

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



FILED

Dec 07, 2023, 10:53 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH2821

vs.

CHILDREN'S MEDICAL SERVICES,

RESPONDENT.

_____ /

FINAL ORDER OF DISMISSAL

On November 6, 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. As of the date of the Fair Hearing request, the Office of Fair Hearings ("Office") has a Notice of Adverse Benefit Determination, dated May 5, 2023, indicating that Petitioner initiated a plan appeal, but the Office did not have an NPAR, or other documentation, indicating that Petitioner completed the plan appeal for this case.

On November 16, 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

failure comply with the rule requirement on or before November 27, 2023, would result in dismissal of the case.


On November 27, 2023, the Office received a response, which included a Correspondence Return letter, dated June 28, 2023, and provider notification, dated May 5, 2023, that does not confer Fair Hearing rights. The Office did not receive, on or before November 27, 2023, an NPAR showing that the Petitioner completed the plan appeal process or documentation indicating that the plan failed to adhere to the 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 7th day of December, 2023, in Tallahassee, Leon County, Florida.

Alan J. Leifer

23-FH2821
2023.12.07
09:24:00 -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:



**Children's Medical Services
CMSPlanContract@flhealth.gov**

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