

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



FILED

Feb 01, 2023, 10:36 am

OFFICE OF FAIR HEARINGS

[Redacted]

PETITIONER,

AHCA Case No.: 22-FH1961

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

_____ /

FINAL ORDER OF DEFAULT

On October 25, 2022, Petitioner requested a Fair Hearing based on Respondent's termination of applied behavior analysis services. Pursuant to notice issued on January 4, 2023, the undersigned Hearing Officer convened a telephonic hearing on January 19, 2023, at 2:00 p.m. EST.

The Agency for Health Care Administration did not provide a representative at the scheduled date and time of the Fair Hearing. After a fifteen-minute grace period, the undersigned took a roll call on the record of the persons in attendance and went off the record at 2:16 p.m. EST.

Florida Administrative Code Rule 59G-1.100(16) states:

(a) A Hearing Officer shall be appointed by the Agency to preside over each fair hearing and must:

1. Ensure that the fair hearing is conducted in a manner consistent with this rule and promotes the fair, just, and speedy resolution of the proceeding

(b) The Hearing Officer shall have the authority to issue any and all orders and render rulings consistent with this rule.


The undersigned concludes that the Respondent's failure to appear for the Fair Hearing does not promote a fair or just resolution of the proceeding consistent with the Fla. Admin. Code R. 59G-1.100(16)(a)(1). In consideration of the foregoing and pursuant to Fla. Admin. Code R. 59G-1.100(16)(b), the undersigned issues this Final Order of Default.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

Respondent's termination of applied behavior analysis services is **REVERSED**. Petitioner's appeal based on Respondent's termination is **GRANTED**.

DONE AND ORDERED this 1st day of February, 2023 in Tallahassee, Leon County, Florida.

Joseph Mabry
 22-FH1961
2023.02.01
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JOSEPH MABRY, Hearing Officer
Agency for Health Care Administration
Office of Fair Hearings
2727 Mahan Drive, Mail Stop # 11
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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]
[REDACTED]
[REDACTED]
[REDACTED]

AHCA Medicaid Hearing Unit
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