

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



FILED

Oct 31, 2023, 9:42 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2273

vs.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

RESPONDENT.

\_\_\_\_\_ /

**FINAL ORDER OF DEFAULT**

At all times relevant to this proceeding, Petitioner received Medicaid benefits on a fee-for-service basis. On September 7, 2023, [REDACTED] ("Petitioner's Authorized Representative") requested a Fair Hearing based on Respondent's termination of behavior analysis services. Pursuant to notice, the undersigned Hearing Officer convened a telephonic Fair Hearing on October 31, 2023, at 9:15 a.m. Eastern Standard Time.

The Agency for Health Care Administration ("Agency" or "AHCA") provided an evidence packet prior to hearing; however, a representative of the Agency did not appear at the scheduled date and time of the Fair Hearing. Petitioner's Authorized Representative was present for the Fair Hearing along with Daisy Martinez, Petitioner's behavior analyst, and George Winslow from Office of Fair Hearings. 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. EST.

Florida Administrative Code Rule 59G-1.100(16) states:

- (a) A Hearing Officer shall be appointed by the Agency to preside over each fair hearing and must:

1. Ensure that the fair hearing is conducted in a manner consistent with this rule and promotes the fair, just, and speedy resolution of the proceeding . . . .


(b) The Hearing Officer shall have the authority to issue any and all orders and render rulings consistent with this rule.

The undersigned concludes that AHCA's failure to appear for the Fair Hearing does not promote a fair or just resolution of the proceeding consistent with the Fla. Admin. Code R. 59G-1.100(16)(a)(1). In consideration of the foregoing and pursuant to Fla. Admin. Code R. 59G-1.100(16)(b), the undersigned issues this Final Order of Default.

**IT IS THEREFORE ORDERED AND ADJUDGED THAT:**

AHCA's termination of Petitioner's behavior analysis services is REVERSED. Petitioner's appeal based on the termination is GRANTED.

**DONE AND ORDERED** this 31st day of October 2023, in Tallahassee, Leon County, Florida.

Laura Gallagher  
23-FH2273  
 2023.10.31 09:30:17  
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**LAURA GALLAGHER, 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]  
[REDACTED]

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