

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



FILED

Dec 14, 2023, 11:41 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2783

vs.

DENTAQUEST OF FLORIDA, INC.,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

On October 30, 2023, [REDACTED] (“Petitioner’s Authorized Representative”) requested a Fair Hearing on behalf of Petitioner. 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. As of the date of the Fair Hearing request, the Office of Fair Hearings did not have a plan appeal for this case.

On November 29, 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’s Authorized Representative that, pursuant to Rule 59G-1.100(8)(e), Florida Administrative Code, an Enrollee must initiate and complete a plan appeal before making a Fair Hearing request unless the plan appeal was not properly noticed or is untimely. The Order further stated that because completion of a plan


appeal is a jurisdictional requirement for the Office of Fair Hearings, Fla. Admin. Code R. 59G-1.100(9)(b)(2) authorizes a Hearing Officer to deny or dismiss a request for a Fair Hearing if the Enrollee has not completed the plan appeal prior to requesting a Fair Hearing. The Order stated that failure to comply with the rule requirement on or before December 11, 2023, would result in dismissal of the case. On December 11, 2023, Petitioner's Authorized Representative submitted the first page of an NPAR dated November 7, 2023. As stated above, the plan appeal must be completed before requesting a Fair Hearing unless the plan appeal was not properly noticed or is untimely. In the instant case, the request for a Fair Hearing occurred on October 30, 2023, which is before the NPAR was issued on November 7, 2023, and there was no allegation that the plan failed to adhere to 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 14th day of December, 2023, in Tallahassee, Leon County, Florida.


George L.
Winslow, Jr.
23-FH2783
2023.12.14
11:01:24 -05'00'

GEORGE WINSLOW, 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]

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