

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



FILED

Jul 20, 2023, 10:03 am
OFFICE OF FAIR HEARINGS

[REDACTED],
PETITIONER,

AHCA Case No.: 23-FH1377

vs.

CHILDREN'S MEDICAL SERVICES,

RESPONDENT.
_____ /

FINAL ORDER OF DISMISSAL

The Fair Hearing request in this case was made by [REDACTED] (“Complainant”) on May 30, 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 June 12, 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. The Office did not receive a response.

On June 21, 2023, the undersigned issued an 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. Included with the Order was another copy of the sample DAR form with instructions. The Order notified Complainant that failure to comply with the rule requirement on or before July 10, 2023, would result in dismissal of the case. On June 29, 2023, [REDACTED], submitted a response to the June 21, 2023, Show Cause Order, but [REDACTED] response did not comply with Rule 59G-1.100(7)(c)(1), F.A.C., it was not signed by the Petitioner, and/or did not include any documentation reflecting [REDACTED] legal authority to act on behalf of the Petitioner (i.e. a duly executed power of attorney, birth certificate, or court order).

On June 30, 2023, the undersigned issued an Order to Show Cause (“Order”) based on the insufficient documentation filed by [REDACTED] on June 29, 2023, as to 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. Included with the Order was another copy of the sample DAR form with instructions. The Order notified Complainant that failure to comply with the rule requirement on or before July 10, 2023, would result in dismissal of the case. Again, the Office received an insufficient response. On July 7, 2023, [REDACTED] filed a completed DAR form, but the form was again insufficient as it was not signed by the Petitioner or did not provide any legal authority for which [REDACTED] had to execute the DAR form.

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 20th day of July, 2023, in Tallahassee, Leon County, Florida.

Alan J. Leifer

23-FH1377

Alan J. Leifer

2023.07.20

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**ALAN LEIFER, 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]

**Children's Medical Services
CMSPlanContract@flhealth.gov**

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