

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



FILED

Jan 24, 2024, 1:10 pm
OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2799

vs.

HUMANA MEDICAL PLAN, INC.,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

On November 1, 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. If an Enrollee does not complete the plan appeal process prior to requesting a Fair Hearing, the Fair Hearing will be dismissed. In this matter, the Petitioner was notified by Humana Medical Plan, Inc., that the request for a plan appeal regarding out-of-network care was untimely and no NPAR was entered. As of the date of the Fair Hearing request, the Office of Fair Hearings did not have a plan appeal for this case regarding out-of-network care.

On January 8, 2024, the undersigned issued an Order to Show Cause ("Order") why the Fair Hearing request regarding out-of-network care 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 failure to comply with the rule requirement on or before January 18, 2024, would result in dismissal of the case.


In this case, the Office of Fair Hearings did not receive, on or before January 18, 2024, an NPAR or a response indicating that the plan failed to adhere to the notice and timing requirements applicable to plan appeals with regard to out-of-network care.

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 January, 2024, in Tallahassee, Leon County, Florida.

 Alan J. Leifer
23-FH2799
2024.01.24
09:05:26 -05'00'

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:



**Humana Medical Plan, Inc.
GAMedicaidRightFax@humana.com**

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