



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

**FILED**

Dec 27, 2023, 10:12 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2687

vs.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

RESPONDENT.

\_\_\_\_\_ /

**FINAL ORDER**

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Agency for Health Care Administration. On October 23, 2023, [REDACTED] (“Petitioner’s Authorized Representative”) requested a Fair Hearing on behalf of the Petitioner based on Respondent’s termination of Behavior Analysis services. Along with the request for a Fair Hearing, Petitioner’s Authorized Representative requested a Spanish interpreter.

Pursuant to notice e-mailed to the Petitioner’s Authorized Representative’s e-mail address of record and Respondent’s e-mail address of record on December 6, 2023, the undersigned Hearing Officer convened a telephonic hearing on December 22, 2023, at 10:00 a.m. Eastern Standard Time. At the Fair Hearing, Petitioner’s Authorized Representative and Respondent’s witness appeared; however, neither Respondent’s representative nor a Spanish interpreter were in attendance. Petitioner’s Authorized Representative was unable to proceed with the Fair Hearing without an interpreter. After a forty-five-minute grace period, the

undersigned took a roll call on the record of the persons in attendance and went off the record at 10:49 a.m. Eastern Standard Time.

Pursuant to Fla. Admin. Code R. 59G-1.00(16)(a)(1):

(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 consisted 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 the Respondent's failure to appear for the Fair Hearing, along with the absence of an interpreter, does not promote a fair, just, or speedy resolution of the proceeding consistent with Fla. Admin. Code R. 59G-1.00(16)(a)(1). In consideration of the foregoing and pursuant to Fla. Admin. Code R. 59G-1.00(16)(b), the undersigned issues this Final Order of Default.

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

Respondent's termination of Petitioner's Behavior Analysis services is **REVERSED**.  
Petitioner's appeal based on Respondent's termination of Behavior Analysis services is **GRANTED**.

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

 Kimberly Roche  
23-FH2687  
2023.12.27  
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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:**

[REDACTED]  
[REDACTED]

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