

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



FILED

Nov 27, 2023, 10:56 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2568

vs.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

RESPONDENT.

\_\_\_\_\_ /

**FINAL ORDER OF DISMISSAL**

The Fair Hearing request in this case was made by [REDACTED] ("Complainant") on October 6, 2023. Complainant is a third party and not the purported Recipient, [REDACTED]

Rule 59G-1.100(7)(c)(1), Florida Administrative Code ("F.A.C."), requires any person requesting a Fair Hearing on behalf of a Recipient or seeking to represent a Recipient in a Fair Hearing to provide and maintain with the Office a written authorization signed by the Recipient or by a person with legal authority to act on behalf of the Recipient. Failure to file a Designation of Authorized Representative ("DAR") constitutes grounds for dismissal of a Fair Hearing request pursuant to Rule 59G-1.100(9)(b)(4), F.A.C.

The Office of Fair Hearings ("Office") provided an Acknowledgement of Third Party Fair Hearing Request ("Acknowledgement") to Complainant at their address of record on October 16, 2023. The Acknowledgment advised Complainant of the DAR requirement under Rule 59G-1.100(7)(c)(1), F.A.C. Also included with the Acknowledgement was a sample DAR form with instructions for completion and submittal. The Office did not receive a response.

On October 30, 2023, the undersigned issued an Order to Show Cause (“Order”) why the third party hearing request should not be dismissed for failure to comply with Rule 59G-1.100(7)(c)(1), F.A.C. Included with the Order was another copy of the sample DAR form with instructions. The Order notified Complainant that failure to comply with the rule requirement on or before November 9, 2023, would result in dismissal of the case. On November 5, 2023, [REDACTED], the Complainant, submitted a DAR form naming [REDACTED] as the Petitioner’s Authorized Representative, but no documentation or evidence showing the legal authority of [REDACTED] to execute the DAR form on behalf of the Petitioner was provided.

On November 8, 2023, the undersigned issued an Order to Show Cause (“Order”) why the third party hearing request should not be dismissed for failure to comply with Rule 59G-1.100(7)(c)(1), F.A.C. Included with the Order was another copy of the sample DAR form with instructions. The Order notified Complainant that failure to provide evidence of the legal authority of [REDACTED] to execute the DAR form on behalf of the Petitioner and comply with the rule requirement on or before November 20, 2023, would result in dismissal of the case. On November 13, 2023, [REDACTED], the Complainant, submitted the same November 5, 2023, DAR form naming [REDACTED] as the Petitioner’s Authorized Representative, but provided no documentation or evidence showing the legal authority of [REDACTED] to execute the DAR form on behalf of the Petitioner, and did not comply with the requirements of Rule 59G-1.100(7)(c)(1), F.A.C. Based on the failure to submit evidence of legal authority of the Complainant [REDACTED] to execute the DAR form on behalf of the Petitioner, this matter is hereby dismissed.

Dismissal of this case is without prejudice to refile within applicable time limits.

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

The case is dismissed without prejudice, and is now closed.

**DONE AND ORDERED** this 27th day of November, 2023, in Tallahassee, Leon County, Florida.

Alan J. Leifer  
*Alan J. Leifer* 23-FH2568  
2023.11.27  
10:11:03 -05'00'

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**ALAN LEIFER, 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**