



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

FILED

Jan 05, 2024, 1:25 pm

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2409

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits on a fee-for-service basis. On September 21, 2023, Petitioner requested a Fair Hearing based on Respondent's termination of behavior analysis services.

On November 9, 2023, the office of Fair Hearings received a Designation of Authorized Representative form designating [REDACTED] as Petitioner's Authorized Representative at the following address: [REDACTED]. Pursuant to notice mailed to the Petitioner's Authorized Representative's address of record on November 14, 2023, the undersigned Hearing Officer convened a telephonic hearing on December 5, 2023, at 9:00 a.m. Petitioner's Authorized Representative was not in attendance. 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.

Rule 59G-1.100(9)(b)(5)(b), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a request for a Fair Hearing if the Recipient fails to appear at the scheduled Fair Hearing without good cause. Good Cause is defined as an incident or occurrence which is beyond the control of the movant and which prevents compliance. Examples of good cause include, but are not limited to, a disabling accident, illness, or declared emergency.


On December 5, 2023, the undersigned issued an Order to Show Cause (“Order”) why the instant case should not be dismissed for failure to appear at the scheduled Fair Hearing. The Order was sent to Petitioner’s Authorized Representative’s address of record, and it notified the Petitioner’s Authorized Representative that failure to show good cause on or before December 18, 2023, would result in dismissal of the case. The Office received a communication from the Petitioner’s Authorized Representative providing a new address of record. However, as stated in bold font in the Acknowledgement, dated September 28, 2023, “going forward, all information regarding this Fair Hearing will be sent only to the mailing address above. It is very important to update this address with the Office of Fair Hearings if there is any change.” Therefore, the response did not demonstrate good cause for the failure to appear at the scheduled Fair Hearing.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

Petitioner’s Fair Hearing request is hereby deemed abandoned, and this matter is now closed.

DONE AND ORDERED this 5th day of January 2024 in Tallahassee, Leon County, Florida.

 Laura Gallagher
23-FH2409
2024.01.05 10:25:13
-05'00'

**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**