



FILED

Sep 20, 2023, 11:17 am

OFFICE OF FAIR HEARINGS

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

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2037

Plan ID No.: [REDACTED]

vs.

CHILDREN'S MEDICAL SERVICES,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

The Office of Fair Hearings received a request for a Fair Hearing from Petitioner on August 18, 2023. Rule 59G-1.100(8)(g), Florida Administrative Code (“F.A.C”), requires that “a Fair Hearing request by an enrollee must be received by the Agency within 120 days of the date a required [Notice of Plan Appeal Resolution] NPAR is sent to the enrollee”. Rule 59G-1.100(9)(b)(3), F.A.C., authorizes a Hearing Office to deny or dismiss a Fair Hearing request that is untimely.

In the instant case, the NPAR is dated March 24, 2023. The Complainant requested a Fair Hearing on August 18, 2023, which is more than 120 days from March 24, 2023. Therefore, it appears that the request is untimely.

On September 7, 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 September 18, 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 20th day of September, 2023 in Tallahassee, Leon County, Florida.

 Kimberly Roche
23-FH2037
2023.09.20
10:40:54 -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.

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Children's Medical Services
CMSPlanContract@flhealth.gov

AHCA Medicaid Hearing Unit
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