



FILED

Oct 11, 2023, 11:22 am

OFFICE OF FAIR HEARINGS

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

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH1654

vs.

**AGENCY FOR HEALTH CARE
ADMINISTRATION,**

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits on a fee-for-service basis. On July 10, 2023, Petitioner requested a Fair Hearing based on Respondent's behavior analysis services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on September 5, 2023, the undersigned Hearing Officer convened a telephonic hearing on September 29, 2023, at 9:00 a.m. Petitioner's Authorized Representative was not in attendance. After a fifteen-minute grace period, the undersigned took a roll call on the record of the persons in attendance and went off the record at 9:17 a.m.

Rule 59G-1.100(9)(b)(5)(b), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a request for a Fair Hearing if the Recipient fails to appear at the scheduled Fair Hearing without good cause. Examples of good cause include but are not limited to a disabling accident, illness, or declared emergency. Further, the Order Scheduling Fair Hearing by

Telephone and Prehearing Instructions (“scheduling order”), dated September 5, 2023, states that requests for continuance must be made at least five (5) days prior to the scheduled hearing, unless there is an emergency.

On September 29, 2023, the undersigned issued an Order to Show Cause (“Order”) why the instant case should not be dismissed for failure to appear at the scheduled Fair Hearing. The Order notified the Petitioner’s Authorized Representative that failure to show good cause on or before October 10, 2023, would result in dismissal of the case.


On October 4, 2023, the Office of Fair Hearings received an e-mail from Petitioner’s Authorized Representative stating that [REDACTED] missed the scheduled hearing because “I had to work that day...”. However, the e-mail did not state that Petitioner’s Authorized Representative did not receive the scheduling order. There is no record of Petitioner’s Authorized Representative requesting a continuance of the scheduled hearing due to a scheduling conflict. The undersigned finds that Petitioner’s Authorized Representative’s response failed to show good cause why the Fair Hearing should not be dismissed for failure to appear at the scheduled hearing.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

Petitioner’s Fair Hearing request is hereby deemed abandoned, and this matter is now closed.

DONE AND ORDERED this 11th day of October, 2023 in Tallahassee, Leon County, Florida.

 Kameisha Presley
23-FH1654
2023.10.11 10:52:44
-04'00'

KAMEISHA PRESLEY, 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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MedicaidHearingUnit@ahca.myflorida.com**