

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

**A. PROJECT IDENTIFICATION**

**1. Applicant/CON Action Number**

**Viera Nursing and Rehab LLC/CON application #10834**

400 Rella Boulevard, Suite 200  
Montebello, New York 10901

Authorized Representative: Rob Manela, Chief Executive Officer  
(954) 774-7412

**2. Service District/Subdistrict**

**District 7/Subdistrict 7-1 (Brevard County)**

**B. PUBLIC HEARING**

No public hearing was requested or held.

The application includes letters of support from:

- Rahul Pathak, MD, Chief Medical Officer, A Helping Hand Physician Group
- Jharana Patel, MD, Medical Associates of Brevard
- Joseph Killian, CEO, St. Francis Reflections Lifestage Care
- Alexis Gragg, Certified Senior Advisor, Co-Owner, Director of Operations, CarePatrol
- Ann Margaret Culley, BSN, MBA, COS-C, NHC HomeCare – Merritt Island
- S. Lisa Conway, RN, CCM, VP of Care Services, Senior Partner Care Services (Unsigned) and
- Five form letters with unreadable signatures.

**C. PROJECT SUMMARY**

**Viera Nursing and Rehab LLC d/b/a Viera Healthcare and Rehabilitation Center (CON application #10834)** also referenced as Viera, or the applicant proposes to add 37 beds to its existing 114-bed facility located at 8050 Spyglass Hill Road, Melbourne, Florida in Subdistrict 7-1 (Brevard County). The project involves the construction of a new wing and will have 18 semi-private rooms and one private room.

The applicant indicates that upon completion of the project, the facility will feature 19 private rooms and 66 semi-private rooms. However, the Agency's licensure records indicate the existing facility has 12 private and 51 semi-private (two-bed rooms).

Total project costs are \$8,224,700 and include building, equipment, project development, and financing costs.

The project involves 15,557 gross square feet (GSF) of new construction at a construction cost of \$5,833,875.

The applicant expects issuance of license in June of 2027 and initiation of service in July of 2027.

**D. 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, Gregory Keeter, analyzed the application with consultation from Financial Analyst Derron Hillman of the Bureau of Central Services, who evaluated the financial data, and Scott Waltz of the Office of Plans and Construction, who reviewed the application for conformance with the architectural criteria.

**E. CONFORMITY OF PROJECT WITH REVIEW CRITERIA**

The following indicate the level of conformity of the proposed project with the criteria and application content requirements found in Florida Statutes, Sections 408.035 and 408.037; applicable rules of the State of Florida, 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 195 of the Florida Administrative Register dated October 4, 2024, a fixed need pool (FNP) of 37 community nursing home beds was published for Subdistrict 7-1 for the July 2027 planning horizon.

As of August 9, 2024, Subdistrict 7-1 nursing homes consist of 2,819 licensed beds and there are 257 CON approved community nursing home beds pending licensure. The Agency reported 89.35 percent occupancy in the six months, and 88.78 percent occupancy during the 12 months ending June 30, 2024.

Viera's proposal addresses the entire calculated need for additional nursing beds and is the sole initiative to introduce new beds within the Brevard County subdistrict. In alignment with the methodology's forecast, further details are provided that highlight the advantages this project will bring to the planning area.

To illustrate the growing demand for health and social services, including nursing home care, Table 1-1 on page 1-3 presents the Agency's current and five-year projected population data stratified by age cohort for Brevard County and Florida. Subdistrict 7-1 currently has a senior population of 171,115, which constitutes 26.64 percent of the total population in the service area.

By January 1, 2029, the midpoint of the second year of operations for the proposed bed expansion, Brevard County's senior population is projected to increase by 30,750 residents, representing nearly 30 percent of the total population, resulting in a five-year growth rate of 17.97 percent. In contrast, the population aged 64 and under is only expected to grow by 4,393 residents, equating to a growth rate of 0.93 percent.

Overall, the total population of Brevard County is anticipated to rise by 35,143 residents, reflecting a growth rate of 5.47 percent over the next five years. This increasing senior population not only signifies a rise in numbers but also an increase in proportion relative to the total population, leading to heightened demand for health and social services, including nursing home care.

Viera assessed the impact of adding 37 beds on the elderly population in Brevard County. Figure 1-1 on page 1-4 illustrates the distribution of nursing homes and acute care hospitals in Brevard County, alongside the current elderly population aged 65 and over, segmented by Zip Code. The map clearly demonstrates that senior residents are heavily concentrated in specific zip codes throughout Brevard County, particularly in zip code 32940, which is the location of the applicant’s facility. This geographic distribution underscores the pressing need for additional nursing home capacity to serve the increasing senior population in the area.

As indicated in Table 1-2 on page 1-5, the five-year growth rate for the elderly population varies between 12.99 percent and 29.72 percent across different zip codes. Specifically, the location of Viera Healthcare & Rehab (Zip Code 32940) is projected to experience an 18.38 percent increase in its population aged 65 and older over the next five years. In comparison, the total population growth rate across all zip codes in the service area averages 5.74 percent, while the average growth rate for the senior population stands at 18.18 percent. This data highlights the significant expansion of the elderly demographic in the area, reinforcing the need for enhanced health care services to accommodate this growing population.

**Current (2024) and Projected (2029) Bed Availability**

<b>Area</b>		<b>January 2024 (Before Project)</b>	<b>January 2029 (Without Project)</b>	<b>Jan 2029 w/CON Approved Beds</b>
Subdistrict 7-1	Beds	2,819	3,076*	3,113**
	Pop (65+)	171,115	201,865	201,865
	<b>Beds/1000</b>	16	15	15
Florida	Beds	82,438	82,438	85,811
	Pop (65+)	5,064,776	5,865,659	5,865,659
	<b>Beds/1000</b>	16	14	15

\*Includes 257 previously approved beds

\*\* Includes 257 previously approved beds and 37 beds proposed by this project

Sources: CON application # 10834, Table 1-3, Page 1-6, AHCA’s *Florida Population Estimates and Projections by AHCA District 2020 to 2030*, published January 2024 & AHCA’s *Florida Nursing Home Utilization by District and Subdistrict*, published October 2024.

According to the population estimates and projections from the Agency, Subdistrict 7-1 currently has a bed availability rate of 16 skilled nursing beds per 1,000 persons aged 65 and older as of July 1, 2024, which

aligns with the state's average. However, as the elderly population grows, projections indicate that by January 1, 2029, Subdistrict 7-1's bed availability will decrease to 15 beds per 1,000 seniors. This decline is a consequence of the projected increase in the senior population, which underscores the need for the proposed addition of beds at the applicant's facility. By the time the applicant is in the second year of operations following the completion of the proposed bed addition project, addressing this anticipated shortfall will be critical to support the growing elderly demographic in the region.

Table 1-4 on page 1-7 illustrates the historical utilization data for Viera Healthcare and Rehabilitation Center over the past five years, concluding on June 30. This data is contextualized by comparing Viera's utilization against that of Subdistrict 7-1, District 7, and the State of Florida. Additionally, Figure 1-3, also on page 1-7, presents the occupancy rates for each of these areas over the same five-year period in graphical form.

Viera Healthcare experienced a decline in utilization from June 2020 to June 2021, largely attributable to the impact of the COVID-19 pandemic. Despite this temporary setback, the facility has consistently maintained higher occupancy rates compared to the overall aggregate of facilities in Brevard County. Particularly notable is the significant occupancy increase that began in July 2022, which has allowed Viera to outpace utilization rates in Subdistrict 7-1, District 7, and the entire state of Florida. The applicant contends this trend and the anticipated growth in demand for skilled nursing services, Viera is positioning itself to effectively meet future demand, ensuring that sufficient beds will be available for a growing senior population needing skilled nursing care.

The need for nursing home admissions often stems from complex health conditions that require specialized care, such as wound management, tube feeding, and post-surgical recovery. In response to these needs, nursing homes, including Viera Healthcare and Rehabilitation Center, are enhancing staff skills, adopting advanced technologies, and employing innovative treatment modalities, which in turn increases operational costs.

As residents age and their health care needs become more intricate, facilities are adapting to provide higher quality care. Viera Healthcare's commitment to this evolution is reflected in its range of amenities and services, as detailed in Figure 1-4 on page 1-8. By investing in skilled staff and advanced treatments, Viera aims to meet the growing demand for skilled nursing services effectively.

Brevard County has seven acute care hospitals. These include:

- Holmes Regional Medical Center
- Palm Bay Hospital
- Parrish Medical Center
- Orlando Health Melbourne
- Orlando Health Rockledge Hospital
- Cape Canaveral Hospital
- Viera Hospital

Viera Hospital is located less than five miles from Viera Healthcare and Rehabilitation Center, while three other hospitals are within a 10-mile radius. This strategic location ensures residents have easy access to diagnostic and surgical services, making the nursing home a preferred provider for rehabilitation following acute illnesses or surgeries. Aside from Viera Healthcare, Viera Del Mar Health and Rehabilitation Center (Viera Del Mar) is the only skilled nursing facility within a five-mile radius, has 131 beds and reported 91.35 percent occupancy during the 12 months ending June 30, 2024.

Within a 10-mile radius of Viera Healthcare, there are five additional skilled nursing facilities. The combined occupancy rate for Viera Del Mar and Viera Healthcare is 93.67 percent. All facilities within this 10-mile radius collectively reported 362,476 patient days at an average occupancy rate of 91.70 percent, surpassing the subdistrict's average occupancy rate of 88.78 percent. While the applicant did not cite a source for determining the five-mile and 10-mile radius the reviewer verified the information as correct using the FloridaHealthFinder website.

The applicant cites Brevard County SNF 88.78 occupancy during the 12 months ending June 30, 2024, which corresponds to an average daily census of 2,510 and applies this use rate to project projected patient days and occupancy to future population estimates. Viera concludes this demonstrates that existing facilities will not be adversely affected. The analysis preserves the current utilization rate of 5,353 patient days per thousand residents aged 65 and over throughout the projection period, resulting in a total of 1,080,631 patient days and an occupancy rate of 90.56 percent, which is higher than the current occupancy rate. Projections assume that by June 2029, in the second year of the project, Viera will achieve an occupancy rate of 93.69 percent in its 151 beds, consistent with the facility's recent peak occupancy. Even with the addition of 37 beds, the subdistrict shows an increase in utilization, indicating a growing need for nursing home beds in the surrounding area that the applicant intends to serve.

Schedule 5 of the application presents the forecast of utilization for the 37-bed addition and the resulting total facility capacity of 151 beds. The

forecast assumes that the first month of operation for the bed addition will be July 2027 and indicates a fill-up period during the first year, which aligns with similar projects across the state. It is anticipated that the facility will return to its average occupancy level of approximately 94 percent by the second year of operations following the bed addition. See the table below.

**Projected Utilization for the 37-Bed Addition and Total 151-Bed Facility  
Years one and two (ending June 30 of 2028 and 2029)**

Year	37-Bed Addition				Total Facility (N=151)			
	Admits	Patient Days	Occup. Rate	ADC	Admits	Patient Days	Occup. Rate	ADC
One	911	6,992	51.63%	19	1,451	47,348	85.6%	130
Two	1,043	11,391	84.35%	31	1,582	51,637	93.69%	141

Source: CON application 10834, Page 1-12, Table 1-8.

During the first quarter of operation for the bed addition (July — October 2027), the facility is projected to experience 10,838 patient days, reflecting an occupancy rate of 78.02 percent. The applicant discusses the above to support the benefits associated with implementing a 37-bed addition to a highly utilized facility in Subdistrict 7-1, Brevard County. Viera concludes that the proposal responds to the statutory criteria by demonstrating need and enhances both access and availability of skilled nursing care within the service area. Viera also contends its affiliation with Millennial Healthcare Services will help to expand capacity, improve operational efficiency, and enhance services to the community.

**2. Agency Rule Criteria and Preferences**

**Does the project respond to preferences stated in Agency rules?  
Rule 59C-1.036, Florida Administrative Code.**

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

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

The Viera facility offers a comprehensive range of nursing and restorative care to manage short-term rehabilitation, long-term care, and complex medical conditions. Key services include:

- **Therapies:** Physical, occupational, and speech therapy address mobility, self-care, and communication needs. Specialized rehabilitation programs focus on orthopedic, neurological, and pulmonary recovery.
- **Medical Management:** The facility manages complex health issues such as infectious diseases, wound care, IV therapy, and chronic conditions, alongside palliative and hospice care.
- **Additional Services:** Amenities include private rooms, 24/7 RN/LPN services, dietary consultations, recreational activities, and outpatient rehabilitation. Specialized services such as Total Parenteral Nutrition (TPN), hemodialysis, and wound care are also provided.

Affiliated with Millennial Healthcare Services, the facility implements established policies for care planning and management. Through specialized programs for hip replacement, stroke recovery, and cardiac rehabilitation, as well as infection control initiatives, the facility ensures high-quality, tailored care. The applicant states that Millennial Healthcare is dedicated to delivering personalized, compassionate care, enhancing both patient comfort and quality of life.

Viera collaborates with local hospitals to address the significant demand for rehabilitative services and to illustrate the demand for specific nursing home services required by residents, an analysis was conducted on acute care and rehabilitation hospital discharges to nursing homes for individuals aged 65 and over. An examination of all Medical Diagnostic Categories (MDCs) was undertaken to identify the types of conditions and disorders associated with nursing admissions. The table below identifies the number of cases and prevalence by MDC for the subdistrict's residents aged 65 and over discharged from Subdistrict 7-1 acute, rehabilitation, and long-term care hospitals to SNFs during CY 2023, the most recent data available.

**Florida Hospital Discharges to SNFs by MDC  
For Brevard County Residents Aged 65 and Over, CY 2023**

<b>Major Diagnostic Category</b>	<b>Volume</b>	<b>Percent</b>
08 Diseases & Disorders of the Musculoskeletal System and Connective Tissue	1,681	22.51%
05 Diseases & Disorders of the Circulatory System	1,001	13.40%
04 Diseases & Disorders of the Respiratory System	909	12.17%
01 Diseases & Disorders of the Nervous System	838	11.22%
All Others	3,039	40.7%
<b>Total</b>	<b>7,468</b>	<b>100.00%</b>

Source: CON application # 10834, Page 2-4, Table 2-1, AHCA Hospital Patient Discharge Data, CY 2023



As shown in the table above, the largest number of discharges was for Major Diagnostic Category (MDC) 8, Diseases and Disorders of the Musculoskeletal System and Connective Tissue, representing 22.51 percent of all discharges to nursing homes. Following this, MDC 5, Diseases and Disorders of the Circulatory System, accounts for the next largest portion. Together, these two MDCs represent 36 percent of all Subdistrict 7-1 residents aged 65 and over who were discharged to skilled nursing facilities. During this period, acute care and rehabilitation hospitals in Florida discharged 7,468 elderly Brevard County residents to nursing homes.

The top five MDCs account for almost 70 percent of discharges to nursing homes for the elderly in the service area. The MDCs and their associated Diagnosis Related Groups (DRGs) determine the appropriate services for nursing home residents. Each resident is assessed during the admission process to create a personalized care plan aimed at restoring and normalizing functional capabilities.

The three top MDCs—MDC 8, MDC 5, and MDC 4—account for approximately half or 3,591 hospital discharges to nursing homes, addressing musculoskeletal, circulatory, and respiratory conditions. MDC 8, which includes hip and knee replacements, requires weight-bearing exercises enhance mobility, flexibility, and strength. The facility also provides wound care for fractures and skin injuries. Physical and occupational therapists guide residents through recovery exercises to improve stamina and overall mobility.

MDC 5, representing about 13.4 percent of total discharges, relates to heart conditions such as heart failure and heart attacks. Similar therapies for improving cardiac function include physical and occupational rehabilitation. MDC 4 covers approximately 12.17 percent of discharges and involves respiratory issues. Therapeutic exercises, along with respiratory equipment like CPAP machines, are utilized to improve lung function and stamina.

The fourth-ranked MDC 1, Nervous System, accounts for 11.22 percent of discharges, including stroke patients and those with neurological conditions. Rehabilitation combines physical, speech, and occupational therapies to enhance recovery.

Viera features a therapy gym and courtyard to support residents' mobility practice on various surfaces. The applicant employs innovative technologies for personalized care, focusing on preventing hospital admissions and improving health and quality of life for its residents.

A multidisciplinary team, including the Nursing Center's administrator, medical director, and other health care professionals, assesses each resident's needs. Transfer decisions are made in consultation with the care team, the resident, their family, and physician. Each resident receives an admission packet outlining the agreement between the facility and the resident or their legal representative. This packet includes essential forms such as Medicaid Interview Documents, Authorization to Handle Resident Funds, Smoking Policy, Informed Consent for Vaccinations, Advance Directive acknowledgment, Medicare information, Bed Hold policies, and other significant agreements. These documents ensure clear communication and prioritize residents' rights and health care needs.

Upon admission, residents are informed of their rights and the Florida Long-Term Care Ombudsman Program. Staff training emphasizes Nursing Home Federal Requirements to ensure dignified and respectful care. The development of a care plan, crucial for each resident's quality of life, involves an interdisciplinary team, including the attending physician, director of nursing, nurses, nursing assistants, dietary and social services managers, activities directors, and therapists. Following an initial assessment, the care plan is created and continuously adjusted through the Quality Assurance Performance Improvement (QAPI) process to enhance care and minimize hospital readmissions. The initial evaluation covers essential aspects such as medical diagnosis, dietary needs, skin conditions, mobility, and cognitive status.

Discharge planning starts at admission, emphasizing independence and appropriate placement in the nursing home. The social services director estimates the expected length of stay and collaborates with the resident and family to outline aftercare options and goals. Discharge plans address social services and home needs, facilitating equipment arrangements, referrals for home health, follow-ups, and home evaluations. Eligibility for home health services includes criteria like residency, being homebound, and having available caregivers.

At discharge, a summary of the resident's care is documented and shared with health care providers, ensuring communication and coordination. Discharge occurs only at the attending physician's directive, and aftercare plans are reviewed with the resident and family, ensuring they receive a written plan with necessary follow-up instructions.

The facility accommodates a diverse range of payers, including Medicare, Medicaid, and private insurance. Viera presented projections for

utilization, average length of stay, and average daily census for the initial two years following the bed addition, aiming to maintain utilization patterns consistent with current operations. See the table below.

**Projected Admissions, Patient Days,  
Average Length of Stay and Average Daily Census  
First Two Years of Operation for  
the 37-Bed Addition and 151-Bed Facility**

Factor	37 Beds		151 Beds	
	Year One	Year Two	Year One	Year Two
Admissions	911	1,043	1,451	1,582
Patient Days	6,992	11,391	47,348	51,637
ALOS	7.7	10.9	32.6	32.6
ADC	19.1	31.2	129.4	141.1

Source: CON application # 10834, Page 2-13, Table 2-2

Viera’s Schedule 6A has 151.30 FTEs in the first year 160.20 in year two and meets staffing standards. The applicant addresses staffing patterns and utilization in Exhibit 11 financials schedules.

**b. Quality of Care. In assessing the applicant’s ability to provide quality of care pursuant to 408.035(3), Florida Statutes, the Agency shall evaluate the following facts and circumstances:**

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

Viera states that it has not had a nursing facility license denied, revoked or suspended.

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

Viera states that it has not had a nursing home placed into receivership.

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

This does not apply to Viera.

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

No conditions are identified in subparagraph 3. Thus, this item does not apply.

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

No conditions are identified above. Thus, this item does not apply.

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

The applicant states it will provide the required data to the Health Council of East Central Florida, Inc., that serves Health Planning District 7 and to the Agency for Health Care Administration. These data include the above-cited utilization reports as well as required licensure and financial requirements attendant to operating a licensed nursing facility.

**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)(2)(5), Florida Statutes.**

"Availability" refers to the extent of services such as the number of beds in the market. As of August 9, 2024, Nursing Home District 7-1 has 2,819 licensed community nursing home beds with an occupancy rate of 86.67 percent for the year ending June 30, 2024. Subdistrict 7-1, covering Brevard County, has the same number of licensed beds and an occupancy of 88.78 percent. The applicant cites the FNP and

anticipated growth in Brevard County's population aged 65 and older over the next five years, the current availability of 16 nursing beds per 1,000 seniors may decline to 15 beds per 1,000 seniors. However, adding 37 beds will help maintain this availability at 15 beds per 1,000 seniors by January 2029. Viera notes it has maintained high occupancy rates, especially since July 2022, to support its project's 37 will enhance service availability in the area.

Viera has been Joint Commission Accredited since August 27, 2022, and was recognized by U.S. News and World Report as one of the Best Nursing Homes in Florida for 2025, receiving an overall rating of four out of five stars and three out of three stars for short-term rehabilitation.

The applicant is affiliated with Millennial Healthcare Services, which provides clinical and administrative consulting to skilled nursing facilities in Central Florida. This partnership ensures the project benefits from a knowledgeable team dedicated to maintaining high nursing home standards. The applicant has the expertise to ensure quality care within nursing facilities in compliance with Centers for Medicare and Medicaid Services (CMS) regulations and state licensing requirements. Millennial Healthcare Services is committed to enhancing residents' lives, whether through short-term rehabilitation, long-term support, or specialized care, as demonstrated by its devoted staff and comprehensive clinical services.

"Access" is defined as how potential users obtain services, gain admittance, or enter a facility. In health care, access is often evaluated based on various factors, including eligibility criteria versus financial criteria or payer requirements, the location of facilities or admission centers, geographical features such as roadways, bridges, and railroads, as well as the travel time or distance users must travel. Additionally, the availability of specific services or programs plays a crucial role in determining access. The applicant concludes this project enhances access by increasing the number of beds at a facility with high occupancy that is conveniently located near hospitals. As a Medicare and Medicaid-certified facility, it provides a wide range of services tailored to both short-term rehabilitation needs following a hospital stay and long-term care requirements.

The applicant has provided a map (Figure 3-1 on page 3-4) illustrating the 15-minute drive time contour surrounding Viera Healthcare and Rehab, which highlights the locations of nearby hospitals and nursing homes. The map indicates that the 15-minute drive time area is well within the 10-mile radius of the facility, as well as Viera Hospital and Orlando Health Rockledge Hospital. Brevard County is home to a significant senior population, which is expected to increase by 17.97 percent over the next five years. This growing elderly demographic

within the subdistrict is contributing to the rising demand for nursing homes in the area. Consequently, the proposed facility will enhance access to essential health care services for this population.

Based on AHCA population estimates, Subdistrict 7-1 has approximately 171,115 residents aged 65 and older as of January 1, 2024. Hospitals in the subdistrict made a total of 7,468 discharges to skilled nursing facilities for patients aged 65 and older in 2023, with Diseases and Disorders of the Musculoskeletal System and Connective Tissue (MDC 8) accounting for approximately 22.51 percent of these discharges.

The remaining top five Major Diagnostic Categories (MDCs) for skilled nursing facility discharges were Diseases and Disorders of the Circulatory System (MDC 5), Diseases and Disorders of the Respiratory System (MDC 04), Diseases & Disorders of the Nervous System (MDC 01), and Disease and Disorders of the Kidney and Urinary Tract (MDC 11). These five MDCs collectively accounted for about 70 percent of all skilled nursing facility discharges from all Florida hospitals for Brevard residents aged 65 and older. An analysis of hospital discharges revealed that nine out of the top 10 hospitals discharging Brevard senior residents to nursing homes were in Brevard County. Cape Canaveral Hospital and Viera Hospital, both within the 10-mile radius of the applicant, ranked third and fourth, respectively, for the most hospital discharges.

The proposed bed addition increases accessibility to skilled nursing beds, improving geographic availability and enhancing health care options for senior residents in Subdistrict 7-1. Without additional capacity, hospital discharges may be delayed, or residents must be discharged to other nursing homes at greater travel distances.

Another key component of access to care involves economic barriers. Viera participates in both Medicare and Medicaid programs, and contracts with managed care providers and commercial insurance companies (detailed in the applicant's Schedule 7). The applicant states the variety of payment options enables the facility to serve a broader range of residents, thereby enhancing access.

The facility is appropriately sized to offer a comprehensive range of services, with designated neighborhoods tailored for different patient needs, including short-term rehabilitation, complex care, and long-term care. The applicant is committed to eliminating financial barriers to nursing home care by collaborating closely with hospital discharge planners and those responsible for direct admissions. The applicant restates its need analysis demonstrated that facilities within a 10-mile radius of Viera Healthcare averaged 91.7 percent occupancy for the most recent year ending June 30, 2024.

Viera concludes that the opportunity to add beds to a facility experiencing consistently high utilization will ensure continued access to skilled nursing beds in a highly utilized market. In response to the published need, the addition of 37 beds will result in high utilization as services improve to accommodate the growing demand for a step-down facility for rehabilitation following a hospital stay. Given the applicant's existing facility is operating at a high occupancy rate, facility-specific demand ensures that the new 37-bed addition will experience a quick fill rate, leading to successful operations. Therefore, the project is expected to increase utilization as access improves for residents of Brevard County.

Viera's responses demonstrate conformity with the statutory health planning factors of availability, quality of care, access, and the extent of utilization of existing nursing homes in the subdistrict. The facility's location significantly enhances access for seniors aged 65 and over within the subdistrict who require step-down rehabilitation following an acute care hospital stay.

- b. Does the applicant have a history of providing quality of care? Has the applicant demonstrated the ability to provide quality care? Is the applicant a Gold Seal program nursing facility that is proposing to add beds to an existing nursing home? Section 408.035(3)(10), Florida Statutes.**

Viera Nursing and Rehab LLC notes Viera Healthcare and Rehabilitation Center has achieved an overall rating of four out of five stars on U.S. News and World Report's Best Nursing Homes 2025 and earned three out of three stars specifically for short-term rehabilitation. Exhibit 4 includes the facility's Joint Commission Accreditation and details of its U.S News & World Report rating.

The applicant is associated with Millennial Healthcare Services LLC (Millennial), which manages several facilities throughout Central Florida, including Brevard County's Rockledge Healthcare and Rehabilitation Center. Exhibit 5 contains ratings and other details for 16 Millennial Florida nursing homes. Viera indicates its Millennial collaboration enhances quality of care and ensures compliance with financial requirements. Further, by placing residents at the center of all operations, Viera aims to ensure that every resident benefits from the comprehensive range of activities and services available to them.

The applicant states that all Millennial facilities boast impressive occupancy rates, averaging over 93 percent. Several have been recognized by US News and World Reports for Best Nursing Homes 2025 in Florida, including The Club Healthcare and Rehabilitation Center and The Villages Healthcare and Rehabilitation Center, both of which received an outstanding five-star overall rating. The Plaza Health and Rehab Center likewise achieved an overall four-star rating alongside three out of three stars for short-term rehabilitation. The Village Rehabilitation and Nursing Center was honored with the 2019 American Health Care Association and National Center for Assisted Living (AHCA/NCAL) Gold National Quality Award and the Bronze National Quality Award was awarded to Williston Care Center and The Lodge Health and Rehabilitation Center in 2022 and 2024, respectively.

Viera Millennial's vision to become a premier provider of outstanding nursing home care that significantly improves the quality of life for its residents. The organization is dedicated to fostering a safe, supportive, and inclusive environment where individuals can flourish both physically and emotionally, as well as socially. Millennial aspires to gain recognition for its unwavering commitment to compassion, integrity, excellence, and innovation, positioning itself as a trusted partner within the health care community. Ultimately, Millennial's goal is to enhance the health and well-being of its residents, positively impacting their lives.

The facility adheres to CMS guidelines for a comprehensive, data-driven Quality Assurance and Performance Improvement (QAPI) Program that monitors care outcomes and quality of life. The Program's Systematic Analysis and Systemic Action Policy outlines actions for performance improvement, with a focus on analyzing underlying issues and developing corrective measures that promote sustained improvement. The applicant's QAPI Program is designed to foster an exceptional person-centered care environment and is guided by principles that emphasize a structured approach to care practices. Staff members recognize their roles in performance improvement, focusing on systems and processes to identify potential errors. Goals are set for performance enhancement, with progress continuously measured and adjusted as necessary.

The QAPI Committee meets quarterly to identify concerns and implement changes. To support Performance Improvement Projects (PIPs), the committee ensures adequate training, resources, and time for staff involvement. The PIP subcommittee uses Root Cause Analysis to refine



practices, collect data, and assess the effectiveness of changes, ultimately providing recommendations to the QAPI Committee. The QAPI program's policy and procedures and systematic analysis and action policy and procedures are included in the application's Exhibit 6.

Millennial facilities utilize the fully integrated electronic medical record (EMR) platform, PointClickCare, which provides 24/7 bedside access to patient records for immediate response and reporting. Authorized staff can securely log in to view and update care plans, including vital information such as allergies, medications, and lab results, facilitating tracking of patient progress and transfers. The facility also employs advanced artificial intelligence and leading software to reduce leaders' workloads, allowing them to spend more time with staff and improve clinical outcomes. This includes enhanced staffing and visitor screening, as well as reports on rehospitalization risks minimizing unnecessary hospital readmissions.

The EMR system generates essential statistical data for quality assurance and compliance, helping partners evaluate performance. Additionally, the integration of pharmacy information enables effective medication management by reviewing orders and checking for contraindications. The applicant states that Millennial's EMR enhances the ability to maintain quality standards, meet licensure requirements, and improve patient outcomes. Viera's emergency management and hurricane preparedness are addressed on the application's page 4-8.

The facility's Resident Council is stated to facilitate ongoing feedback from residents and their families. This independent group meets regularly to discuss issues, propose solutions, and organize meaningful events, allowing residents to influence decisions and enhance communication with staff. The applicant's Exhibit 7 contains the Michigan (not Florida's) Long Term Care Ombudsman Program fact sheet. Viera states its facility provides activities that help residents schedule and attend events based on their interests. Activities are categorized into three core programs: self-directed programming, group programming, and one-on-one programming, all aligned with the six elements of the Dimension of Wellness: physical, cognitive, social, emotional, cultural, and spiritual. Viera presents a detailed discussion of resident activities on the application's pages 4-8 and 4-9. Exhibit 8 contains Viera resident activities/programs and its April 2023 activities calendar.

Viera concludes that it has effectively implemented a quality assurance program that supports continuous quality improvement. It is committed to quality improvement through timely corrective actions and a skilled leadership team that ensures a range of services to meet resident needs effectively and has achieved high ratings in both federal and state systems, as well as national recognition for its commitment to quality enhancement.

During the 36 months ending December 19, 2024, Viera Healthcare and Rehabilitation Center had four substantiated complaints, with five categories cited: administration/personnel; admission/transfer & discharge rights; elopement; resident/patient/client neglect and resident/patient/client rights. Millennial Healthcare Services affiliated nursing homes had 38 substantiated complaints. A substantiated complaint can encompass multiple complaint categories. See the chart below.

**Millennial Healthcare Services Affiliates  
Substantiated Complaints Categories  
December 19, 2021 – December 19, 2024**

<b>Complaint Category</b>	<b>Number</b>
Quality of Care/Treatment	21
Physical Environment	4
Resident/Patient/Client Rights	6
Resident/Patient/Client Abuse	4
Administration/Personnel	4
Misappropriation of property	1
Elopement	4
Resident/Patient/Client Neglect	3
Admission, Transfer & Discharge Rights	1
Pharmaceutical Services	1
Falsification of Records/Reports	2
Dietary Services	4
Billing/Refunds	1
<b>Total</b>	<b>56</b>

Source: Agency for Health Care Administration complaint data.

**c. What resources, including health personnel, management personnel and funds for capital and operating expenditures are available for project accomplishments and operations? 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. Below is our analysis:

<b>Viera Nursing and Rehab, LLC - CON #10834</b>		
	<b>Current Year</b>	<b>Previous Year</b>
Current Assets	\$4,728,731	\$2,733,285
Total Assets	\$13,639,123	\$13,391,393
Current Liabilities	\$5,087,966	\$3,982,367
Total Liabilities	\$11,715,760	\$12,860,722
Net Assets	\$1,923,363	\$530,671
Total Revenues	\$16,079,270	\$6,459,231
Excess of Revenues Over Expenses	\$1,392,692	\$530,671
Cash Flow from Operations	\$2,511,980	\$229,615
<b>Short-Term Analysis</b>		
Current Ratio (CA/CL)	0.9	0.7
Cash Flow to Current Liabilities (CFO/CL)	49.37%	5.77%
<b>Long-Term Analysis</b>		
Long-Term Debt to Net Assets (TL-CL/NA)	344.6%	1673.0%
Total Margin (ER/TR)	8.66%	8.22%
<b>Measure of Available Funding</b>		
Working Capital	(\$359,235)	(\$1,249,082)

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

**Capital Requirements and Funding:**

The applicant indicates on Schedule 2 capital projects totaling \$8,224,700 which includes consists solely of this project.

The applicant indicates on Schedule 3 of its application that funding for the project will be provided by cash on hand (\$1,862,906), and non-related company financing (\$6,361,794). The applicant provided a letter of interest, dated December 17, 2024, from Huntington National Bank stating their interest in providing construction financing. A letter of interest is not considered a firm commitment to lend.

The applicant’s overall financial position is relatively weak based on the above analysis. While the applicant does have sufficient cash on hand to fund its portion of the project identified as cash, it also has current

liabilities in excess of current assets. Despite the relatively weak financial position, the applicant’s operations did post a positive profit in the most recent year and according to the audit has access to a line of credit.

**Conclusion:**

Funding for this project should be available as needed.

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

The immediate and long-term financial feasibility of the project is tied to expected profitability. The purpose of our analysis for this section is to evaluate the reasonableness of the applicant’s profitability projections and, ultimately, whether profitability is achievable for this project. Our analysis includes an evaluation of net revenue per patient day (NRPD), cost per patient day (CPD), nurse staffing ratios, and profitability. We compared the NRPD, CPD, and profitability to actual operating results from skilled nursing facilities as reported in the Florida Nursing Home Uniform Reporting System. For our comparison group, we selected skilled nursing facilities within the state with Medicare utilization under 50 percent as the applicant is projecting low Medicaid utilization relative to a typical skilled nursing facility in Florida. Comparison group data was adjusted for inflation to match the second-year projection (inflation factor was based on the New CMS Market Basket Price Index as published in the 2nd Quarter 2024, Health Care Cost Review).

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

	PROJECTIONS PER APPLICANT		COMPARATIVE GROUP VALUES PPD		
	Total	PPD	Highest	Median	Lowest
Net Revenues	24,217,100	469	574	403	343
Total Expenses	22,356,800	433	519	415	341
Operating Income	1,860,300	36	58	4	-77
Operating Margin	7.68%		<b>Comparative Group Values</b>		
	Days	Percent	Highest	Median	Lowest
Occupancy	51,637	93.69%	97.01%	92.03%	50.77%
Medicaid	22,720	44.00%	78.46%	60.62%	30.92%
Medicare	28,401	55.00%	47.68%	20.68%	9.40%

**Staffing:**

Section 400.23(3)(b)(1), Florida Statutes, specifies a minimum certified nursing assistant staffing of 2.0 hours of direct care per resident per day, a minimum licensed nursing staffing of 1.0 hour of direct resident care

per resident day, and 3.6 hours of total direct care staffing. Based on the information provided in Schedule 6, the applicant's projected staffing meets this requirement.

The projected NRPD, CPD and profit falls within the group range and are considered reasonable. In addition, the total cost appears to include at least the minimum staffing required. It should also be noted that the most recent audited financial statements show that the current operations of this nursing home were profitable. Therefore, the overall profitability appears achievable.

Operating profits from this project are expected to increase from a net profit of \$1,126,900 in year one to \$1,860,300 in year two.

**Conclusion:**

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

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

Strictly from a financial perspective, the type of competition that would result in increased efficiencies, service, and quality is limited in health care. Cost-effectiveness through competition is typically achieved via a combination of competitive pricing that forces more efficient cost to remain profitable and offering higher quality and additional services to attract patients from competitors. Since Medicare and Medicaid are the primary payers in the nursing home industry, price-based competition is limited. With a large portion of the revenue stream essentially fixed on a per patient basis, the available margin to increase quality and offer additional services is limited. In addition, competitive forces truly do not begin to take shape until existing business' market share is threatened. The existing health care system's barrier to price based competition via fixed price payers limits any significant gains in cost-effectiveness and quality that would be generated from competition.

**Conclusion:**

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

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

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

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

- g. Does the applicant have a history of and propose the provision of health services to Medicaid patients and the medically indigent? Does the applicant propose to provide health services to Medicaid patients and the medically indigent? Section 408.035(9), Florida Statutes.**

The applicant provides the facility's most recent three year periods ending June 30, 2024. During the 12 months ending June 30, 2024 Medicaid accounted for 34.82 percent of the facility's total patient days during the.

Viera Healthcare projects that Medicaid will be 44 percent of the 151-bed facility and the 37-bed project year one and two patient days.

**F. SUMMARY**

**Viera Nursing and Rehab LLC d/b/a Viera Healthcare and Rehabilitation Center (CON application #10834)** proposes to add 37 beds to an existing 114-bed facility located at 8050 Spyglass Hill Road, Melbourne, Florida 32940, resulting in a facility of 151 beds in Subdistrict 7-1 (Brevard County). The 37-bed addition will have one private and 18 semi-private rooms.

Total project cost is \$8,224,700. The project includes 15,557 GSF of new construction and a total construction cost of \$5,833,875.

The applicant expects issuance of license in June of 2027 and initiation of service in July of 2027.

Viera Nursing and Rehab LLC does not propose conditions for the project's approval.

**Need:**

- The application is filed in response to the published need.
- The applicant provides Brevard County population demographics and dynamics, including population age 65 by zip code, and projected population, bed inventory, utilization history and market conditions in support of need for the project
- Viera Nursing and Rehab's proposal is the only one to establish beds in the subdistrict

**Quality of Care:**

- The applicant provided a detailed description of the ability to provide quality care
- During the 36 months ending December 19, 2024
  - Viera Healthcare and Rehabilitation Center had four substantiated complaints with five categories cited and
  - Millennial affiliated nursing homes had 38 substantiated complaints with 56 categories cited

**Financial Feasibility/Availability of Funds:**

- Funding for this project should be available as needed
- This project appears to be financially feasible based on the projections provided by the applicant
- This project is not likely to have a material impact on competition to promote quality and cost-effectiveness

**Architectural**

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

**Medicaid/Indigent Care:**

- The applicant provided Viera Healthcare and Rehabilitation's most recent three-year history of providing service to Medicaid patients
- Medicaid is projected to be 44 percent of the 37-bed project and 151-bed facility year one and year two annual patient days

**G. RECOMMENDATION**

Approve CON #10834 to add 37 beds to the existing 114-bed facility located in District 7, Subdistrict 1, Brevard County. The total project cost \$8,224,700. The project involves 15,557 GSF of new construction and a construction cost of \$5,833,875.



**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: February 14, 2025



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**Certificate of Need**



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