



FILED

Oct 17, 2023, 10:14 am

OFFICE OF FAIR HEARINGS

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

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH1843

Plan ID No.: [REDACTED]

vs.

LIBERTY DENTAL PLAN OF FLORIDA, INC.,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits through LIBERTY Dental Plan of Florida, Inc. On July 25, 2023, [REDACTED] (“Complainant”) requested a Fair Hearing based on Respondent’s denial of Dental services.

Pursuant to notice e-mailed to the Petitioner’s Authorized Representative’s e-mail address of record on September 13, 2023, the undersigned Hearing Officer convened a telephonic hearing on October 4, 2023, at 1:00 p.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 1:18 p.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 October 5, 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 16, 2023, would result in dismissal of the case.

Rule 59G-1.00(2)(n) defines Good Cause as “[a]n incident or occurrence which is beyond the control of the movant and which prevents compliance.” Examples of good cause include a disabling accident, illness, or declared emergency; or other similar circumstances beyond the Recipient’s control. *See Fla. Admin. Rule 59G-1.100(14)(b)*. On October 4, 2023, and October 14, 2023, Petitioner’s Authorized Representative sent to the Office of Fair Hearings an email that stated as follows:

This time it was my fault and I completely forgot about the hearing. [REDACTED] wasn’t feeling well and I had to pick [REDACTED] up from school and it threw my whole day off.


Here, Petitioner’s Authorized Representative’s explanations did not demonstrate an “incident or occurrence which is beyond the control of the movant”. Accordingly, Petitioner did not show good cause for failure to appear at the scheduled Fair 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 17th day of October, 2023, in Tallahassee, Leon County, Florida.


Kimberly Roche
23-FH1843
2023.10.17
08:51:35 -04'00'

**KIMBERLY ROCHE, 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:




**LIBERTY Dental Plan of Florida, Inc.
regulatory@libertydentalplan.com**

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