applicant’s Schedule 7 shows Medicaid will be six (5.99 year one - 5.97 year two) percent and self-pay four (3.96) percent annual patient days in year one and year two.

E. RECOMMENDATION

Deny CON #10819.

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: December 20, 2024



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