



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

FILED

Sep 20, 2023, 3:08 pm
OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH1775

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 18, 2023, Petitioner requested a Fair Hearing based on Respondent's PPEC services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail of record on August 24, 2023, the undersigned Hearing Officer convened a telephonic hearing on September 8, 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 9:16 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.

On September 8, 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 September 18, 2023, would result in dismissal of the case. On September 8, 2023, the Office received an e-mail from [REDACTED], who requested to reschedule the Fair Hearing for the next available date, on the basis that “[REDACTED] was in the ER [the] morning/afternoon [of the hearing] and wasn’t able to call in.” In this case, Petitioner’s designated Authorized Representative of record is [REDACTED] (“[REDACTED]”). Pursuant to Rule 59G-1.100(2)(c), Florida Administrative Code, the authorized representative is “a person designated to request or represent the interests of a recipient or enrollee in a fair hearing.” Rule 59G-1.100(2)(c), F.A.C. Accordingly, there was no response to the Order by [REDACTED] explaining [REDACTED] absence or requesting that the hearing be rescheduled.

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



Debbie K. Winicki
23-FH1775
2023.09.20 10:09:52 -04'00'

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]

AHCA Medicaid Hearing Unit
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