

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



FILED

Feb 09, 2024, 11:23 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 23-FH3075

Plan ID No.: [REDACTED]

vs.

MANAGED CARE OF NORTH AMERICA, INC.,

RESPONDENT.

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**FINAL ORDER OF DISMISSAL**

The Office of Fair Hearings received a request for a Fair Hearing from Petitioner on December 6, 2023. Rule 59G-1.100(8)(g), Florida Administrative Code (“F.A.C”), requires that “a Fair Hearing request by an enrollee must be received by the Agency within 120 days of the date a required [Notice of Plan Appeal Resolution] NPAR is sent to the enrollee”. Rule 59G-1.100(9)(b)(3), F.A.C., authorizes a Hearing Office to deny or dismiss a Fair Hearing request that is untimely.

In the instant case, the NPAR is dated **June 30, 2023**. The Complainant requested a Fair Hearing on **December 6, 2023**, which is more than 120 days from **June 30, 2023**. Therefore, it appears that the request is untimely.

On **January 19, 2024**, the undersigned issued an Order to Show Cause (“Order”) why the Fair Hearing request should not be dismissed for failure to timely file the request. The Order explained that Rule 59G-1.100(b)(g), Florida Administrative Code, requires that “[a] fair hearing request by an enrollee must be received by the Agency within 120 days of the date the required

NPAR is sent to the enrollee.” The Order notified Petitioner that failure to show cause by **January 29, 2024**, would result in dismissal of the case. On January 25, 2024, the Petitioner’s Designated Authorized Representative submitted an e-mail to the Office of Fair Hearings explaining why a timely request for a Fair Hearing was not filed in this matter but did not demonstrate good cause as to why the request in this matter was untimely.

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 9th day of February, 2024 in Tallahassee, Leon County, Florida.

Alan J. Leifer  
23-FH3075  
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**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:**



**Managed Care of North America, Inc.  
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**AHCA Medicaid Hearing Unit  
MedicaidHearingUnit@ahca.myflorida.com**