



JENNIFER KENT
DIRECTOR

State of California—Health and Human Services Agency
Department of Health Care Services

SEP 21 2017



EDMUND G. BROWN JR.
GOVERNOR

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U.S. Mail

**Re: In the Matter of Chico Healthcare & Wellness Center, LP dba
Riverside Point Healthcare & Wellness Centre
Appeal No.: LNC16-0616-995-JK**

Dear Counsel:

Please find enclosed the Order of Dismissal Pursuant to Request for Withdrawal of the Department of Health Care Services, Office of Administrative Hearings and Appeals in the above-referenced matter.

John P. Krause
Administrative Law Judge
John.Krause@dhcs.ca.gov

Enclosure
cc: See next page.

Mark A. Johnson
Joseph R. Lamagna
Daniel Meyer
Page 2

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**BEFORE THE STATE OF CALIFORNIA
DEPARTMENT OF HEALTH CARE SERVICES
OFFICE OF ADMINISTRATIVE HEARINGS AND APPEALS**

In the Matter of:

CHICO HEALTHCARE & WELLNESS
CENTER, LP dba RIVERSIDE POINT
HEALTHCARE AND WELLNESS
CENTER

375 Cohasset Road
Chico, CA 95926

Respondent.

**APPEAL NO.: LNC16-0616-995-JK
ORDER OF DISMISSAL
PURSUANT TO REQUEST
FOR WITHDRAWAL**

A timely appeal was taken from the California Department of Public Health's September 16, 2014, denial of Chico Healthcare & Wellness Center, LP's (Respondent) application for change of ownership of a skilled nursing facility. The matter was set for a Formal Hearing scheduled to be heard on September 18-22, 2017.


Prior to the Formal Hearing, this tribunal received an electronic mail notice from Respondent, dated September 16, 2017, requesting a withdrawal of the appeal. On September 18, 2017, Respondent submitted a formal Notice of Withdrawal and Request for Dismissal. A true and correct copy of that formal notice is attached hereto and incorporated by reference.

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Accordingly, it is ordered that the hearing is vacated and the appeal is hereby DISMISSED.

Dated: Sept. 21, 2017



John P. Krause
Administrative Law Judge II

1 MARK A. JOHNSON (State Bar No. 191610)
JOSEPH R. LAMAGNA (State Bar No. 246850)
2 **HOOPER, LUNDY & BOOKMAN, P.C.**
101 W. Broadway, Suite 1200
3 San Diego, California 92101-3890
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5 Attorneys for Respondent
6
7

8 **BEFORE THE**
9 **DEPARTMENT OF HEALTH CARE SERVICES**

10 **OFFICE OF ADMINISTRATIVE HEARINGS AND APPEALS**

11 In the Matter of the Accusation Against:
12 CHICO HEALTHCARE & WELLNESS
CENTER, LP dba RIVERSIDE POINT
13 HEALTHCARE & WELLNESS CENTRE
14 375 Cohasset Road
Chico, CA 95926
15 Respondent.

CDPH CASE NO. 14-AL-LNC-10523
**NOTICE OF WITHDRAWAL AND
REQUEST FOR DISMISSAL**

17 Respondent hereby withdraws its appeal in the above-referenced matter. This withdrawal
18 does not constitute an admission of liability or wrongdoing. Respondent requests that this matter
19 be dismissed.
20

21 Dated: September 18, 2017

HOOPER, LUNDY & BOOKMAN, P.C.

22 By:

23 
24 _____

JOSEPH R. LAMAGNA

25 Attorneys for Respondent
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27
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1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

3 At the time of service, I was over 18 years of age and not a party to this action. I am
4 employed in the County of San Diego, State of California. My business address is 101 W.
Broadway, Suite 1200, San Diego, CA 92101-3890.

5 On September 18, 2017, I served true copies of the following document(s) described as
6 **NOTICE OF WITHDRAWAL AND REQUEST FOR DISMISSAL** on the interested parties in
this action as follows:

7 Hon. John P. Kraus, ALJ II *Administrative Law Judge*
8 Department of Health Care Services
9 Office of Administrative Hearings and Appeals
1029 J Street, Suite 200
Sacramento, CA 95814
E-Mail: John.Krause@dhcs.ca.gov

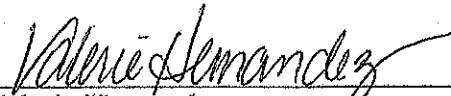
10 Daniel Meyer *Attorneys for the State Department of Public*
11 California Department of Public Health *Health Licensing and Certification Division*
12 Office of Legal Services
1415 L Street, Suite 500
Sacramento, CA 95814
13 Telephone: (916) 558-1773
Facsimile: (916) 440-5513
14 E-Mail: Daniel.Meyer@cdph.ca.gov

15
16 **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the
17 persons at the addresses listed in the Service List and placed the envelope for collection and
18 mailing, following our ordinary business practices. I am readily familiar with Hooper, Lundy &
19 Bookman, P.C.'s practice for collecting and processing correspondence for mailing. On the same
day that correspondence is placed for collection and mailing, it is deposited in the ordinary course
of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
I am a resident or employed in the county where the mailing occurred. The envelope was placed
in the mail at San Diego, California.

20 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the
21 document(s) to be sent from e-mail address vhernandez@health-law.com to the persons at the e-
22 mail addresses listed in the Service List. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the transmission was unsuccessful.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct.

25 Executed on September 18, 2017, at San Diego, California.

26 
27 Valerie Hernandez
28

HOOPER, LUNDY & BOOKMAN, P.C.
101 W. BROADWAY, SUITE 1200
SAN DIEGO, CALIFORNIA 92101-3890
TEL: (619) 744-7300 • FAX: (619) 230-0987

**DECLARATION OF SERVICE BY
MAIL, E-MAIL OR FACSIMILE**

Case Name: **Chico Healthcare & Wellness Center, LP dba
Riverside Point Healthcare & Wellness Centre**
Appeal No.: **LNC16-0616-995-JK**

I declare: I am employed in the Office of Administrative Hearings and Appeals of the Department of Health Care Services in Sacramento, California. At the time of service, I was over 18 years of age and not a party to this action. My business address is Office of Administrative Hearings and Appeals, Department of Health Care Services, 1029 J Street, Suite 200, Sacramento, California 95814.

On September 21, 2017, I served the following:

**DEPARTMENT OF HEALTH CARE SERVICES
ORDER OF DISMISSAL PURSUANT
TO REQUEST FOR WITHDRAWAL**

Facsimile: I caused the documents to be sent to the person at the fax numbers listed below. I did not receive, within a reasonable time after the transmission, any message or other indication that the transmission was unsuccessful:

E-Mail: I caused the documents to be sent to the person at the e-mail address listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful:

U.S. Mail: I served the attached, above shown document(s) in the above matter by placing a true copy thereof in a separate enveloped addressed as follows:


Mark A. Johnson, Esq.
Joseph R. Lamagna, Esq.
Hooper, Lundy & Bookman, P.C.
101 W. Broadway, Suite 1200
San Diego, CA 92101-3890

mjohnson@health-law.com
jlamagna@health-law.com
U.S. Certified Mail/Return Receipt
Certified No.: 7016 2140 0000 1827 0687

Daniel Meyer, Esq.
California Department of Public Health
Office of Legal Services
1415 L Street, Suite 500
Sacramento, CA 95814

Daniel.Meyer@cdph.ca.gov
U.S. Mail

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 21, 2017, at Sacramento, California.



Michelle R. Jordan
Legal Secretary