

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



FILED

Jun 08, 2023, 9:49 am
OFFICE OF FAIR HEARINGS

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PETITIONER,

AHCA Case No.: 23-FH1046

Plan ID No.: ██████████

vs.

CHILDREN'S MEDICAL SERVICES,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Children's Medical Services. On May 3, 2023, Petitioner requested a Fair Hearing based on Respondent's denial of a power wheelchair.

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." See also *J.W. v. Agency for Health Care Admin.*, 178 So. 3d 542, 544–45 (Fla. 1st DCA 2015) (explaining that because J.W. received the requested treatment, "DCF was correct to dismiss J.W.'s fair hearing request under these circumstances because, once he received the continued psychiatric treatment he'd asked for, he no longer needed agency review of Magellan's decision not to authorize the treatment. Rather,

the issue at that point became whether Flagler Hospital could be paid by Medicaid for the services it had rendered *without prior authorization.*") (emphasis in original).

On May 9, 2023, Respondent filed with the Office of Fair Hearings a letter authorizing a power wheelchair with accessories for Petitioner. As the sole issue in the instant case, the undersigned concludes that there is no relief that can be granted at a Fair Hearing at this time.

On May 18, 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 May 30, 2023, would result in dismissal of the case.

The Office of Fair Hearings did not receive a response indicating that there are any additional issues that the Office of Fair Hearings has jurisdiction to address.

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 8th day of June, 2023 in Tallahassee, Leon County, Florida.



Debbie K. Winicki
23-FH1046
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DEBBIE WINICKI, 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]

Children's Medical Services
CMSPlanContract@flhealth.gov

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