



FILED

Nov 07, 2023, 12:16 pm
OFFICE OF FAIR HEARINGS

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

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2376

vs.

UNITEDHEALTHCARE OF FLORIDA, INC.,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

On September 18, 2023, Petitioner requested a Fair Hearing regarding a visit with another doctor in Plan ID No. [REDACTED]. Rule 59G-1.100(8)(e), Florida Administrative Code, requires an Enrollee to initiate and complete a plan appeal before making a Fair Hearing request. The plan appeal is complete when the Plan issues a Notice of Plan Appeal Resolution (“NPAR”) indicating the plan appeal was not resolved wholly in the Enrollee’s favor, or the Plan fails to adhere to notice and timing requirements applicable to plan appeals. If an Enrollee does not complete the plan appeal process prior to requesting a Fair Hearing, the Fair Hearing will be dismissed. As of the date of the Fair Hearing request, the Office of Fair Hearings did not have a plan appeal regarding a visit with another doctor in Plan ID No. [REDACTED].

On September 14, 2023, the undersigned issued an Order to Show Cause (“Order”) why the Fair Hearing request should not be dismissed for failure to comply with Rule 59G-1.100(8)(e), Florida Administrative Code. The Order notified Petitioner that failure comply with the rule

requirement on or before September 25, 2023, would result in dismissal of the case insofar as it relates to Plan ID No. [REDACTED] a visit with another doctor.


On October 13, 2023, the Office of Fair Hearings received an NPAR dated October 12, 2023, which is after the Fair Hearing request was made. The Office of Fair Hearings does not have jurisdiction to entertain a Fair Hearing request before the issuance of an NPAR.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

This case is dismissed without prejudice and is now closed with regard to Petitioner's request for a Fair Hearing in Plan ID No. [REDACTED] a visit with another doctor.

DONE AND ORDERED this 7th day of November, 2023 in Tallahassee, Leon County, Florida.

 Kimberly Roche
23-FH2376
2023.11.07 10:54:49
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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:



**UnitedHealthcare of Florida, Inc.
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**AHCA Medicaid Hearing Unit
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