

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

**A. PROJECT IDENTIFICATION**

**1. Applicant/CON Action Number**

**DOS of Hialeah, Inc./CON #10712**

7735 NW 146<sup>th</sup> Street, Suite 204  
Miami Lakes, Florida 33016

Authorized Representative: Mr. Jorge R. Hernando, Manager  
(305) 632-3799

**2. Service District/Subdistrict**

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

**B. PUBLIC HEARING**

A public hearing was not held or requested on the proposed project and there were no letters of support.

**C. PROJECT SUMMARY**

**DOS of Hialeah, Inc. (CON application #10712)**, also referenced as DOS Hialeah or the applicant, is the owner/licensee of Hialeah Shores Nursing and Rehab Center (a 120-bed facility also referenced as Hialeah Shores or the facility), which is located at 8785 NW 32<sup>nd</sup> Avenue, Miami, Florida 33147. DOS Health Management, Inc. is the facility's management company. The applicant proposes to replace the 120-bed facility, within a 30-mile radius, specifically at a site approximately 8.6 driving miles (toward the northwest of the existing facility), at the intersection of Commerce Way and NW 146<sup>th</sup> Street, Hialeah, Florida 33016, in District 11, Subdistrict 11-1 (Miami-Dade County)<sup>1</sup>.

<sup>1</sup> Figure 2-1 on application's page 2-2 shows the straight-line distance between the existing facility and the proposed replacement location is six miles.

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Upon anticipated approval of CON application #10712, the applicant intends to request a CON exemption pursuant to ss. 408.036(3)(e), Florida Statutes, to add 30 beds, resulting in a facility of 150 beds to accommodate future demand. The physical plant also includes a non-CON regulated 96-bed Assisted Living Facility (ALF) that will connect to the proposed facility, creating a long-term care campus that would allow residents to age in place as needs change.

DOS Health Management, Inc. manages four Florida SNFs - Hialeah Shores Nursing & Rehab Center, Miami Shores Nursing & Rehab Center and Susanna Wesley Health Center in Subdistrict 11-1 and Eden Springs Nursing & Rehab Center in Subdistrict 2-3.

The project includes 96,967 gross square feet (GSF) of new construction. The construction cost is \$23,272,100. Total project cost is \$33,586,500. The total project cost includes land, building, equipment, project development, financing and start-up costs.

The applicant expects issuance of license and initiation of service to occur in July 2024.

DOS of Hialeah, Inc. does not wish to accept any conditions to the project's approval.

The project's GSF, total project costs and cost per bed estimate are provided in the table below.

**Total GSF and Project Costs of CON application #10712**

<b>Applicant</b>	<b>CON app. #</b>	<b>Project</b>	<b>GSF</b>	<b>Project Costs</b>	<b>Cost per Bed</b>
DOS of Hialeah, Inc.	10712	120 beds	96,967	\$33,586,500	\$279,888

Source: CON application #10712 Schedules 1 and 9

*Issuance of a CON is required prior to licensure of certain health care facilities and services. The review of a CON application and ultimate approval or denial of a proposed project is based upon the applicable statutory criteria in the Health Facility and Services Development Act sections 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; and applicable rules of the State of Florida, Chapters 59C-1 and 59C-2, Florida Administrative Code. These criteria form the basis for the goals of the review process. The goals represent desirable outcomes to be attained by successful applicants who demonstrate an overall compliance with the criteria. Analysis of an applicant's capability to undertake the proposed project successfully is conducted by evaluating the responses and data provided in the application, and independent information gathered by the reviewer.

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

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

As part of the fact-finding, the consultant, Steve Love, analyzed the application in its entirety with consultation from financial analyst Derron Hillman of the Bureau of Central Services, who evaluated the financial data, 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, Chapter 59C-1 and 59C-2, Florida Administrative Code.

**1. Fixed Need Pool**

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

The applicant submitted CON application #10712 as an expedited review, which may be submitted at any time and is not in response to a fixed need pool publication. The number of licensed and approved nursing home beds in Subdistrict 11-1 (Miami-Dade County) will remain unchanged as a result of the proposed facility replacement/relocation project, taking place within 30 miles of the existing facility located in Subdistrict 11-1. As previously stated, after project approval DOS Hialeah intends to request a CON exemption pursuant to ss. 408.036(3)(e), Florida Statutes, to add 30 beds, resulting in a facility of 150 beds to accommodate future demand.

DOS Hialeah explains that the existing facility is near or has reached its useful life, having been originally built in 1955 and expanded in 1964. Therefore, it is necessary to replace the out-of-date physical plant but the existing site is too small, which necessitates the need for this project.

The existing facility's shortcomings are listed on pages 1-1 and 1-2 of the application and include:

- No lobby area for guests
- 24 3-bed wards
- Community shower rooms
- Lack of bathrooms (many bathrooms shared between multiple residents)
- Therapy gym space too small
- Limited outdoor recreation space
- Lack of nursing station space
- Lack of office space
- Lack of storage space
- Lack of activities space and space for residents to gather privately with friends and family
- Limited dining space with little opportunity for residents to enjoy meals together in a home-like environment
- Lack of parking space
- No laundry on site
- High maintenance required for plumbing, electrical and heating
- Outdated and obsolete compared to today's standards

DOS Hialeah provides an aerial view of the proposed replacement site and comments that the new facility's design features that foster culture change and resident centered care include:

- 4-story design
- 42 private rooms (with the ability to convert 30 to semi-private configuration)

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- 39 semi-private rooms with wall separation and window views for each resident
- Private bathrooms and a shower in each room
- State-of-the-art therapy suite with large gym, private physical therapy and speech therapy rooms and activities of daily living suite for evaluating a patient's safe transition home
- Enclosed exterior courtyard
- Multiple dining rooms, including private dining rooms for small gatherings
- Snack bar at each nurses' station
- Beauty salon providing spa style services
- Sophisticated style resort amenities
- Flat screen TV for each resident and wireless internet throughout the building

The applicant maintains that operating efficiencies and economies of scale occur by increasing the number of nursing home beds to 150, in accordance with ss. 408.0356(3)(e), Florida Statutes and by constructing an attached (non-CON regulated) ALF. Further, the replacement facility's design will foster better care and will allow for more efficient management of medical conditions – with separate areas for short term rehabilitation and long-term care and will be better equipped to handle high intensity services associated with residents requiring rehabilitation, dialysis, or tracheotomy care. The applicant points out that the proposal accomplishes several health planning objectives (pages ii and 1-5 of the application):

- Relocates the facility to an area with:
  - A high population growth rate for seniors age 65+
  - Fewer existing nursing home beds than the current site
- Assures access to residents that currently use the facility by relocating less than 10 miles
- Fosters culture change through a physical plant design with more space for residents, resort-style amenities, and ADA compliance

The applicant cites the absence of a fixed need pool for nursing home Subdistrict 11-1, Miami-Dade County and indicates that in accord with the requirements of Rule 59C-1.008(2)(e)2, Florida Administrative Code, it uses the following four criteria to analyze need:

- Population demographics and dynamics
- Availability, utilization and quality of services in the subdistrict
- Medical treatment trends
- Market conditions

DOS Hialeah uses the Agency’s *Florida Population Estimates and Projections by AHCA District 2015-2030*, published September 2021, to note that as of January 2021, Miami-Dade County had an age 65+ population of 476,914 residents, which is the largest number of seniors residing in any Florida county. The reviewer confirms that this is correct. Further, by January 2026, Miami-Dade County will have 563,614 age 65+ residents (an increase of 86,700 persons of this age cohort) or an 18.2 percent five-year growth rate for Miami-Dade County’s age 65+ population, compared to a total population growth rate of 17.6 percent for the Florida age 65+ population overall. The applicant provides a table to account for population, by age cohorts, from January 2021 to January 2026, for Miami-Dade County and for Florida overall, which the reviewer partially reproduces below.

**January 2021 to January 2026 (Five-Year) Population Increases and Growth Rates  
by Age Cohorts (Age 0-64 and Age 65+)  
Miami-Dade County and Florida**

Area	Five Year Increase			Five Year Growth Rate		
	0-64	65+	Total	0-64	65+	Total
Miami-Dade	83,059	86,700	169,759	3.5%	18.2%	6.0%
Florida	706,173	795,519	1,501,692	4.1%	17.6%	6.9%

Source: CON application #10712, page 1-6, Table 1-1 (partially reproduced)

Reflected from the entirety of the complete table 1-1 in the application, DOS Hialeah maintains that:

- Currently (January 2021), seniors represent 16.7 percent of the total population in Miami-Dade County ( $476,914/2,847,942=16.75$  percent)
- By January 2026, seniors will represent 18.7 percent of the total population of Miami-Dade County ( $563,614/3,017,701=18.68$  percent)

The applicant concludes that the increase in seniors indicates future need for residential and health care services for that population.

DOS Hialeah provides Claritas, LLC population estimates (2021 to 2026) by age cohort and by ZIP Code (within a five-mile radius) of the proposed location, as well as the existing location of Hialeah Shores Nursing and Rehab Center, indicating a total of eight ZIP Codes (within a five-mile radius of the proposed site) and 15 ZIP Codes (within a five-mile radius of the existing site). The applicant provides data for each of the eight and 15 ZIP Codes, which the reviewer collapses into single total estimates. See the table below.

**Population Estimates by Year, ZIP Code and Age Cohort  
Proposed and Existing Five-Mile Radii**

<b>Population within 5-Mile Radius of PROPOSED Location</b>							
<b>Cities of Hialeah and Opa Locka</b>	<b>Total # of ZIP Codes</b>	<b>2021 Pop. Age 65+</b>	<b>2021 Total Population</b>	<b>2026 Pop. Age 65+</b>	<b>2026 Total Population</b>	<b>5-Year Growth Rate Age 65+</b>	<b>5-Year Growth Rate Total Population</b>
Total	8	70,487	405,737	81,083	424,854	15.0%	4.7%
<b>Population within 5-Mile Radius of EXISTING Location</b>							
<b>Cities of Hialeah, Miami and Opa Locka</b>	<b>Total # of ZIP Codes</b>	<b>2021 Pop. Age 65+</b>	<b>2021 Total Population</b>	<b>2026 Pop. Age 65+</b>	<b>2026 Total Population</b>	<b>5-Year Growth Rate Age 65+</b>	<b>5-Year Growth Rate Total Population</b>
Total	15	105,725	582,882	119,904	607,197	13.4%	4.2%

Source: CON application #10712, page 1-7, Table 1-2 (partially reproduced)

The reviewer notes that based on the applicant’s table above, the age 65+ five-year growth rate (2021-2026) for the eight ZIP Codes within a five-mile radius of the proposed site is 15.0 percent, compared to a growth rate of 13.4 percent for the 15 ZIP Codes within a five-mile radius of the existing site.

The applicant includes the following in support of its project:

- Page 1-8, Figure 1-3 - 2021 Population Age 65+ and Nursing Home Locations Near Current and Proposed Site
  - There is a large concentration of seniors proximate to both locations, with one of the most densely populated ZIP Codes (33012) – within the five-mile radius of each location:
    - Has over 18,000 seniors,
    - Is expected to add over 1,600 seniors over the next five years
- Preserves access to residents who currently utilize the facility (Page 1-4, Figure 1-4 – Five-Year Senior (65+) Population Increase Near Current and Proposed Site
  - Elderly population surrounding the proposed location indicates continued need, underscoring the importance of relocating to maximize accessibility within the service area

The reviewer notes that ZIP Code 33012 has the largest age 65+ population and is in the five-mile radius of both the facility and the replacement site. Zip Code 33012 had 18,097 age 65+ residents in 2021, which is projected to increase by 1,654 for a total age 65+ population of 19,751 in 2026. The applicant also notes there are fewer SNF facilities in proximity to the replacement facility’s proposed location.

DOS Hialeah's Figures 1-3 and 1-4 on pages 1-8 and 1-9 include:

- the five-mile radii for the proposed site and the existing site
- population ranges by ZIP Codes in Miami-Dade County overall, as well as within the five-mile radius of each location
- the SNFs by ZIP Codes in Miami-Dade County overall, as well as within the five-mile radius of each location

The applicant cites the Agency's *Florida Population Estimates and Projections by AHCA District 2015-2030*, published September 2021, as well as the Agency's *Florida Nursing Home Bed Need Projections by District and Subdistrict*, published October 1, 2021, to conclude that:

- Before the project there is a total of 3,034 licensed community beds (within a five-mile radius of the existing facility) and 967 licensed community beds (within a five-mile radius of the proposed location) and that
- Two years after the project there will be a total of 2,914 projected beds (assuming 690 approved beds in Subdistrict 11-1), within a five-mile radius of the existing facility and 1,087 beds within a five-mile radius of the replacement facility's location

The applicant's estimates on page 1-10, Table 1-3 of the application reflect that:

- before the project (2021) there are:
  - 29 beds per 1,000 age 65+ residents within a five-mile radius of the existing site
    - $[(3.034/105,725)*1000=28.70]$
  - 14 beds per 1,000 age 65+ residents within a five-mile radius of the proposed site
    - $[(967/70,487)*1000=13.72]$
- and two years after the project there will be:
  - 24 beds per 1,000 age 65+ residents within a five-mile radius of the existing site
    - $[2,914/119,904)*1000=24.30]$
  - 13 beds per 1,000 age 65+ residents within a five-mile radius of the proposed site
    - $[1,087/81,083)*1000=13.41]$

Based on the above, DOS Hialeah concludes that the project reallocates beds from an area with low availability in proportion to the demand, thereby improving access. The applicant explains that utilization rates are higher for the subdistrict than for the state, but more importantly, utilization rates are naturally higher in areas where beds are plentiful and lower in areas where beds are scarce.



DOS Hialeah maintains that within the five-mile radius of the proposed location, if the 2021 use rate for Miami-Dade County (5,058 patient days per 1,000 seniors age 65+) is applied to the projected population of 81,083 seniors, 410,083 patient days are projected, resulting in an overall average occupancy rate of 103.4 percent (page 1-11, Table 1-4 of the application). The applicant concludes that relocating the facility to an area with fewer beds than in the current location improves overall access and the resulting utilization of the facility.

DOS Hialeah stresses that the Agency's *Florida Nursing Home Bed Need Projections by District and Subdistrict* publications, for CYs 2016 - 2020 (a five-year period), as well as for the 12-month period ending June 2021, show Miami-Dade's community nursing home bed occupancy rates exceeded statewide occupancy rates. Total occupancy rates in Miami-Dade County ranged from a low of 81.08 percent (for 12 months ending June 2021) to a high of 90.55 (for CY 2016). The applicant states an expectation that need for rehabilitation and long-term care will continue as the population ages. Further, the new facility will have more space for residents, staff and visitors, and promote best practices in skilled nursing care.

The applicant points out that with population growth, the current bed supply in Miami-Dade County of 8,281 is projected to reach an occupancy rate of over 94 percent by 2026. Further, assuming all licensed and approved beds are licensed by 2026, the service area would have 8,971 nursing home beds with an overall average occupancy rate of 87.1 percent.

DOS Hialeah states that existing facilities are highly utilized contending they will not be negatively impacted by this project. The expectation is that the replacement facility will have similar referral patterns and will primarily serve the same residential communities within the planning area. The applicant projects 1,002 admissions and 37,037 patient days in year one (July 2024 through June 2025) and 1,093 admissions and 40,423 patient days in year two (July 2025 through June 2026). The average daily census (ADC) is projected to increase from 102 in year one to 111 in year two with an average length of stay (ALOS) of 37 days in both year one and year two. See the table below which is a combination of tables that the reviewer consolidated from throughout the application.

**Projected Utilization for the 120-Bed Replacement Facility  
Years One and Two  
12 months ending June 2025 & June 2026**

Payer	Admissions		Patient Days		Percent of Days	
	Year 1	Year 2	Year 1	Year 2	Year 1	Year 2
Self-Pay	50	54	2,963	3,234	8.0%	8.0%
Medicaid Managed Care	46	50	16,667	18,190	45.0%	45.0%
Medicare	556	607	11,111	12,127	30.0%	30.0%
Medicare Managed Care	350	382	6,296	6,872	17.0%	17.0%
<b>Total</b>	<b>1,002</b>	<b>1,093</b>	<b>37,037</b>	<b>40,423</b>	<b>100.0%</b>	<b>100.0%</b>
<b>Occupancy</b>			<b>84.56%</b>	<b>92.29%</b>		
		<b>Year 1</b>		<b>Year 2</b>		
<b>ADC</b>		102		111		
<b>ALOS</b>		37		37		

Source: Combines CON application #10712, page viii, Table 1, page 1-15, Table 1-6, page 2-8, Table 2-1, page 9-2, Table 9-2 and Schedule 10

**2. Agency Rule Preferences**

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

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

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

DOS Hialeah maintains that the proposed replacement facility will continue to participate in both the Medicare and Medicaid programs to promote access to both short-term rehabilitation and long-term care, as well as complex medical conditions. A brief narrative regarding the provision of the following services is provided on the application’s pages 2-3 and 2-4):

- Physical therapy
- Occupational therapy
- Speech therapy

- Dietary counseling
- Ambulance transportation
- Advanced wound care

The applicant states that a Rapid Recovery Unit will provide the following specialized care/services:

- Orthopedic rehabilitation
- Cardiac care program
- Stroke rehabilitation program

Other stated services include:

- Medical social services and activities
- RN/LPN licensed staff 24/7
- Advanced bedside diagnostics and laboratory services
- Pharmacy services
- IV therapy, TPN, and tracheotomy care
- Peritoneal dialysis
- Pain Management
- Fall Reduction
- Bedside dental, podiatry and eye care services
- Structured recreational activities 7-days a week

Narratives under the following major headings on pages 2-5 through 2-8 of the application include:

- Admissions
- Resident Rights, including in Tab 10-Additional Information - Exhibit 2:
  - Nursing – Social Services
- Care Planning, including in Tab 10-Additional Information – Exhibit 3:
  - Admission of the Resident
  - Care Plan
  - Care Plan Family Notification
- Discharge Planning, including in Tab 10-Additional Information – Exhibit 3:
  - Transfer and Discharge Notice
  - Discharge Medication Policy and Procedure

Utilization is again briefly discussed (previously addressed in E.1.a. of this report) and staffing is addressed later in this section of this report.

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Regarding patient characteristics, DOS Hialeah states having determined the level of need for specific services that nursing home residents require, by assessing hospital discharges to nursing homes by Miami-Dade County residents age 65+, based on the Agency’s Hospital Patient Discharge Data, CY 2019 and CY 2020 (which is stated to include acute, comprehensive medical rehabilitation and long-term care hospitals). The applicant identifies discharge totals within a total of 24 separate major diagnostic categories (MDCs), first for CY 2019 and then for CY 2020 and addresses temporary changes in discharge patterns during the COVID-19 pandemic. CY 2019 is examined as the most recent normal year in addition to 2020 during the pandemic. The applicant explains the fewer MDC 08 cases (described below) and more MDC 04 cases (described below) as they relate to the COVID-19 pandemic (pages 2-10 and 2-11 of the application). The top four MDC’s for Miami-Dade age 65+ hospital patients discharged-to-SNFs are provided:

- Before the COVID-19 pandemic (2019)
- During the COVID-19 pandemic (2020)

In CY 2019, four MDCs accounted for 60 percent of Miami-Dade residents age 65+ discharges to SNFs and the applicant briefly describes each of these on pages 2-11 and 2-12 of the application. The reviewer partially reproduces the applicant’s MDC discharge table, reproducing the four most frequently occurring MDCs and generates, in *italics*, a “*Remaining 20 MDCs*” for all the other MDCs. See the table below.

**Miami-Dade Hospital Discharges to SNFs by MDC  
Miami-Dade Residents Age 65+  
CY 2019 and CY 2020**

MDC	CY 2019		CY 2020	
	Cases	Percent	Cases	Percent
08 Diseases and Disorders of the Musculoskeletal System & Conn Tissue	4,103	22.4%	2,545	16.9%
05 Diseases and Disorders of the Circulatory System	2,546	13.9%	1,778	11.8%
04 Diseases and Disorders of the Respiratory System	2,173	11.9%	2,934	19.5%
18 Infectious and Parasitic Diseases, Systemic and Unspecified Sites	2,169	11.8%	1,980	13.2%
<i>Remaining 20 MDCs</i>	7,330	40.0%	5,810	38.6%
<b>Grand Total</b>	<b>18,321</b>	<b>100%</b>	<b>15,047</b>	<b>100%</b>

Source: CON application #10712, page 2-10, Table 2-2 (partially reproduced)

The applicant emphasizes that with COVID-19 vaccination rates increasing, discharge patterns are expected to normalize toward pre-pandemic discharge patterns by the expected opening date for the new building in July 2024.

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Schedule 6 illustrates 138.8 FTEs for year one (ending June 30, 2025) and 149.1 FTEs for year two (ending June 30, 2026). The reviewer notes that the total FTE counts remain constant from year one to year two for administration, physicians (contracted) and social services FTEs, but increases for nursing, ancillary, dietary, housekeeping, laundry and plant maintenance. See the table below.

**DOS of Hialeah – CON Application #10712  
120-Bed Proposed Replacement Project  
Staffing Pattern**

	<b>Year One Ending 6/30/25</b>	<b>Year Two Ending 6/30/26</b>
<b>Administration</b>		
Administrator	1.0	1.0
Director of Nursing	1.0	1.0
Admissions	1.0	1.0
Bookkeeper	1.0	1.0
Secretary	1.0	1.0
Medical Records Clerk	1.0	1.0
Other: Nursing Adm-MDS, Sched, CSR & wa	4.1	4.1
<b>Physicians</b>		
Medical Director (contracted)	0.5	0.5
<b>Nursing</b>		
RNs	19.2	21.0
LPNs	15.5	16.9
Nurses' Aides	58.2	63.5
<b>Ancillary</b>		
Physical Therapist	2.8	2.9
Speech Therapist	1.0	1.0
Occupational Therapist	2.0	2.0
Respiratory Therapist	--	--
<b>Dietary</b>		
Dietary Supervisor	1.0	1.0
Cooks	9.0	9.7
Dietary Aides	3.7	3.9
<b>Social Services</b>		
Social Service Director	2.0	2.0
Activity Director	1.0	1.0
Activities Assistant	1.0	1.0
<b>Housekeeping</b>		
Housekeeping Supervision	1.0	1.0
Housekeepers	6.2	6.8
<b>Laundry</b>		
Laundry Supervisor	--	--
Laundry Aides	2.8	2.9
<b>Plant Maintenance</b>		
Maintenance Supervisor	1.0	1.0
Maintenance Assistance	0.9	1.0
<b>Total</b>	<b>138.8</b>	<b>149.1</b>

Source: CON application #10712, Schedule 6

CON application #10712's notes to Schedule 6 indicate that its staffing estimates are based on historic operations of the DOS of Hialeah, Inc. and that nursing staff FTEs are consistent with required minimum staffing levels and the medical director position is contracted.

The reviewer notes no FTEs for year one or for year two for a respiratory therapist. The lack of any FTEs (or contracting for) a respiratory therapist or respiratory care is further addressed in item E.3.a. of this report. The reviewer also notes that laundry aides have FTEs of 2.8 and 2.9 (year one and year two, respectively) but no laundry supervisor FTEs indicated for year one or for year two.

**c. Quality of Care. In assessing the applicant's ability to provide quality of care pursuant to s. 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 current application.**

The applicant has not had a Chapter 400, Florida Statutes, nursing home license denied, revoked or suspended within the 36 months.

**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?**

The applicant has not had a nursing home placed into receivership within the past 36 months.

**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 as there are no conditions identified in subparagraphs 1 and 2.

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.**

This does not apply.

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

No conditions are identified above thus, this 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.**

DOS of Hialeah, Inc. states that it will continue to provide the required data to the Health Council of South Florida, and to the Agency for Health Care Administration. The applicant further states that the data will 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) and (5), Florida Statutes.**

As of August 13, 2021, Subdistrict 11-1 had 53 Chapter 400 community nursing home facilities, with 8,271 licensed and 690 approved community nursing home beds. Subdistrict 11-1 community nursing homes reported 79.80 percent total occupancy during the 12 months

ending June 30, 2021. DOS Hialeah, Inc. maintains that availability often refers to how much of a service exists, such as how many beds or facilities are in the market.

The applicant restates that there are:

- Before the project (2021):
  - 29 beds per 1,000 age 65+ residents within a five-mile radius of the existing site
    - $[(3.034/105,725)*1000=28.70]$
  - 14 beds per 1,000 age 65+ residents within a five-mile radius of the proposed site
    - $[(967/70,487)*1000=13.72]$

DOS Hialeah asserts that given population growth, the number drops to 13 beds per 1,000 even with implementation of the project. However, if this project is approved and DOS of Hialeah, Inc., subsequently applies for and receives approval to add 30 beds in accordance with ss.408.036(3)(e), Florida Statutes, the projected number of available beds within the five-mile radius would stay at 14 per 1,000 elderly. The reviewer notes the applicant previously calculated that overall, Miami-Dade County has 17 beds per 1,000 age 65+ residents, while Florida overall has 18 beds per 1,000 age 65+ residents.

DOS Hialeah reemphasizes that the project reallocates existing beds toward an area with few available beds, improving the distribution throughout the subdistrict.

Quality of care is addressed in item E.3.b. of this report.

The applicant next addresses access which is defined as how potential users obtain a service or gain admittance or entry to a facility providing the service. Further, components of access include geographic impediments, distance, time to travel and eligibility criteria such as financial costs and methods of reimbursement from third parties. DOS Hialeah contends that the project will improve access by preserving existing licensed beds in a new facility developed with accessibility in mind.

The applicant includes two maps to reflect proximity to acute care hospitals, drive times from residential areas, and demonstrate accessibility. :

- Page 3-3, Figure 3-1 – an arial view of the driving path from the existing site and the proposed replacement facility site (toward the northwest/an 8.6 driving mile distance)



- Page 3-4, Figure 3-2 – an aerial view of a 15-minute drive-time contour of the proposed replacement facility site, indicating within this contour, a total of:
  - Seven nursing homes (in blue push-pins)
  - Three acute care hospitals (in yellow, triangular push-pins)

DOS Hialeah maintains that the proposed project will continue its existing referral patterns and complementary support services.

Regarding service access, the top four MDC hospital discharge categories are again discussed (item E.2.a. of this report) and the applicant explains that the patients who would benefit from the proposed project's programs, include those who need orthopedic rehabilitation, cardiac rehabilitation and respiratory care.<sup>2</sup> Further, the replacement facility will have sufficient number of private rooms to assure safe isolation measures when necessary.

Regarding financial access, DOS Hialeah states another component of access is whether there are any economic barriers to obtaining care. The applicant states it has contracts with managed care providers and commercial insurance companies and has a variety of payment options which allow the facility to serve a wider pool of residents – thereby maximizing access. Further, it works closely with hospital discharge planners and those who may make direct admissions to remove any financial barriers that could impede access.

DOS Hialeah states that there are multiple insurers offering Medicare Advantage plans within the subdistrict, including: Aetna Better Health, Florida Community Care, Humana Medical Plan, Molina Healthcare, Prestige, Simply Healthcare, Staywell, Sunshine Health and United Healthcare and it plans to accept a variety of these plans to maximize access to care.

Regarding the extend of utilization, the applicant reiterates that the Agency's applicable *Florida Nursing Home Bed Need Projections by District and Subdistrict* publications, for CYs 2016 - 2020 (a five-year period) and for the 12-month period ending June 2021, show Miami-Dade's community nursing home bed occupancy rates exceeded statewide occupancy rates. Total occupancy rates in Miami-Dade County ranged from a low of 81.08 percent (for 12 months ending June 2021) to a high of 90.55 (for CY 2016). The applicant cites recent declines due to the COVID-19 pandemic, but Hialeah Shores continued demand prior to and

<sup>2</sup> As previously indicated in item E.2.a. of this report, Schedule 6 does not indicate any FTEs for a respiratory therapist and notes to Schedule 6 do not indicate reference to contracting for respiratory therapists or respiratory care.

during the pandemic reflects this proposal's opportunity to replace the facility to ensure continued access to skilled nursing beds in a highly utilized market.

DOS of Hialeah, Inc., discusses the Health Care Access Criteria (pages 3-7 through 3-9 of the application).

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

The proposed relocation project does not change the ownership of the facility, nor does it change the management company – that being DOS Health Management, Inc., which is stated to have the experience and in-depth knowledge to promote quality patient care, facility operations and profitability. DOS Health Management, Inc.'s mission statement is included on (CON application #10712, pages vi, 4-1 and Tab 10-Additional Information, Exhibit 5 – Company Summary):

*To promote quality living choices for seniors at all income levels, actively pursue excellence in all facets of patient care and facility operations and provide exceptional value to all its customers*

CON application #10712, Tab 10-Additional Information, includes (among other exhibits):

- Exhibit 1 – Agency licensure for Hialeah Shores Nursing and Rehab Center:
  - Effective Date: 02/25/2020
  - Expiration Date: 02/24/2022
- Exhibit 3 – Hialeah Shores'
  - Quality Assurance Improvement Plan (QAPI)
    - Effective Date: 2016
    - Revised: 1/2021
    - The reviewer notes that the QAPI is a nine-page document that addresses the facility's QAPI processes, procedures and protocols. These steps are summarized on pages 4-4 through 4-6 of the application
  - Exhibit 4 – Hialeah Shores Joint Commission accreditation Effective Date: 5/13/2020
  - Last Full Survey Date: 5/1/2020
  - Last On-Site Survey Date: 5/1/2020

The applicant bullets the 12 steps in the Centers for Medicare and Medicaid Services (CMS) *QAPI at a Glance* (CON application #10712, page 4-4) and maintains that these 12 steps establish a foundation for QAPI in nursing homes. Further, its management company stays up to date on all state and federal requirements for QAPI.

Narrative explanation/description on the application's pages 4-6 through 4-8 address:

- Electronic Medical Records (EMR)
- Resident Rights, Privacy and Advisory Committee
- Emergency Management and Hurricane Preparedness
- Activities and Resident Council

According to the applicant, the following three SNFs have been owned or managed by DOS Health Management, Inc. and its principals for the past two decades, with, prior to the COVID-19 pandemic, high occupancy rates:

- Eden Springs Nursing and Rehab Center
- Hialeah Shores Nursing and Rehab Center
- Miami Shores Nursing and Rehab Center

The reviewer notes that Agency records indicate that DOS Health Management, Inc. has been the management company for Susanna Wesley Health Center since May 1, 2008. Therefore, the reviewer includes this facility in the discussion below.

Below are the most recent Agency-issued Nursing Home Guide Inspection Ratings for the three bulleted SNFs listed above, managed by DOS Health Management. The rating time period is July 2019 – December 2021, last updated February 2022. Ratings are issued on a performance measure (star basis), with SNFs being issued stars ranging from one to five stars. The star ratings are as follows:

- ★★★★★ Means that for this measure this facility ranked better than 81% to 100% of the facilities in its region. That is, five stars means that the facility ranked in the top 20% of facilities in its region.
- ★★★★★ Means that for this measure this facility ranked better than 61% to 80% of the facilities in its region.
- ★★★ Means that for this measure this facility ranked better than 41% to 60% of the facilities in its region.
- ★★ Means that for this measure this facility ranked better than 21% to 40% of the facilities in its region.
- ★ Means that for this measure this facility ranked better than 0% to 20% of the facilities in its region. That is, a single

star means that the facility ranked in the bottom 20% of facilities in its region.

**NR** Means that a rank is not available for this facility. This is typically because the facility just recently opened.

**DOS Health Management Affiliated SNF Agency-Issued  
Nursing Home Guide Inspection Ratings  
July 2019 – December 2021  
Last Updated February 2022**

<b>Facility</b>	<b>Overall Inspection Star Rating</b>
Eden Springs Nursing and Rehab Center	***
Hialeah Shores Nursing and Rehab Center	***
Miami Shores Nursing and Rehab Center	*****
Susanna Wesley Health Center	*****

Source: <https://www.floridahealthfinder.gov/index.html>

The reviewer notes that there are discrepancies in the reviewer’s finding compared to the applicant’s (see chart below) for two of the affiliated SNFs.

**DOS Health Management Affiliated SNF Agency-Issued  
Nursing Home Guide Inspection Ratings**

<b>Facility</b>	<b>Overall Inspection Star Rating</b>
Eden Springs Nursing and Rehab Center	****
Hialeah Shores Nursing and Rehab Center	****

Source: CON application #10712, page 4-3 (diagram)

The reviewer notes that none of these SNFs are Gold Seal Award recipients. However, as of February 15, 2022, Eden Springs Nursing and Rehab Center and Susanna Wesley Health Center are on the Agency Watch List. Per the Agency’s website at [Nursing Home Watch List | FloridaHealthFinder.gov](https://www.floridahealthfinder.gov), the Watch List identifies nursing homes that are operating under bankruptcy protection or met the criteria for a conditional status during the past 30 months. A conditional status indicates that a facility did not meet, or correct upon follow-up, minimum standards at the time of an inspection.

On February 15, 2022, the reviewer perused the CMS’ Medicare.gov website in order to take into consideration Medicare’s Nursing Home Compare rating for the four DOS Health Management, Inc. affiliated SNFs (listed above). According to the CMS Medicare.gov website, overall quality ratings are issued the following ratings (on a one-to-five star scale):

- ★★★★★ Much Above Average
- ★★★★ Above Average
- ★★★ Average
- ★★ Below Average

★ **Not Available** Much Below Average  
 Newly certified nursing homes with less than 12-15 months of data available or the nursing opened less than six months ago, and there were no data to submit or claims for this measure.

**DOS Health Management Affiliated SNF  
 Nursing Home Compare Ratings from CMS  
 as of February 15, 2022**

Facility	Overall Federal (CMS) Nursing Home Compare Star Rating
Eden Springs Nursing and Rehab Center	*** (Average)
Hialeah Shores Nursing and Rehab Center	***** (Much Above Average)
Miami Shores Nursing and Rehab Center	***** (Much Above Average)
Susanna Wesley Health Center	***** (Much Above Average)

Source: <https://www.medicare.gov/care-compare/?providerType=NursingHome&redirect=true#search>

Agency records indicate that during the three-year period ending February 10, 2022, DOS Health Management’s four affiliated facilities had no substantiated complaints.

**c. What resources, including health manpower, management personnel and funds for capital and operating expenditures, are available for project accomplishment and operation? Section 408.035 (4), Florida Statutes**

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

Historically we have compared all DOS of Hialeah (Applicant) financial ratios regardless of type to benchmarks established from financial ratios collected from Florida acute care hospitals. While not always a perfect match to a particular CON project it is a reasonable proxy for health care related entities.

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

<b>DOS of Hialeah, Inc.</b>		
	<b>Dec-20</b>	<b>Dec-19</b>
Current Assets	\$2,859,168	\$3,029,303
Total Assets	\$5,405,360	\$4,495,592
Current Liabilities	\$1,258,087	\$953,446
Total Liabilities	\$3,628,691	\$3,062,505
Net Assets	\$1,776,669	\$1,433,087
Total Revenues	\$12,662,204	\$12,323,074
Excess of Revenues Over Expenses	\$554,546	\$476,114
Cash Flow from Operations	\$1,884,584	\$7,245,090
<b>Short-Term Analysis</b>		
Current Ratio (CA/CL)	2.3	3.2
Cash Flow to Current Liabilities (CFO/CL)	149.80%	759.88%
<b>Long-Term Analysis</b>		
Long-Term Debt to Net Assets (TL-CL/NA)	133.4%	147.2%
Total Margin (ER/TR)	4.38%	3.86%
<b>Measure of Available Funding</b>		
Working Capital	\$1,601,081	\$2,075,857

<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:**

On Schedule 2, the applicant indicates capital projects totaling \$56,319,900, which includes this project and a 96-bed ALF. The applicant indicates on Schedule 3 of its application that funding for the project will be by cash on hand and non-related company financing. The applicant submitted audited financial statements showing \$77,017 in cash and \$1,884,584 in cash flow from operations as of 12/31/20. The applicant submitted a letter from City National Bank expressing interest in providing financing for the cost of the project. A letter of interest is not considered a firm commitment to lend.

Given that the funding is supported by a letter of interest, we have no basis to conclude that funding will be available for this project.

**Conclusion:**

Funding for the project is in question.

**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 on Medicaid cost reports (2016 through 2019 cost report years). For our comparison group, we selected skilled nursing facilities with similar Medicaid utilizations to the utilization projected by the applicant on a per patient day basis (PPD). Comparison group data was adjusted for inflation to match the second-year projection (Inflation factor was based on the New CMS Market Basket Price Index as published in the 3rd Quarter 2021, Health Care Cost Review).

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

	PROJECTIONS PER APPLICANT		COMPARATIVE GROUP VALUES PPD		
	Total	PPD	Highest	Median	Lowest
Net Revenues	17,301,100	428	1,226	396	328
Total Expenses	16,791,600	415	1,278	405	318
Operating Income	509,500	13	48	0	-106
Operating Margin	2.94%		<b>Comparative Group Values</b>		
	Days	Percent	Highest	Median	Lowest
Occupancy	40,423	92.29%	98.30%	89.86%	40.19%
Medicaid	18,190	45.00%	54.90%	48.13%	35.61%
Medicare	18,999	47.00%	44.13%	25.92%	3.24%

**Staffing:**

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

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

**Conclusion:**

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

**e. Will the proposed project foster competition to promote quality and cost-effectiveness? Section 408.035 (5) and (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 publication of need in this area suggests that there is an unmet and untapped customer base for a new entrant to absorb. Since nursing home services are limited to available beds and the need formula, suggest excess capacity in the market to fill those beds, the impact on market share would be limited. The combination of the existing health care system's barrier to price-based competition via fixed price payers and the existence of unmet need in the district limits any significant gains in cost effectiveness and quality that would be generated from competition.

**Conclusion:**

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



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

The applicant has not 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 indicate the construction type for the proposed new facility or describe the materials in sufficient detail to make a construction type determination. The use of wood trusses is noted in the architectural narrative. An I-2 occupancy of four stories requires a construction type of Type 1-A or 1-B. Neither of the construction types allow combustible structural members and only Type 1-B permits wood trusses when built from fire retardant treated wood. The application also indicates that a site has been selected, but the plans and narrative do not specifically indicate if the site or construction will comply with the flood requirements for new nursing home construction. Both of these issues will need to be addressed if the CON application is approved.

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**

DOS Hialeah demonstrates that Hialeah Shores Nursing and Rehab Center has a history of providing care to Medicaid recipients (CON application #10712, page 9-2, Table 9-1), based on the Agency's *Florida Nursing Home Bed Need Projections by District and Subdistrict* published for CYs 2016-2020. The reviewer confirms that the facility's Medicaid occupancy exceeded that of Subdistrict 11-1, with the exception that

during CY 2020 Hialeah Shore's Medicaid occupancy rate was 62.9 percent compared to Subdistrict 11-1 NH's average of 71.2 percent) and that for the six months ending June 2021, its Medicaid occupancy rate was 62.8 percent compared to 70.7 Subdistrict 11-1 average.

As shown in the table previously provided in item E.1.a. of this report, the applicant projects the 120-bed facility will provide 45 percent of its total year one and year two patient days to Medicaid recipients.

**F. SUMMARY**

**DOS of Hialeah, Inc. (CON application #10712)** proposes to replace and relocate the existing 120-bed community nursing home – Hialeah Shores Nursing and Rehab Center at a site approximately 8.6 driving miles from the current facility, in District 11, Subdistrict 11-1 (Miami-Dade County).

Provided that CON application #10712 is approved, the applicant intends to request a CON exemption to add 30 beds, ultimately resulting in a facility of 150 beds to accommodate future demand.

The proposed project includes 96,967 GSF of new construction. The construction cost is \$23,272,100. The total project cost is \$33,586,500.

DOS of Hialeah, Inc. does not propose any conditions to project approval.

**Need**

- The application was submitted as an expedited review, which may be submitted at any time and is not in response to a fixed need pool publication.
- The number of licensed and approved nursing home beds in Subdistrict 11-1 (Miami-Dade County) will remain unchanged as a result of the proposed project.
- The basis of the proposal is that the existing facility was/is:
  - Originally built in 1955
  - Expanded in 1964
  - An aging, out-of-date physical plant
  - Too small to expand or replace at its existing site
  - Reaching or has reached its useful life
- The proposal accomplishes several health planning objectives:
  - Relocates the facility to an area with:
    - A high population growth rate for seniors age 65+
    - Fewer existing nursing home beds than the current site
  - Assures access to residents that currently use the facility by relocating less than 10 miles

- Fosters culture change through a physical plant design with more space for residents, resort-style amenities, and ADA compliance.
- The project reallocates beds from an area with low availability in proportion to the demand, thereby improving access.
- Specific patient/resident services planned for the proposed project are consistent with the four most commonly occurring MDC discharges from Miami-Dade County hospitals to SNFs (CY 2019 and CY 2020) to address:
  - Orthopedic and cardiac rehabilitation
  - Respiratory care
  - Private bedrooms to better accommodate/assure safe isolation measures when necessary.
- There are two acute care hospitals within a five-mile radius and three acute care hospital within a 15-minute drive contour of the proposed replacement project location.
- The applicant projects the 120-bed facility will have 37,037 year one patient days and 84.56 percent occupancy and 40,423 year two patient days or 92.29 percent occupancy.

**Quality of Care**

- The applicant provided a detailed description of the ability to provide quality care.
- Hialeah Shores is Joint Commission accredited and is rated a five star facility by CMS.
- DOS Health Management Inc.'s four affiliated nursing homes had no substantiated complaints during the three-year period ending February 10, 2022.

**Financial Feasibility/Availability of Funds**

- Funding for the project is in question.
- The applicant meets nurse staffing requirements in both years one and two.
- The project appears to be financially feasible.
- The project is not likely to have a material impact on competition to promote quality and cost-effectiveness.

**Architectural**

- The applicant has not 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 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 indicate the construction type or describe the materials in sufficient detail to make a construction type determination.
- 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.

**Medicaid**

- The applicant documented its provision of care to Medicaid patients.
- Medicaid is projected to comprise 45 percent of the 120 bed project's total annual project days in both year one (ending June 2025) and year two (ending June 2026).

**G. RECOMMENDATION**

Approve CON #10712 to replace the 120-bed community nursing home, Hialeah Shores Nursing and Rehab Center, within a 30-mile radius of the existing facility. The total project cost is \$33,586,500. The project involves 96,967 GSF of new construction and a construction cost of \$23,272,100.

**AUTHORIZATION FOR AGENCY ACTION**

The authorized representative of the Agency for Health Care Administration adopted the recommendation contained herein and released the State Agency Action Report.

DATE: March 2, 2022

*James B. McLemore*

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