

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

A. PROJECT IDENTIFICATION

1. Applicant/CON Action Number

Viera Operating Investments, LLC d/b/a Viera Del Mar Health and Rehabilitation Center/CON application #10843

10150 Highland Manor Dr., Suite 300
Tampa, Florida 33610

Authorized Representative: Tricia Thacker
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2. Service District/Subdistrict

District 7/Subdistrict 7-1 (Brevard County)

B. PUBLIC HEARING

No public hearing was requested or held.

C. PROJECT SUMMARY

Viera Operating Investments, LLC d/b/a Viera Del Mar Health and Rehabilitation Center (CON application #10843), also referred to as Viera Ops or the applicant, proposes to transfer the 42-bed segment of CON exemption #E250001 from Brevard Operations LLC to Viera Operating Investments, LLC, operating as Viera Del Mar Health and Rehabilitation Center. The applicant's facility is a 131-bed community nursing home in District 7-1 (Brevard County).

Viera Ops is an affiliate of Aston Health, which has 46 skilled nursing facilities and three assisted living facilities in Florida. The applicant states Aston Health provides the project access to a highly experienced team equipped with the knowledge, tools, and expertise necessary to uphold and continuously enhance high-quality nursing home standards. The management team is devoted to improving quality-of-care standards by investing in technology and adopting protocols that engage in quality improvement initiatives for staffing and education.

Viera Ops indicates the project will be licensed in June 2027 and begin service in July 2027.

The project includes 15,476 gross square feet (GSF) of new construction and a total construction cost of \$5,803,500. The total project cost is \$8,184,700 and includes land, building, equipment, project development and financing costs.

The applicant does not propose any conditions on the project.

Issuance of a CON is required prior to licensure of the project. 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 applicable rule criteria within Chapters 59C-1 and 59C-2, Florida Administrative Code. An approved CON does not guarantee licensure of the proposed project. Meeting the applicable licensure requirements and licensure of the proposed project is the sole responsibility of the applicant.

D. REVIEW PROCEDURE

The evaluation process is structured by the certificate of need review criteria found in Section 408.035, Florida Statutes. 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 Economic Analysts Marcus Gunn and Vaibhav Parasa 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, and Chapters 59C-1 and 59C-2 Florida Administrative Code.

1. 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? [s. 408.035(1), (2) and (5) Florida Statutes].

As of August 9, 2024, Subdistrict 7-1 (Brevard County) had 2,819 community nursing home beds and 257 CON approved beds pending licensure. The subdistrict averaged 88.78 percent during the 12 months and 89.35 percent occupancy during the six months ending June 30, 2024. The applicant provided a detailed analysis of population demographics in Subdistrict 7-1, Brevard County, and Florida, as outlined in Table 1-2 (CON application #10843, page 1-3). Presently, individuals aged 65 years and older constitute 26.7 percent of the total population within the subdistrict, equating to approximately 173,170 seniors. This percentage exceeds that of both District 7 and the state overall.

By January 1, 2029, which marks the midpoint of the second operational year following the bed addition, the senior population in Brevard County is anticipated to rise to 204,270 residents, accounting for nearly 30 percent of the county's total populace. The data indicate that the demographic cohort aged 65 and older is expected to expand at a significantly more rapid pace than the cohort aged 64 years and younger. Specifically, the population aged 65 and older in the subdistrict is projected to grow by 18 percent over the next five years, compared to a mere 1.2 percent growth rate for the younger cohort during the same timeframe. This upward trend in the senior population underscores the ongoing need for residential and health services tailored to this demographic.

Viera Ops summarized the distribution of community nursing home beds in District 7 by subdistrict noting that as of August 9, 2024, Brevard County has 16 beds available per thousand seniors, which is three less than the district average of 18 beds per thousand. Projections indicate

that, due to anticipated population growth over the next five years, the number of beds per thousand in Brevard County is expected to decrease to 15, despite the addition of 42 beds licensed through this project. In contrast, District 7 is projected to stabilize at 16 beds per thousand. Without the project's 42 beds, Brevard County would have an estimated 15.2 beds per thousand by 2029, representing only a minor difference. The planned addition of beds at Viera Del Mar Health and Rehabilitation Center is designed to ensure that there is an adequate supply of nursing home beds in alignment with the state's need methodology, permitting sufficient future availability without exceeding the appropriate bed capacity for the planning area.

Current (2024) and Projected (2029) Bed Availability

Area		Jan-24	Jan-29 with the Project*
Subdistrict 7-1	Beds	2,819	3,113
	Pop (65+)	173,170	204,270
	Beds/1000	16	15.2

Sources: CON application #10843, Page 1-3, Table 1-2, *Florida Population Estimates and Projections by AHCA District 2020 to 2030*, published January 2024 & *Florida Nursing Home Utilization by District and Subdistrict July 2023 – June 2024*.

Note: Assumes all current batched CON applications and beds approved as of August 9, 2024, become licensed by 2028.

The reviewer notes that the applicant's Table 1-1 correctly notes that based on the Agency's January 2025 *Florida Population Estimates and Projections 2020—2030* publication, the subdistrict is projected to have 204,270 persons 65 and over by January 2029. The applicant states it is recognized for its commitment to excellence with Joint Commission Accreditation. The facility's vision and core values emphasize delivering exceptional care and customer service to both residents and their responsible parties, ensuring a holistic approach to resident well-being. Viera Ops discusses its collaboration with Aston Health, a consulting firm that provides similar services to 46 other Joint Commission-accredited skilled nursing facilities and three assisted living facilities in Florida. This partnership affords the project access to a highly experienced team equipped with the knowledge, tools, and expertise necessary to uphold and continuously enhance high-quality nursing home standards.

The applicant states that its management team is devoted to improving quality-of-care standards by investing in technology and adopting protocols that engage in quality improvement initiatives for staffing and education. The project design prioritizes rehabilitation, aiming to facilitate recovery and promote reintegration into the community, while also accommodating long-term care needs. This dual focus demonstrates a comprehensive approach to resident care, enhancing both immediate recovery and sustained health outcomes.

Access to health care services is a vital aspect of ensuring that potential users can effectively utilize available resources. In the context of nursing home services, access is influenced by several key features, including eligibility criteria, financial requirements, facility locations, geographical considerations, travel times, and the specific services offered. As a Medicare and Medicaid certified facility, Viera provides a diverse array of services for both short-term rehabilitations following hospitalization and long-term care. This certification allows it to cater to a broad segment of the population, enhancing the accessibility of necessary health services.

Figure 1-1 illustrates the distribution of the elderly population aged 65 and older by zip code in Brevard County, as well as the locations of hospitals and nursing homes. The map indicates that Viera is strategically located near hospitals with a high concentration of elderly residents. This position ensures that the facility not only meets the immediate care needs of seniors but also integrates smoothly into the broader health care delivery system by providing convenient access to skilled nursing care when needed.

The maps referenced (Figure 1-1 on page 1-5 and Figure 1-2 on page 1-7) provide critical insights into the geographic accessibility of health care services surrounding Viera Del Mar Health and Rehabilitation Center. Figure 1-1 illustrates that most acute care hospitals in Brevard County are situated within a 30-minute drive and a 20-mile radius of the facility. This proximity to hospitals is essential for ensuring that residents at Viera Del Mar have quick access to acute medical services when needed.

In addition to the hospitals, the existing nursing homes are also marked on the map, highlighting the competitive landscape of skilled nursing care in the area. By adding beds at Viera Del Mar, the facility aims to enhance access to skilled nursing care for the community, effectively increasing the available options for individuals requiring long-term care or rehabilitation services.

Figure 1-2 further emphasizes this point by delineating a 30-minute drive time contour around Viera Del Mar, clearly showing the locations of both hospitals and nursing homes within that radius. Notably, there are six acute care hospitals located within a 30-minute drive of the facility, which reinforces the potential for collaboration and referral partnerships with these institutions. Such relationships are vital for seamless transitions from hospital to nursing care, thereby improving continuity of care for patients.

During CY 2023, Florida hospitals discharged a total of 7,468 elderly patients from Brevard County to nursing homes. The largest proportion of these discharges, approximately 23 percent, were attributed to patients diagnosed under Major Diagnostic Category (MDC) 08, which encompasses Diseases and Disorders of the Musculoskeletal System and Connective Tissue. This indicates a strong need for services that address musculoskeletal conditions, such as fractures and joint replacements, which are common among the elderly population.

The remaining notable categories include:

- MDC 05: Diseases and Disorders of the Circulatory System, accounting for 13.4 percent of discharges.
- MDC 04: Diseases and Disorders of the Respiratory System, at 12.17 percent.
- MDC 01: Diseases and Disorders of the Nervous System.

Together, these four categories, MDC 08, MDC 05, MDC 04, and MDC 01—represent 59.31 percent of all discharges for individuals aged 65 and older, underscoring the critical types of conditions that Viera Del Mar is equipped to manage.

The applicant and management team at Viera Del Mar have developed specialized programs tailored to address the diverse needs of their residents effectively. The admission process includes individual assessments that lead to personalized care plans focusing on rehabilitation and the restoration of functional capabilities.

For MDC 08, treatment includes weight-bearing exercises designed to enhance range of motion, flexibility, and strength. Physical and occupational therapists guide residents through these tailored protocols to improve mobility and stamina, facilitating recovery from musculoskeletal issues.

In MDC 05, which deals with conditions such as heart failure, heart attacks, and pacemaker implantation, the regimens similarly include exercises aimed at boosting overall conditioning and stamina. Activities that increase cardiovascular health, such as walking and flexibility exercises, are pivotal components of the therapeutic approach.

MDC 04 focuses on the Respiratory System, accounting for a significant number of discharges. Similar restorative therapies are applied here, with monitored exercise sessions incorporating weight-bearing and cardio exercises to improve lung function. Residents may utilize various respiratory supportive equipment, including apnea monitors and nebulizers.

For MDC 01, which encompasses Nervous System disorders, including strokes and dementia, therapies integrate physical, speech, and occupational services. Residents benefit from a range of rehabilitative therapies aimed at improving mobility, cognitive function, and communication skills.

The facility design at Viera Del Mar includes a large therapy suite dedicated to rehabilitation and occupational therapy for activities of daily living. Innovative technologies and programming ensure personalized treatment as each resident's condition evolves. The overall objective is to enhance residents' health and quality of life, focusing on restoring functional abilities while aiming to prevent hospital admissions or readmissions. By incorporating targeted therapies directed at the most prevalent health issues faced by their residents, Viera Del Mar is well-positioned to improve access to skilled nursing care and ensure high-quality rehabilitation services. These established protocols are vital for promoting healing and achieving long-term well-being and independence for all residents.

The reviewer summarizes Viera Ops' table below including the top six categories. The applicant indicates that these categories indicate the type of services appropriate for nursing home care and its facility has a variety of specialized programs to best meet the needs of its residents.

**Florida Acute Care Hospital Discharges to a Skilled Nursing Facility (SNF)
for Subdistrict 7-1 Patients Age 65 and Over, CY 2023**

	Volume	Percent	Cuml.%
08 Diseases & Disorders of the Musculoskeletal System and Conn Tissue	1,681	22.51%	22.51%
05 Diseases & Disorders of the Circulatory System	1,001	13.40%	35.91%
04 Diseases & Disorders of the Respiratory System	909	12.17%	48.09%
01 Diseases & Disorders of the Nervous System	838	11.22%	59.31%
11 Diseases & Disorders of the Kidney & Urinary Tract	739	9.90%	69.20%
18 Infectious & Parasitic Diseases, Systemic or Unspecified Sites	689	9.23%	78.43%
All Other Categories	1,611	21.57%	100.0%
Total	7,468	100.0%	

Source: CON application #10843, page 1-9, Table 1-3, from Agency Hospital Patient Discharge CY 2023 (Includes acute, comprehensive medical rehabilitation, and long-term care hospitals).

An expanded analysis of Brevard County senior resident discharges to SNFs from all Florida acute care and rehabilitation hospitals reveals significant insights into the health care dynamics affecting this demographic. The applicant states it is essential to consider the relationship between area hospitals and the skilled nursing facility, as these connections directly influence patient care and access. Notably, five of the top 10 hospitals discharging senior residents from Subdistrict 7-1 to nursing homes are located within the 30-mile drive time contour surrounding the proposed facility. These hospitals are highlighted in the

analysis and collectively account for 72 percent of the hospital discharges to skilled nursing facilities for senior residents in the service area. Viera Ops contends the addition of skilled nursing beds is critical to enhancing accessibility for this segment of the population. Currently, without increased capacity, hospital discharges can be delayed, which may result in local residents being transferred to nursing homes located further away from their homes and hospitals. This situation not only complicates logistics for families but can also impact the overall quality of care that residents receive during this transitional phase.

By improving geographic availability, the project aims to address these challenges. Viera Ops contends the project will facilitate timely discharges from hospitals, ensuring that seniors can be placed in facilities that are closer to their support systems. This enhancement in capacity is not only vital for meeting Medicare and Medicaid regulations but also serves to reinforce the continuum of care for the local population. Ultimately, the project is designed to improve health outcomes for Brevard County seniors, ensuring they receive the care they need in a timely and accessible manner. Viera Ops' table below shows the CY 2023 discharges to SNF care by the hospitals within a 30-minute drive of Viera Del Mar Health and Rehabilitation.

**Hospital Discharges to a Skilled Nursing Facility
for Subdistrict 7-1 Patients, Age 65 and Over, CY 2023**

Hospital	Volume	Percent
Homes Regional Medical Center	2,764	37.01%
Palm Bay Hospital	937	12.55%
Cape Canaveral Hospital	855	11.45%
Viera Hospital	841	11.26%
Parrish Medical Center	507	6.79%
Orlando Health Rockledge Hospital	507	6.79%
Orlando Health Melbourne Hospital	337	4.51%
All Others	917	18.18%
Total	5,043	100.0%

Note: Highlighted hospitals are within a 30-minute drive of Viera Del Mar Health and Rehabilitation Center

Source: CON application #10843, page 1-11, Table 1-4, from Agency Hospital Patient Discharge CY 2023.

Access to health care also involves addressing economic barriers that may prevent individuals from obtaining necessary care. Viera Del Mar Health and Rehabilitation participates in Medicare and Medicaid programs and contracts with various managed care providers and commercial insurers, as outlined in Schedule. This variety of payment options enables the facility to serve a broader pool of residents, maximizing access to care.

The facility is designed to accommodate diverse patient needs through separate neighborhoods for short-term rehabilitation, complex care, and long-term care. The applicant is dedicated to eliminating financial

barriers by collaborating closely with hospital discharge planners and those handling direct admissions. This cooperation ensures a smooth transition to nursing home care for residents who need it.

In Subdistrict 7-1, there are 21 facilities providing community nursing care, offering a total of 2,819 licensed beds. During the 12-month reporting period ending June 30, 2024, the subdistrict's nursing homes accounted for 916,019 patient days of care, resulting in an average occupancy rate of 88.78 percent, which surpasses the statewide average of 84.36 percent. Historical utilization data for the subdistrict over the past five years is provided in Table 1-5 (CON application #10843).

Viera Del Mar Health and Rehabilitation Center, which opened in 2019, has consistently increased its occupancy rates, even amid the challenges posed by the COVID-19 pandemic, when many facilities experienced declines. The prospect of adding more beds to a facility that is witnessing growing utilization will further ensure access to skilled nursing care in a highly utilized market. The applicant's Figure 1-3 highlights the strong demand at Viera Del Mar Health and Rehabilitation Center. The planned 42 bed addition should enhance service capabilities to meet the growing need for a step-down facility for rehabilitation following hospital stays. The facility's location is stated to enhance access in the subdistrict for patients who require a step-down rehabilitation facility following an acute care hospital stay. Given that the existing facility is already experiencing an increasing occupancy rate, the demand specific to this facility indicates that the new 42-bed addition is likely to achieve a rapid fill rate, ensuring successful operations. As a result, the project is expected to boost utilization and improve access to rehabilitation services for residents of Brevard County.

Viera Ops addresses Rule 59C-1.030, Florida Administrative Code, Health Care Access Criteria on the application's pages 1-14 through 1-17. The applicant concludes its responses reflect conformity with established standards and it accepts a diverse range of payers and its approach aligns with the Conditions of Participation set forth by the Medicare and Medicaid Programs. Further, its responses illustrate compliance with the statutory health planning factors, including availability, quality of care, access, and the extent of utilization of existing nursing homes in the subdistrict.

- 2. 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 Del Mar Health and Rehabilitation Center is not a Gold Seal nursing home. The applicant engages consulting services from Aston Health, a firm that offers similar consulting expertise to 46 skilled nursing facilities and three assisted living facilities across Florida. This partnership ensures that the applicant benefits from extensive industry knowledge and best practices, as Aston Health has a broad experience in enhancing operational efficiency, quality of care, and compliance within skilled nursing and assisted living environments. Viera Ops concludes Aston Health's consultation is expected to support the successful implementation and operation of the project.

Aston Health's CEO, Tricia Thacker is stated to be a dedicated leader who brings a wealth of experience in the health care industry. She began her career in health care 28 years ago as a certified nursing assistant (CNA). Ms. Thacker has held a variety of positions, including director of nursing, executive director, regional nurse, regional director of operations, and CEO and has successfully overseen 27 skilled nursing in Florida.

Aston Health is dedicated to delivering compassionate, high-quality care to the residents it serves, viewing them as part of a family. Focused on sub-acute care, post-acute care, and long-term care services, Aston Health comprises a team of innovative industry leaders with a strong track record of constructing high-quality nursing facilities and transforming traditional nursing homes into skilled nursing and rehabilitation facilities.

Several Aston Health affiliates have garnered prestigious quality awards, highlighting their commitment to excellence in care. For instance, the Fernandina Beach Rehabilitation and Nursing Center was honored with the American Health Care Association/National Center for Assisted Living (AHCA/NCAL) National Quality Silver Award in 2022. Similarly, Debary Health and Rehabilitation Center achieved the Silver level award in 2023. Exhibit 4 contains a list of Aston facilities that have received awards and Viera Ops lists five Aston Health-affiliated facilities received the Bronze level award in 2023, including:

- Coastal Health and Rehabilitation Center
- Coquina Center
- Flagler Health and Rehabilitation Center
- Highlands Lake Center; and
- North Port Rehabilitation and Nursing Center.

The applicant notes that Aston Health has built strong partnerships with several nursing schools and allied health programs at local community colleges throughout Florida, including Premiere Nursing Academy, Kent

State University, Keiser University, Educare Environ College of Nursing, Wellness Workdays Dietetic Internship, Daytona State College, and St. Thomas University. These affiliations allow students to complete part of their training in skilled nursing facilities where Aston Health provides consulting services, offering them hands-on experience and the chance to learn from experienced staff. Many students who rotate through Aston Health facilities often pursue job opportunities there after graduation, enhancing the organization's workforce and commitment to high-quality care.

Aston Health prioritizes tailored clinical care to enhance patient outcomes and quality of life. At the proposed facility, patients will benefit from several specialized programs addressing various conditions requiring skilled nursing care. The cardiac rehabilitation program offers individualized care plans, exercise regimens, and education to support recovery and prevent future complications. The kidney failure program focuses on managing chronic renal failure through personalized care strategies that monitor health and promote self-care. The orthopedic rehabilitation program assists patients recovering from injuries and surgeries with customized treatment plans aimed at restoring mobility and managing pain. The respiratory disease program specializes in addressing complex pulmonary conditions, providing comprehensive assessments and treatments to optimize respiratory health.

The stroke rehabilitation program helps stroke survivors regain independence through a collaborative approach, setting tailored treatment goals that encompass physical, emotional, and cognitive recovery. The applicant contends these programs exemplify Aston Health's commitment to quality care and improved patient outcomes. The applicant's Exhibit 5 contains additional information on these programs.

The Quality Assurance Performance Improvement Plan and Quality Assurance and Assessment Program ensure the facility meets and exceeds patient needs, expectations, and requirements while maintaining good outcomes and exceptional person-centered care where residents are actively involved in their own care. Guidance from the American Health Care Association helps create a uniform approach to measuring and assuring quality in nursing homes. Through its QAPI program, Aston Health aims to enhance processes related to clinical treatment, quality of life, resident choice, and care transitions. The facility conducts random quality reviews of residents, with findings reported in Risk Management/QA meetings until the committee confirms substantial compliance, after which quarterly reviews will be recommended.

Viera Ops acknowledges that unnecessary hospital admissions during or shortly after a skilled nursing stay can be harmful, increase health care costs, and negatively impact patients' quality of life. The applicant notes that the Centers for Medicare and Medicaid Services (CMS) has established the Skilled Nursing Facility 30-Day All-Cause Readmission Measure (SNFRM) to help reduce readmissions. Aston Health is committed to high-quality care and lowering preventable hospital readmissions through its Readmission Reduction Protocols (RRP). This program includes developing patient-centered goals, employing an interdisciplinary approach for managing conditions, and providing enhanced training for new staff to ensure consistent support from Day One. Continuous monitoring allows for real-time identification of improvement opportunities while a root cause analysis of readmissions helps define best practices.

Ongoing education on recognized practices, and the implementation of programs like Stop and Watch and SBAR for early recognition of condition changes, are stated to contribute to effective management. Aston Health's consultation support includes daily calls to facilities struggling with readmissions, focusing on actionable strategies to address contributing factors. Since the RRP's implementation in February 2023, the return-to-hospital rates at Aston Health's Florida skilled nursing facilities have decreased, dropping to 12.3 percent in March and 11.3 percent in April, well below the national average of 15 percent. The applicant contends these protocols are expected to reduce readmissions and improve patient outcomes at Aston Health facilities.

Viera Ops next addresses Aston Health's Concierge and Admissions Nurse program. This initiative enhances the admission experience by promoting effective communication and minimizing voluntary early discharges. Each new patient is assigned a certified nursing assistant (CNA) as a concierge, who completes a week of training focused on customer service and room readiness. The concierge prepares the patient's room with necessary supplies and greets the patient upon arrival, assisting with their transfer to bed and informing the admissions nurse.

The admissions nurse conducts a thorough assessment, including a skin check and a review of hospital records for dietary and medication needs. They coordinate the care plan with the attending physician. The concierge then gathers essential items for the patient and outlines what to expect during their stay, including schedules for meals and activities. The concierge also documents admission details and checks on the patient over the next few days to ensure satisfaction with the care

provided, completing a daily survey form for the administrator and communicating any urgent concerns to facility leaders for prompt resolution.

In addition to the Concierge program, the facility's leadership team conducts Guardian Angel rounds on all patients at least twice a week. This program assigns leadership members specific rooms and patients to monitor, ensuring that rooms are clean, and that patients' needs are being met to their satisfaction. Any concerns identified are addressed promptly. Each guardian angel completes a visit form, which is discussed in morning meetings with the leadership team to implement corrective actions as needed.

These initiatives have significantly increased patient satisfaction, leading to higher participation in therapy and activity programs, as well as encouraging patients to dine with others. Additionally, they help prevent premature discharges, reducing the likelihood of patients returning to the hospital.

Aston Health equips its facilities with several tools to monitor compliance and address grievances. The third-party compliance program Rytes offers a hotline for complaints and concerns, along with monthly training. Contact information for Rytes is displayed throughout the nursing homes, and they provide legal assistance for labor and employment issues. Rytes also employs a "red envelope" procedure for visits from OIG, DOJ, DEA, OSHA, CMS, EEOC, OCR, and other agencies.

Additionally, the Aston Health corporate office handles calls from residents, families, and employees with questions or concerns. The Touchpoint Health Care system allows families to provide feedback on their visits, covering aspects like diet, customer service, nursing care, therapy, activities, administration, and cleanliness. In April 2023, Aston Health received 7,426 Touchpoint responses, achieving an overall rating of 4.5 out of 5, with 95-97 percent positive comments; only 3-5 percent were negative. The facilities also average 4.3 stars out of 5 on Google Reviews.

Viera Del Mar Health and Rehabilitation Center uses PointClickCare, a fully integrated electronic medical record (EMR) platform, for real-time patient record access and documentation. This system enhances care quality through a clinical dashboard that facilitates evidence-based decisions, improves quality metrics, and fosters collaboration among health care professionals.

Additional features from Aston Health, such as preadmission checks, workflow management, secure messaging, and data integration, support

care delivery and quality assurance. Automated Care Messaging keeps residents informed, while Document Manager streamlines medical documentation. ElInteract helps prevent unnecessary hospitalizations, and the Electronic Medication Administration Record (eMAR) ensures accurate medication management. Integrated test results speed up diagnostics, while Marketplace and Nutrition Management optimize data entry and meal planning. Financial tools within PointClickCare enhance cost management and claims accuracy.

The center also offers telehealth appointments via Zoom, transitioning to PointClickCare's telehealth services in the future. Zoom provides a cost-effective virtual care solution with high-quality video, HIPAA compliance, and accessibility features to ensure seamless patient-physician interactions. Policies related to quality improvement plans are detailed in Exhibit 6.

Each admission at Viera Del Mar Health and Rehabilitation Center includes a residents' rights brochure from Florida's Long-Term Care Ombudsman Program. All employees receive their own copies of these rights and undergo training on them during their first day of orientation and annually thereafter. Ensuring residents' rights is a priority, and the facility coordinates with the Ombudsman to guide proper interactions according to established policies. Additionally, aspects of residents' rights are evaluated during quality assurance reviews, and any breaches or concerns are addressed within the continuous quality improvement cycle.

Due to the increased frequency of major hurricanes in the state, emergency management and response take top priority at Viera Del Mar Health and Rehabilitation Center. The facility has an Emergency Action Plan and Emergency Environment Control Plan in place for implementation during significant weather events. To ensure resident safety during power outages, the nursing home is equipped with a generator.

The Comprehensive Emergency Management Plan outlines detailed protocols for natural disasters, including hurricanes. It includes preparation guidelines, monitoring procedures, reporting methods, and evacuation protocols, ensuring the procurement and storage of essential supplies such as food, water, pharmaceuticals, and nursing supplies.

Activities are essential at Viera Del Mar Health and Rehabilitation Center, providing residents with opportunities to pursue their interests, build friendships, and engage socially. The activities director creates a diverse calendar, which helps residents plan and participate in events

that cater to their preferences. Family involvement is encouraged to further enrich the experience.

Planned activities promote physical and mental stimulation, with regular programs and special events designed around resident interests. Community outings, such as movies and dining, enhance engagement with the broader community.

The facility is managed by a skilled team experienced in quality improvement and care delivery, ensuring a variety of services tailored to meet residents' needs effectively.

The Centers for Medicare and Medicaid Services (CMS) Care Compare website rates Viera Del Mar Health and Rehabilitation Center with an overall two-star rating. The Agency's overall rating shows the facility has a two-star overall inspection rating.

In summary, Viera's responses illustrate that its quality assurance program includes key components that promote continuous quality improvement. The applicant has demonstrated the capability to achieve high ratings in both federal and state systems and has garnered national recognition for its quality initiatives. This is further supported by its affiliation with recognized partners and its status as a Joint Commission accredited facility.

During the 36 months ending March 19, 2025, Aston Health affiliated nursing homes had a total of 358 substantiated complaints, with 17 complaint categories cited. Below is a table of the substantiated complaints by the applicable complaint category.

Complaint Category	Number Substantiated
Administration/Personnel	36
Admission, Transfer & Discharge Rights	13
Billing/Refunds	5
Dietary Services	8
Elopement	11
Falsification of Records/Reports	6
Infection Control	7
Life Safety Code	11
Misappropriation of property	1
Other Services	1
Physical Environment	47
Quality of Care/Treatment	151
Quality of Life	6
Resident/Patient/Client Abuse	6
Resident/Patient/Client Neglect	13
Resident/Patient/Client Rights	35
Unqualified Personnel	1
Total	358

Source: AHCA Substantiated Complaint History.

Viera Operating Investments, LLC d/b/a Viera Del Mar Health and Rehabilitation Center had 12 substantiated complaints, across eight categories for a total of 76 complaints in the three-year period ending March 19, 2025, since assuming ownership effective April 1, 2022.

3. 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) as a measure of excess liquidity that could be used to fund capital projects.

Below is where the short term and long-term measures of the audited financial statements provided by the applicant fall on the scale (highlighted in gray) for the most recent year.

CON 10843 Margate Viera Group (Parent)		
	Current Year	Previous Year
Current Assets	\$8,106,308	\$18,327,820
Total Assets	\$41,922,740	\$59,530,913
Current Liabilities	\$15,106,858	\$17,025,791
Total Liabilities	\$40,737,356	\$62,596,346
Net Assets	\$1,185,384	(\$3,065,433)
Total Revenues	\$34,065,012	\$22,064,072
Excess of Revenues Over Expenses	\$3,022,800	(\$3,065,433)
Cash Flow from Operations	\$14,394,192	(\$10,310,324)
Short-Term Analysis		
Current Ratio (CA/CL)	0.5	1.1
Cash Flow to Current Liabilities (CFO/CL)	95.28%	-60.56%
Long-Term Analysis		
Long-Term Debt to Net Assets (TL-CL/NA)	2162.2%	-1486.6%
Total Margin (ER/TR)	8.87%	-13.89%
Measure of Available Funding		
Working Capital	(\$7,000,550)	\$1,302,029

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

Capital Requirements and Funding:

The applicant indicates on Schedule 2 capital projects totaling \$8,184,700, which includes this project (\$8,184,700).

The applicant indicates on Schedule 3 of its application that funding for the project will be provided by cash on hand (\$68,425), and non-related company financing (\$8,116,275). The applicant provided audited financial statements showing \$68,425 in cash. The applicant provided a letter of interest from Dwight Capital/Dwight Mortgage Trust dated February 4, 2025. A letter of interest is not considered a firm commitment to lend.

The applicant has a moderately weak financial position and without firm commitment to lend, funding for this project is in question.

Conclusion:

Funding for this project is in question.

4. 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 costs 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.

5. 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 in District 7. Comparison group data was adjusted for inflation to match the second-year projection (inflation factor was based on the New CMS Market Basket Price Index as published in the 3rd Quarter 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	25,996,900	454	575	404	353
Total Expenses	23,873,200	417	520	416	342
Operating Income	2,123,700	37	58	4	-77
Operating Margin	8.17%		Comparative Group Values		
	Days	Percent	Highest	Median	Lowest
Occupancy	57,265	90.69%	97.14%	91.89%	50.77%
Medicaid	26,914	47.00%	78.46%	61.35%	30.92%
Medicare	26,915	47.00%	47.68%	20.68%	10.04%

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, & 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 existing nursing home posted a profit based on the most recent Florida Nursing Home Uniform Reporting System data submitted to the Agency. Therefore, the overall profitability appears achievable.

Conclusion:

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

6. 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 appears 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.

7. 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.

Viera Del Mar Health and Rehabilitation Center reported 19,721 Medicaid patient days or 45.03 percent of the facility's total patient days during the 12 months ending June 30, 2024. Medicaid occupancy was reported to be 40.26 percent and 45.56 percent of the facility's total annual patients during the 12 months ending June 30, 2003, and 2022.

Schedule 7 indicates that Medicaid/Medicaid Managed Care will be 47.0 percent of year one (ending June 30, 2028) and year two (ending June 30, 2029) of the 42-bed project's and the 173-bed facility's total annual patient days.

F. SUMMARY

Viera Operating Investments, LLC d/b/a Viera Del Mar Health and Rehabilitation Center (CON application #10843) proposes to transfer the 42-bed segment of CON #E250001 from Brevard Operations LLC to Viera Operating Investments, LLC. The facility will have 173 community nursing home beds upon licensure of the project.

Viera Ops expects issuance of license in June 2027 and initiation of service in July 2027.

The project includes 15,476 GSF of new construction. Total construction cost is \$5,803,500. The total project cost is \$8,184,700.

The applicant does not propose conditions for this application.

Need:

- The project is an expedited application and is not in response to published need.
- The applicant provides a need assessment which includes population demographics and dynamics, availability, utilization, and quality of services, medical treatment trends, and market conditions.

Quality of Care:

- The applicant cites its Aston Health affiliation and provides a detailed description of its ability to provide quality care.
- During the 36 months ending March 19, 2025, Aston Health affiliated nursing homes had a total of 358 substantiated complaints
- Since April 1, 2022, when the applicant assumed ownership, Viera Del Mar Health and Rehabilitation Center had 76 substantiated complaints through March 19, 2025.

Financial Feasibility/Availability of Funds:

- Funding for the project is in question
- The project appears to be financially feasible based on the projections provided by the applicant
- The project is not likely to have a material impact on competition to promote quality and cost-effectiveness

Architectural:

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

Medicaid/Indigent Care:

- Viera Del Mar Health and Rehabilitation Center reported 19,721 Medicaid patient days or 45.03 percent of the facility's 32,754 total patient days during the 12 months ending June 30, 2024.
- The applicant provided Viera's utilization for 2021-2024
- The applicant's Schedule 7 indicates that the project is projected to have 47 percent utilization in Medicaid Managed Care, and to account for 24,515 patient days in year one and 26,914 patient days in year two.

G. RECOMMENDATION

Approve CON #10843 to transfer 42 community nursing home beds from Brevard Operations LLC's Exemption #E250001 in District 7, Subdistrict 1, Brevard County. The total project cost is \$8,184,700. The project involves 15,476 GSF of new construction and a total construction cost of \$5,803,500.

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: April 4, 2025



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