

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



FILED

Jun 22, 2023, 11:25 am

OFFICE OF FAIR HEARINGS

[REDACTED],

PETITIONER,

AHCA Case No.: 23-FH1031

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

The Fair Hearing request in this case was made by [REDACTED] ("Complainant") on May 4, 2023. Complainant is a third party and not the purported Recipient, [REDACTED]

Rule 59G-1.100(7)(c)(1), Florida Administrative Code ("F.A.C."), requires any person requesting a Fair Hearing on behalf of a Recipient or seeking to represent a Recipient in a Fair Hearing to provide and maintain with the Office a written authorization signed by the Recipient or by a person with legal authority to act on behalf of the Recipient. Failure to file a Designation of Authorized Representative ("DAR") constitutes grounds for dismissal of a Fair Hearing request pursuant to Rule 59G-1.100(9)(b)(4), F.A.C.

The Office of Fair Hearings ("Office") provided an Acknowledgement of Third Party Fair Hearing Request ("Acknowledgement") to Complainant at their address of record on May 08, 2023. The Acknowledgment advised Complainant of the DAR requirement under Rule 59G-1.100(7)(c)(1), F.A.C. Also included with the Acknowledgement was a sample DAR form with instructions for completion and submittal.

On May 16, 2023, the Office of Fair Hearings issued an Order to Show Cause why the request for a Fair Hearing should not be dismissed for failure to file a written authorization. The Order to Show Cause was e-mailed to Petitioner's e-mail address of record. On May 22, 2023, the Office of Fair Hearings received a response indicating that the Acknowledgement in this case was damaged in the mail and requesting another copy. However, Petitioner's preferred contact method in this case is e-mail, and the records of the Office of Fair Hearings indicate that a copy of the Acknowledgement was also e-mailed to Petitioner's e-mail address of record on May 8, 2023.

On June 6, 2023, the undersigned issued a second Order to Show Cause ("Order") why the third party hearing request should not be dismissed for failure to comply with Rule 59G-1.100(7)(c)(1), F.A.C. The second Order was e-mailed to the e-mail address of record. Included with the second Order was another copy of the sample DAR form with instructions. The second Order notified Complainant that failure to comply with the rule requirement on or before June 16, 2023, would result in dismissal of the case. The Office did not receive a response to the second order.


Dismissal of this case is without prejudice to refile within applicable time limits.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

The case is dismissed without prejudice, and is now closed.

DONE AND ORDERED this 22nd day of June, 2023, in Tallahassee, Leon County, Florida.

Laura Gallagher
23-FH1031
2023.06.22
09:52:28 -04'00'



LAURA GALLAGHER, 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.

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