



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

FILED

Dec 22, 2023, 9:24 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2171

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

The Office of Fair Hearings received a request for a Fair Hearing from Petitioner on September 1, 2023. Rule 59G-1.100(8)(c), Florida Administrative Code, requires that “a Fair Hearing request must be made within 90 days of the date of the required time to provide a NOA [Notice of Action], or such other time specified by law.” Rule 59G-1.100(9)(b)(3), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a Fair Hearing request that is untimely.

In the instant case, the Notice of Reconsideration Determination (“NRD”) is dated March 11, 2023. Petitioner requested a Fair Hearing on September 1, 2023, which is more than 90 days from March 11, 2023. Therefore, it appears that the request is untimely.

On December 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(8)(c), Florida Administrative Code, requires that “[a] fair hearing request must be made within 90 days of the date of the required time to provide a NOA [Notice


of Action], or such other time specified by law.” The Order notified Petitioner that failure to show cause by December 18, 2023, would result in dismissal of the case. The Office of Fair Hearings received a response from Petitioner and the service provider. The information contained in the response did not provide evidence to show that the request for Fair Hearing was timely requested within 90 days of the NRD.

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 22nd day of December, 2023 in Tallahassee, Leon County, Florida.

 Lynne Ringers
23-FH2171
2023.12.22
08:25:37 -05'00'

LYNNE RINGERS, 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
MedicaidHearingUnit@ahca.myflorida.com**