

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



FILED

Apr 27, 2023, 1:34 pm

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH0328

Plan ID No.: [REDACTED]

vs.

MANAGED CARE OF NORTH AMERICA, INC.,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Managed Care of North America, Inc. On February 16, 2023, [REDACTED] (“Complainant”) requested a Fair Hearing based on Respondent’s denial of dental services.

Pursuant to notice mailed to the Petitioner’s Authorized Representative’s address of record on March 13, 2023, the undersigned Hearing Officer convened a telephonic hearing on April 4, 2023, at 10:00 a.m. Petitioner’s Authorized Representative was not in attendance. 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 10:16 a.m.

Rule 59G-1.100(9)(b)(5)(b), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a request for a Fair Hearing if the Recipient fails to appear at the scheduled Fair Hearing without good cause.

On April 4, 2023, the undersigned issued an Order to Show Cause (“Order”) why the instant case should not be dismissed for failure to appear at the scheduled Fair Hearing. The Order notified the Petitioner’s Authorized Representative that failure to show good cause on or before April 14, 2023, would result in dismissal of the case. “Good cause” is defined as “[a]n incident or occurrence which is beyond the control of the movant and which prevents compliance,” and examples of good cause include “a disabling accident, illness or declared emergency.” See Rules 59G-1.100(2)(n) and 59G-1.100(9)(b)(5)(b), F.A.C. On April 6, 2023, Petitioner’s Authorized Representative sent an e-mail which stated as follows: “I had a fair hearing assigned to me for both my children and I was on hold for over 30 minutes and no answer”.


Here, Petitioner’s response does not establish good cause. The Order Scheduling Fair Hearing by Telephone and Prehearing Instructions (“scheduling order”), dated March 13, 2023, provides call-in instructions and a conference room number for the parties to dial into for the hearing. The scheduling order states “[t]hese numbers will only work at the scheduled date and time. If you have trouble completing the call, please call the Office of Fair Hearings at (850) 412-3649.”. In this case, the undersigned hearing officer convened the Fair Hearing on April 4, 2023, at 10:00 a.m. and went off the record at 9:16 a.m. All parties were present on the call except Petitioner. Moreover, the Office of Fair Hearings has no record that Petitioner called to report an issue completing the call.

Based on the foregoing, the undersigned hearing officer finds that Petitioner’s response does not show good cause for the failure to appear at the scheduled fair hearing. Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

Petitioner's Fair Hearing request is hereby deemed abandoned, and this matter is now closed.

DONE AND ORDERED this 27th day of April, 2023, in Tallahassee, Leon County, Florida.


Joseph Mabry
23-FH0328
2023.04.27
08:14:16 -04'00'

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:





Managed Care of North America, Inc.
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AHCA Medicaid Hearing Unit
MedicaidHearingUnit@ahca.myflorida.com