

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



**FILED**

Oct 24, 2023, 4:25 pm

OFFICE OF FAIR HEARINGS



**PETITIONER,**

**AHCA Case No.: 23-FH2411**

**vs.**

**MANAGED CARE OF NORTH AMERICA, INC.,**

**RESPONDENT.**



**FINAL ORDER OF DISMISSAL**

On September 21, 2023, Petitioner requested a Fair Hearing. 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 for this case.

On October 3, 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 to comply with the rule requirement on or before October 13, 2023, would result in dismissal of the case.

In this case, the Office of Fair Hearings received an e-mail from Petitioner on October 10, 2023, but the e-mail was not a response that complied with Rule 59G-1.100(8)(e), Florida

Administrative Code. The Office of Fair Hearings did not receive an NPAR or response from Petitioner on or before October 13, 2023, indicating that the plan failed to adhere to the notice and timing requirements applicable to plan appeals.

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 24th day of October, 2023, in Tallahassee, Leon County, Florida.



Debbie K. Winicki  
23-FH2411  
2023.10.24 08:15:36  
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**DEBBIE WINICKI, 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:**



**Managed Care of North America, Inc.**  
**gaflmfh@mcna.net**

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