



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

FILED

Jul 11, 2023, 10:56 am
OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH1459

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

The Office of Fair Hearings received a request for a Fair Hearing from Petitioner on June 15, 2023. Rule 59G-1.100(8)(c), Florida Administrative Code, requires that “a Fair Hearing request must be made within 90 days of the date of the required time to provide a NOA [Notice of Action], or such other time specified by law.” Rule 59G-1.100(9)(b)(3), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a Fair Hearing request that is untimely.

In the instant case, the Notice of Action (here titled Notice of Outcome) is dated January 20, 2023. Petitioner requested a Fair Hearing on June 15, 2023, which is more than 90 days from January 20, 2023. Therefore, it appears that the request is untimely.

On June 30, 2023, the undersigned issued an Order to Show Cause (“Order”) why the Fair Hearing request should not be dismissed for failure to timely file the request. The Order explained that Rule 59G-1.100(b)(g), Florida Administrative Code, requires that “[a] fair hearing request by an enrollee must be received by the Agency within 120 days of the date the required NPAR is


sent to the enrollee.” The Order notified Petitioner that failure to show cause by July 10, 2023, would result in dismissal of the case. The Office of Fair Hearings did not receive a response.

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 11th day of July, 2023 in Tallahassee, Leon County, Florida.

 Joseph Mabry
23-FH1459
2023.07.11
08:24:27 -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.

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AHCA Medicaid Hearing Unit
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