



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

FILED

Nov 13, 2023, 11:28 am
OFFICE OF FAIR HEARINGS

[REDACTED],

PETITIONER,

AHCA Case No.: 23-FH1984

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.
_____ /

FINAL ORDER

Pursuant to notice, the undersigned convened a telephonic Fair Hearing on the instant case on October 4, 2023, at 9:01 a.m. Eastern Standard Time ("EST").

APPEARANCES

For the Petitioner:

[REDACTED]

Petitioner's Authorized Representative

For the Respondent:

Marielisa Amador
Medical/Health Care Program Analyst
Agency for Health Care Administration

STATEMENT OF ISSUE

The issue is whether Respondent proved by a preponderance of the evidence that Respondent's decision to terminate Petitioner's Behavior Analysis ("BA" or "ABA") services was correct.

PRELIMINARY STATEMENT

All parties and witnesses appeared telephonically. Petitioner's Authorized Representative and [REDACTED], [REDACTED] (" [REDACTED] "), appeared on behalf of Petitioner. The

following attended as witnesses for Petitioner: [REDACTED] (“[REDACTED]”), family friend of Petitioner; Danilda Estrella (“Ms. Estrella”), Petitioner’s Behavior Analyst; and [REDACTED] Xavier (“Ms. Xavier”), Petitioner’s Registered Behavior Technician.

Marielisa Amador (“Ms. Amador”), Medical/Health Care Program Analyst for the Agency for Health Care Administration (“Agency” or “AHCA”), appeared on behalf of Respondent. Dr. David Bicard (“Dr. Bicard”), Board Certified Behavior Analyst and Director of Clinical Operations for eQHealth Solutions Inc. (“eQHealth”), appeared as a witness for Respondent.

Prior to the hearing, Petitioner sent to the Office of Fair Hearings and Respondent a one-hundred and seventy-nine (179)-page evidence packet. The one-hundred and seventy-nine (179)-page evidence packet appears in the Office of Fair Hearings’ document management system as the file title “23-FH1984 Supporting Documents.pdf”. Absent an objection from the Respondent, the undersigned admitted the one-hundred and seventy-nine (179)-page evidence packet into evidence as Petitioner’s Composite Exhibit 1 (“PCE 1”).

Prior to the hearing, Respondent sent to the Office of Fair Hearings and Petitioner a three-hundred and four (304)-page evidence packet and a forty-nine (49)-page evidence packet. The three-hundred and four (304)-page evidence packet appears in the Office of Fair Hearings’ document management system as the file titles “[REDACTED] FH 10.04.2023 1-170.pdf” and “[REDACTED] FH 10.04.2023 171-304.pdf”. The forty-nine (49)-page evidence packet appears in the Office of Fair Hearings’ document management system as the file title “23-FH1984 AHCA Evidence (Pages 1-49 of 49).pdf”. Absent an objection from the Petitioner, the undersigned admitted the three-hundred and four (304)-page evidence packet into evidence as

Respondent's Composite Exhibit 1 ("RCE 1") and the forty-nine (49)-page evidence packet into evidence as Respondent's Composite Exhibit 2 ("RCE 2").

FINDINGS OF FACT

1. Petitioner receives Medicaid services on a fee-for-service basis from the Agency. eQHealth is a Quality Improvement Organization contracted by the Agency to review prior authorization requests for services. See page 2 of RCE 2.

2. Petitioner is [REDACTED]. See page 21 of RCE 1. Petitioner is diagnosed with [REDACTED]. *Id.*

3. Petitioner requested continuation of BA services; specifically, 2,600 units of code 97153; 312 units of code 97155; and 208 units of code 97156. *Id.* at 26. In a Notice of Outcome ("NOO"), dated August 2, 2023, Respondent terminated Petitioner's ABA services. The NOO explained the basis for the termination as follows:

[T]he requested services are not medically necessary under the following standard(s):

Consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational.

The NOO further provided:

PR Clinical Rationale – Denial: This recipient has received services since [REDACTED]. According to The Florida Behavior Analysis Services Coverage Policy (9.5.c), one of the criteria for discharge from behavior analysis services is that data provided shows the recipient has made no progress toward any goals in the last 12 consecutive months. A review of the treatment plans from the previous 12 months shows no progress. The current data show decreasing trends of maladaptive behavior; however, frequencies are the same as August of 2022. The information submitted does not support the continuation of BA services. This request for BA services is denied.

...

Pages 26 – 27 of RCE 1.

4. Petitioner requested reconsideration of the Respondent’s decision. In a Notice of Reconsideration Determination (“NRD”), dated August 15, 2023, Respondent upheld its decision. *Id.* at 37 – 38. The NRD explained the basis for the decision as follows:

PR Recon Determination: At reconsideration all documents were carefully reviewed.. According to the Florida Medicaid State Plan (Appendix 9.3.b), the data provided must show evidence that the frequency of the maladaptive behavior(s) has decreased since the last review and, if not, that there is a modification of the behavior plan. The recommendations for procedural modifications include: additions/changes to treatment plan to impact behaviors targeted for reduction. Procedural modifications should include one or more of the following: antecedent manipulation modifications, modifications of prompting procedures used in acquisition, modifications in consequence-based strategies- - ones that either reduce maladaptive behavior or reinforce replacement behavior (e.g., manipulation of reinforcement schedules, switch to a different decelerative procedure), or if lack of progress was due to therapist error (e.g., poor data collection or poor training on intervention methods), how the provider will address human error. The recommendations are insufficient to support continued care.

...

Pages 37 – 38 of RCE 1.

5. On August 14, 2023, Petitioner requested a Fair Hearing to challenge the termination of ABA services. *Id.* at 8. On September 7, 2023, the undersigned issued an Order Scheduling Fair Hearing by Telephone and Prehearing Instructions, setting the hearing for October 4, 2023, at 9:00 a.m. EST. *Id.*

6. Dr. Bicard is a Board Certified Behavior Analyst and Director of Clinical Operations for eQHealth. Dr. Bicard testified to the following at the Fair Hearing:

a. Petitioner has participated in behavior analysis services since [REDACTED].

According to the treatment plan, Petitioner has been working on the same goals for maladaptive behaviors and replacement skills for the entirety of [REDACTED] time with

the provider. Dr. Bicard asserted there was a noted lack of improvement regarding Petitioner's maladaptive behaviors, as well as that the data submitted most recently confirm Petitioner's lack of progress. Petitioner's behaviors are variable, occurring inconsistently, and do not indicate that therapy is occurring for long periods of time. Services were denied due to lack of progress for twelve (12) consecutive months. This guideline is both a specification within the Behavior Analysis Services Coverage Policy and a standard of care within the field of Behavior Analysis.

- b. When a recipient is not responding to treatment , the behavior analyst must make timely interventions, within one (1)-month or six (6)-weeks, which are to be reflected in the graphs and in the treatment plan. It is the provider's responsibility to devise better treatments to facilitate progression. The data for the maladaptive behavior graphs should be moving, from left to right, in a downward direction. For Petitioner's maladaptive behavior of [REDACTED], the data are not moving in a downward direction. See page 197 of RCE 1. There are gaps in the data, and the data are variable and moving up and down in a random fashion after [REDACTED] of therapy. *Id.* All maladaptive behaviors should be occurring at a much lower level, if at all, after [REDACTED] of therapy.
- c. Petitioner's maladaptive [REDACTED] was occurring at low levels for part of the authorization period, but the behavior has spiked. *Id.* at 202. The data for the maladaptive behavior of [REDACTED] are moving up and down and occurring at a relatively high frequency, which should not be the case after [REDACTED]

█ of therapy. *Id.* at 203. Dr. Bicard stated that █ is one of the easiest behaviors to treat, with the correct interventions.

- d. The behavior of physical aggression should be better controlled after █ of therapy. The data are moving in a random fashion, with the behavior occurring at high levels at times, and other times not at all. *Id.* at 209. There is no intervention on the graphs. There is a pattern amongst the maladaptive behaviors in which behaviors occur frequently on some occasions, but at other times the behaviors do not occur. There is no intervention nor explanation for this pattern.
- e. There is a concerning lack of data in the treatment plan regarding replacement behaviors. For the behavior of █, there is no data collected between February and March, nor between April and July. *Id.* at 212. This gap in data exists for all replacement skills. Dr. Bicard stated that Petitioner was participating in treatment during this time, as there is continuous data for the maladaptive behaviors. The gap was not explained by the provider. Petitioner is not making progress, and it is unclear if the treatment is actually being implemented.
- f. The replacement behavior of █ is for recipients beginning therapy, not for recipients who have participated in █ of therapy. It does not appear Petitioner can perform this skill. *Id.* at 222. Competent therapy would implement an intervention or prompting for this behavior. There are six (6)-months when this behavior is not occurring, and there is no intervention. *Id.* This is not effective treatment, nor does it meet standards of care within the

field of behavior analysis and specifications in the Behavior Analysis Services Coverage Policy.

- g. Petitioner does meet the criteria for ABA services, and is encouraged to seek therapy from a different provider.

7. [REDACTED] is the [REDACTED] of Petitioner. [REDACTED] testified to the following at the Fair Hearing:

- a. [REDACTED] stated there is a nearly [REDACTED] in Petitioner's therapy due to COVID in which Petitioner had no ABA services at all. [REDACTED] stated that Petitioner also experienced an [REDACTED].
- b. [REDACTED] stated [REDACTED] has seen Petitioner's progress resulting from the therapy. [REDACTED] believes that Petitioner needs ABA services.

8. [REDACTED] is a family friend of Petitioner. [REDACTED] testified to the following at the Fair Hearing:

- a. [REDACTED] stated that Petitioner's data likely reflect [REDACTED] emotional stress from school. [REDACTED] stated Petitioner was [REDACTED] at this time.

9. Ms. Estrella is Petitioner's Behavior Analyst. Ms. Estrella testified to the following at the Fair Hearing:

- a. Ms. Estrella stated Petitioner's maladaptive behaviors from [REDACTED] to [REDACTED] reflect progress and a decrease in behaviors. Ms. Estrella stated [REDACTED] addressed the variability in the data in the biography section of the behavior plan. Ms. Estrella stated [REDACTED] implemented such effective interventions as

[REDACTED], [REDACTED], and [REDACTED].
[REDACTED]. The provider has also implemented [REDACTED].

- b. Ms. Estrella stated that the provider was experiencing lack of staffing and changes in therapists, which resulted in an interruption of services from [REDACTED] [REDACTED]. Ms. Estrella stated [REDACTED] personally performed caregiver training and collected data during this time. Ms. Estrella stated that the changes and interruptions made linear progress difficult to achieve.
- c. Petitioner's [REDACTED] has an intervention frequency of [REDACTED] [REDACTED]. Ms. Estrella stated that there has been progress and that the provider has the majority of the behaviors at an instance of [REDACTED]
- d. Petitioner qualifies for services under the specifications of the Behavior Analysis Services Coverage Policy. There is also a safety concern, as Petitioner has [REDACTED] [REDACTED] before and requires constant supervision. This has been addressed with [REDACTED] [REDACTED]. Ms. Estrella stated that complete removal of services would be detrimental to Petitioner's safety.

CONCLUSIONS OF LAW

10. The Agency's Office of Fair Hearings has jurisdiction over the subject matter of this proceeding and the parties pursuant to section 409.285(2), Florida Statutes (2019). This order is the final administrative decision of AHCA under section 409.285(2)(a).

11. This hearing was held as a *de novo* proceeding pursuant to Fla. Admin. Code R. 59G-1.100(17)(b).

12. Because Respondent terminated a previously approved service, Fla. Admin. Code R. 59G-1.100(17)(g) assigns the burden of proof to the Respondent. The standard of proof in an administrative hearing is a preponderance of the evidence. The preponderance of the evidence standard requires proof by “the greater weight of the evidence” (Black’s Law Dictionary at 1201, 7th Ed.)

13. The Florida Medicaid Behavior Analysis Services Coverage Policy (October 2017) (“BA Policy”), incorporated by reference in Fla. Admin. Code. R. 59G-4.125, governs BA services available under Florida Medicaid. The BA Policy provides as follows:

1.0 Introduction

Behavior analysis (BA) services are highly structured interventions, strategies, and approaches provided to decrease maladaptive behaviors and increase or reinforce appropriate behaviors.

...

1.4.5 Medically Necessary/Medical Necessity

As defined in Rule 59G-1.010, F.A.C.

...

4.0 Coverage Information

4.1 General Criteria

Florida Medicaid covers services that meet all of the following:

- Are determined medically necessary
- Do not duplicate another service
- Meet the criteria as specified in this policy

4.2 Specific Criteria

Florida Medicaid covers the following BA services in accordance with the applicable Florida Medicaid fee schedule(s), or as specified in this policy:

4.2.1 Behavior Assessment

One per fiscal year, per recipient, when completed within 30 days of the start of the assessment.

4.2.2 Behavior Analysis

Up to 40 hours per week, per recipient, consisting of services identified on the recipient’s behavior plan in order to reduce maladaptive behaviors and to restore the recipient to his or her best functional level. Services include:

- Implementing behavior analysis interventions, and monitoring and assessing the recipient’s progress towards goals in the behavior plan
- Behavior analysis interventions, for example, discrete trial teaching, task analysis training, differential reinforcement, non-contingent

reinforcement, conducting task analyses of complex responses, and teaching using chaining, prompting, fading, shaping, response cost, and extinction

- Training the recipient's family, caregiver(s), and other involved persons on the implementation of the behavior plan and intervention strategies (the recipient must be present when clinically appropriate)

...

4.3 Early and Periodic Screening, Diagnosis, and Treatment

As required by federal law, Florida Medicaid provides services to eligible recipients under the age of 21 years, if such services are medically necessary to correct or ameliorate a defect, a condition, or a physical or mental illness. Included are diagnostic services, treatment, equipment, supplies, and other measures described in sectioned 1905(a) of the Social Security Act, codified in Title 42 of the United States Code 1396d(a). As such, services for recipients under the age of 21 years exceeding the coverage described within this policy or the associated fee schedule may be approved, if medically necessary. For more information, please refer to Florida Medicaid's General Policies on authorization requirements.

14. Appendix 9.0 of the BA Policy provides Review Criteria for Behavior Analysis Services.

These Review Criteria state as follows:

Review Criteria for Behavior Analysis Services

Behavior analysis (BA) services are considered as either the treatment of choice or as an adjunct treatment modality for a variety of conditions and disorders where maladaptive behaviors are part of the recipient's clinical presentation, including behavioral manifestations of diagnoses such as Autism Spectrum Disorder and other behavioral health conditions.

Critical Elements Necessary for ANY Type of Behavior Analysis Service:

The following critical elements **MUST** be satisfied to qualify for BA services:

- a. Eligibility – The recipient must meet all criteria for BA services as outlined in the Behavior Analysis Services Coverage Policy, Rule 59G-4.125, F.A.C.
- b. Medical necessity – The recipient must meet medical necessity criteria as outlined in Rule 59G-1.010, F.A.C.
- c. The recipient currently engages in maladaptive behaviors
- d. These maladaptive behaviors interfere with the recipient's daily functioning

1. Criteria for Initial Behavior Analysis Assessment - BOTH of the following **MUST** be satisfied:

- a. **ALL** critical elements are met

- b. Provide submits a valid written physician's order as stipulated in the Behavior Analysis Services Coverage Policy, Rule 59G-4.125, F.A.C.

2. Criteria for Behavior Analysis Services and Reassessments – ALL of the following **MUST be satisfied:**

- a. **ALL** critical elements are met
- b. An assessment or, if applicable, a reassessment, authored by a lead analyst, is provided. An assessment of the maladaptive behavior(s) is a necessary element of the process of identifying the frequency and magnitude of the behaviors as well as the variables associated with the occurrence of the maladaptive behavior(s). This helps in defining what are the functional consequences of the problem behavior(s) so that an adequate behavior plan can be implemented. This (re)assessment **MUST** include, at a minimum, **ALL** of the following:
 - i. A clear operational description of the maladaptive behavior(s)
...
- c. A behavior plan authored or updated by a lead analyst. The behavior plan is the cornerstone of the delivery of behavior analysis services and it is based on the information obtained in the assessment. It proposes specific interventions to reduce or eliminate the maladaptive behavior. These interventions take into consideration the variables, both present before the behavior, as well as after the behavior, that influence the occurrence of the maladaptive behavior(s). This plan also includes replacement appropriate behaviors for the recipient to engage in instead of the maladaptive behaviors in order to obtain the same function. The plan must be detailed enough to warrant the requested services and include mechanisms to monitor its effectiveness. This **MUST** include, at a minimum, **ALL** of the following:
 - i. Observable and measurable descriptions of the maladaptive behavior(s)
 - ii. Identified function of the maladaptive behavior(s) behavior as a result of the assessment or reassessment conducted
 - iii. Goals and strategies for changing the maladaptive behavior(s)
 - iv. Written detailed description of when, where, and how often these goals will be addressed and proposed strategies will be implemented
 - v. System for monitoring and evaluating the effectiveness of the plan
 - vi. Safety and crisis plan, if applicable
 - vii. Summary and recommendations
 - viii. Discharge criteria
 - ix. Transition plan (if applicable)

NOTE: Although the assessment and behavior plan were addressed separately in section 2, both of them can be submitted as a single document.

3. Criteria for Continuation of Treatment at the Present Level and/or Using Current Methods: Providers must ensure that ALL of the following criteria are met to request continuation of treatments at the present level or using the current methods. If criteria for 3a is met, but criteria for 3b and/or 3c are not met, then a reduction of the treatment level and/or change of treatment methods may be warranted.

- a. ALL criteria listed in 2a, 2b, and 2c regarding critical elements, assessment or reassessment, and behavior plan, are met.
- b. The data provided must show evidence that the frequency of the maladaptive behavior(s) has decreased since the last review and, if not, that there is a modification of the behavior plan.
- c. The level of functional impairment justifies continuation of BA services. The reviewer utilizes the information provided below as a guide as it relates to the level of functional impairment as expressed through the following behaviors:
 - i. Safety – aggression, self-injury, property destruction, elopement
 - ii. Communication – problems with expressive/receptive language, poor understanding or use of non-verbal communications, stereotyped, repetitive language
 - iii. Self-stimulating, abnormal, inflexible, or intense preoccupations
 - iv. Self-care – difficulty recognizing risks or danger, grooming, eating, or toileting
 - v. Other – behaviors not identified above

15. States must provide Early and Periodic Screening, Diagnostic, and Treatment (“EPSDT”) services to Medicaid-eligible children under age 21 when requested under the Medicaid state plan. *See* 42 U.S.C. § 1396a(a)(43); 42 U.S.C. § 1396d(a)(4). According to 42 U.S.C. § 1396d(r)(5), EPSDT services mean, in relevant part, the following items and services:

Such other necessary health care, diagnostic services, treatment, and other measures described in subsection (a) of this section to correct or ameliorate defects and physical and mental illness and conditions discovered by the screen services, whether or not such services are covered under the state plan.

16. Petitioner is under age 21, and therefore EPSDT applies to request for services. However, a state may place medical necessity limitations on EPSDT services. *See* 42 C.F.R. §§

440.230(a), (b), (d). Fla. Stat. § 409.905(2) limits EPSDT services with a medical necessity standard:

The [Agency] shall pay for early and periodic screening and diagnosis of a recipient under age 21 to ascertain physical and mental problems and conditions and all services determined by the agency to be medically necessary for the treatment, correction, or amelioration of these problems and conditions, including personal care, private duty nursing, durable medical equipment, physical therapy, occupational therapy, speech therapy, respiratory therapy, and immunizations.

17. The Definitions Policy, incorporated by reference in Fla. Admin. Code R. 59G-1.010, defines “Medically Necessary” or “Medical Necessity” as follows:

The medical or allied care, goods, or services furnished or ordered must meet the following conditions:

- Be necessary to protect life, to prevent significant illness or significant disability, or to alleviate pain
- Be individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the patient’s needs
- Be consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational
- Be reflective of the level of service that can be safely furnished, and for which no equally effective and more conservative or less costly treatment is available statewide
- Be furnished in a manner not primarily intended for the convenience of the recipient, the recipient’s caretaker, or the provider

The fact that a provider has prescribed, recommended, or approved medical or allied care, goods, or services does not, in itself, make such care, goods or services medically necessary or a medical necessity or a covered service.

18. The Florida Medicaid Authorization Requirements Policy (“Authorization Policy”), incorporated by reference in Fla. Admin. Code R. 59G-1.053, provides as follows:

3.2.1 Continued Authorization Requests

The QIO shall not deny or reduce the amount, frequency, or duration of a service that is already being provided, unless:

- The reduction is to correct for factual error or omissions in prior certifications.
- There is a documented improvement in the recipient's medical condition.
- There is a documented change in the recipient's circumstances.
- The reviewing physician determines the recipient will not gain any additional benefit by continuing services at the current level.

19. In the instant case, Respondent terminated Petitioner's ABA services. *See* ¶ 3. In the NOO dated August 2, 2023, Respondent explained that continuing services at the prior level was not medically necessary, specifically, that it did not meet the requirement that services must be "consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational." *Id.* Respondent further explained that "a review of the treatment plans from the previous 12 months shows no progress." *Id.*

20. As provided by the EPSDT requirements, the recipient must meet the medical necessity criteria as outlined in Fla. Admin. Code R. 59G-1.010. As provided in section 2.83 of the Definitions Policy, a component of medical necessity is that services must be "consistent with generally accepted professional medical standards as determined by the Medicaid program, and not experimental or investigational." As shown by the record, Petitioner's maladaptive and replacement behaviors do not demonstrate improvement. *See* ¶ 6. Dr. Bicard described the data depicting Petitioner's maladaptive behaviors as variable, moving up and down in a random fashion. *Id.* Dr. Bicard also testified to a pattern amongst the maladaptive behaviors in which behaviors occur frequently on some occasions, but at other times the behaviors do not occur. *Id.* Dr. Bicard stated there is no intervention nor explanation for this pattern in the treatment plan. *Id.* Dr. Bicard also testified that there are several unexplained gaps in the data regarding

replacement behaviors, as well as that there were periods when the behaviors were not being taught. *Id.* The provider explained that there were staffing issues which resulted in the interruption of services. See ¶ 9. Nonetheless, the variability in the data, the inconsistency of treatment, and the lack of explanation and intervention in the treatment plan do not represent effective treatment. Furthermore, the lack of progress does not meet standards of care within the field of behavior analysis and specifications in the Behavior Analysis Services Coverage Policy. See ¶ 6. Although [REDACTED] testified, *supra* ¶ 7, that Petitioner has not participated in [REDACTED] of services due to COVID, the graphs in the treatment plan do not represent the progress necessary to justify continued services with this provider and that the current services are not “consistent with generally accepted professional medical standards” within the field of ABA. As Petitioner has not made substantial improvements, the record shows that Petitioner will not gain any additional benefit by continuing services with the current provider.

21. As QIO for the Agency, eQHealth is authorized to terminate services when “the reviewing physician determines the recipient will not gain any additional benefit by continuing services at the current level.” See ¶ 18. As discussed, *supra* ¶ 20, Petitioner has not made progress in reducing [REDACTED] maladaptive behaviors, nor in improving [REDACTED] replacement behaviors. Here, Petitioner’s lack of improvement is well documented.


22. Upon consideration of the testimony provided, evidence submitted, and applicable polices, the undersigned concludes that Respondent proved by a preponderance of the evidence that the termination of ABA services was necessary. Looking at all the evidence relevant to the particular needs of Petitioner, Respondent has demonstrated that the previously authorized services, based on the treatment plan at issue in this case, are not

necessary to correct or ameliorate a defect or a physical and mental illness or condition. Accordingly, Respondent proved by a preponderance of the evidence that Respondent's termination of ABA services was correct.

IT IS HEREBY ORDERED AND ADJUDGED THAT:

Respondent's termination of ABA services is **AFFIRMED**. Petitioner's appeal based on Respondent's termination is **DENIED**.

DONE and **ORDERED** this 13th day of November, 2023, in Tallahassee, Leon County, Florida.

 Joseph Mabry
23-FH1984
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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.

Copies Furnished To:






AHCA Medicaid Hearing Unit
MedicaidHearingUnit@ahca.myflorida.com