



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

FILED

Jan 05, 2024, 12:20 pm

OFFICE OF FAIR HEARINGS

[REDACTED],

PETITIONER,

AHCA Case No.: 23-FH2814

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

The Fair Hearing request in this case was made by [REDACTED] (“Complainant”) on November 2, 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 November 08, 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 December 6, 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 December 18, 2023, would result in dismissal of the case.

As explained in the December 6, 2023, Order to Show Cause, the authorized representative designation is required to avoid dismissal of the case. An authorized representative must be a named individual, not just the name of the facility or business where that individual works. To date, the Office of Fair Hearings has received two Designated Authorized Representative (“DAR”) forms for Petitioner: one on November 16, 2023, and one on December 15, 2023. However, both DAR forms included only the name of the PPEC facility “[REDACTED]” as the authorized representative, but they did not include an individual’s name who would serve as the authorized representative. Therefore, the Office did not receive a response that complies with Rule 59G-1.100(7)(c)(1), F.A.C.

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 5th day of January, 2024, in Tallahassee, Leon County, Florida.



Debbie K. Winicki
23-FH2814
2024.01.05 08:46:25
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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:

[REDACTED]
[REDACTED]
[REDACTED]

AHCA Medicaid Hearing Unit
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