

STATE OF FLORIDA  
AGENCY FOR HEALTH CARE ADMINISTRATION  
OFFICE OF FAIR HEARINGS



**FILED**

Apr 04, 2023, 9:21 am  
OFFICE OF FAIR HEARINGS

[REDACTED]

**PETITIONER,**

**AHCA Case No.: 22-FH1957**

**vs.**

**AGENCY FOR HEALTH CARE  
ADMINISTRATION,**

**RESPONDENT.**

\_\_\_\_\_ /

**FINAL ORDER**

At all times relevant to this proceeding, Petitioner received Medicaid benefits through on a fee-for-service basis. On October 24, 2022, [REDACTED] (“Complainant”) requested a Fair Hearing on behalf of Petitioner based on Respondent’s reduction of speech therapy services.

Pursuant to Rule 59G-1.100(9)(b)(6), Florida Administrative Code, the Hearing Officer is authorized to dismiss a request for a Fair Hearing because it is moot. The Florida Supreme Court explained in *Godwin v. State*, 593 So.2d 211 (1992) (*citing Dehoff v. Imeson*, 153 Fla. 553 (1943)) that “[a]n issue is moot when the controversy has been so fully resolved that a judicial determination can have no actual effect. . . A case is ‘moot’ when it presents no actual controversy or when the issues have ceased to exist.”

On March 22, 2023, a hearing was held in the instant case. At the Fair Hearing the undersigned hearing officer made the following determinations:

1. The authorization period at issue, August 24, 2022, through February 19, 2023, had expired.

2. Petitioner is now twenty-one (21)-years old and is no longer eligible to receive these services on a fee-for-service basis.
3. Petitioner did not receive continuation of benefits.
4. Petitioner is no longer receive speech therapy services.

Based on the above findings, the undersigned determined that there was no relief that could be granted at a Fair Hearing.

On March 23, 2023, the undersigned issued an Order to Show Cause (“Order”) why the Fair Hearing request should not be dismissed for mootness under Fla. Admin. Code R. 59G-1.100(9)(b)(6). The Order notified the Petitioner that failure to provide documentation to show cause why the request for a Fair Hearing should not be dismissed on or before April 3, 2023, would result in dismissal of the case.

On April 3, 2023, the Petitioner sent to the Office of Fair Hearings an e-mail along with twenty-three (23) page of medical records. The e-mail stated as follows:

With all the respects I am writing this note to let you know that for the sake of the [redacted] [Petitioner] the increase in the hours of speech therapy for [redacted] are necessary in order to help [redacted] to be [redacted]

[redacted]

[redacted] Please read the attachments and other emails that I sent to the

Office of Fair Hearings and I hope that [Petitioner] receive the decision that [REDACTED] deserve.

...


Here, Petitioner's response did not indicate that there were any issues that could be adjudicated by the Office of Fair Hearings.

Based on the foregoing,

**IT IS THEREFORE ORDERED AND ADJUDGED THAT:**

This case is dismissed as moot, and is now closed.

**DONE AND ORDERED** this 4th day of April, 2023 in Tallahassee, Leon County, Florida.

  
Joseph Mabry  
22-FH1957  
2023.04.04 07:45:50  
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**JOSEPH MABRY, Hearing Officer**  
**Agency for Health Care Administration**  
**Office of Fair Hearings**  
**2727 Mahan Drive, Mail Stop # 11**  
**Tallahassee, FL 32308-5407**

**NOTICE OF A RIGHT TO JUDICIAL REVIEW**

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW, WHICH SHALL BE INSTITUTED BY FILING THE ORIGINAL NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A COPY, ALONG WITH THE FILING FEE PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE AGENCY MAINTAINS ITS HEADQUARTERS OR WHERE A PARTY RESIDES. REVIEW PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE RENDITION OF THE ORDER TO BE REVIEWED.

**COPIES FURNISHED TO:**

[REDACTED]



**AHCA Medicaid Hearing Unit**  
**MedicaidHearingUnit@ahca.myflorida.com**