

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



FILED

Apr 04, 2023, 11:04 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH0431

vs.

HUMANA MEDICAL PLAN, INC.,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

On March 1, 2023, [REDACTED] (“Petitioner’s Authorized Representative”) requested a Fair Hearing on behalf of Petitioner, due to denial of Surgery. Rule 59G-1.100(8)(e), Florida Administrative Code, requires an Enrollee to initiate and complete a plan appeal before making a Fair Hearing request. The plan appeal is complete when the Plan issues a Notice of Plan Appeal Resolution (“NPAR”) indicating the plan appeal was not resolved wholly in the Enrollee’s favor, or the Plan fails to adhere to notice and timing requirements applicable to plan appeals. If an Enrollee does not complete the plan appeal process prior to requesting a Fair Hearing, the Fair Hearing will be dismissed. As of the date of the Fair Hearing request, the Office of Fair Hearings did not have a plan appeal for this case.

On March 24, 2023, the undersigned issued an Order to Show Cause (“Order”) why the Fair Hearing request should not be dismissed for failure to comply with Rule 59G-1.100(8)(e), Florida Administrative Code. The Order notified Petitioner’s Authorized Representative that

failure comply with the rule requirement on or before April 3, 2023, would result in dismissal of the case.

On March 28, 2023, the Office of Fair Hearings received an email correspondence in response to the Order to Show Cause. The document is the first page of a Notice of Plan Appeal Resolution dated March 21, 2023. The Petitioner's Authorized Representative requested a Fair Hearing on March 1, 2023, which is prior to completion of the plan appeal process. Therefore, it appears that the request is untimely, and the Office does not have jurisdiction over this request.


In this case, the Office of Fair Hearings did not receive, on or before April 3, 2023, a timely NPAR or a response indicating that the plan failed to adhere to the notice and timing requirements applicable to plan appeals.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

This case is dismissed without prejudice and is now closed.

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

 Kimberly Roche
23-FH0431
2023.04.04
08:33:57 -04'00'

KIMBERLY ROCHE, 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]
[REDACTED]
[REDACTED]
[REDACTED]

Humana Medical Plan, Inc.
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