

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



FILED

Mar 13, 2024, 10:27 am

OFFICE OF FAIR HEARINGS


PETITIONER,

AHCA Case No.: 24-FH0096

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits on a fee-for-service basis. On January 9, 2024, Petitioner requested a Fair Hearing based on Respondent's Behavior Analysis services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on February 8, 2024, the undersigned Hearing Officer convened a telephonic hearing on February 27, 2024, at 1:00 p.m. Petitioner's Authorized Representative was not in attendance. After a fifteen-minute grace period, the undersigned took a roll call on the record of the persons in attendance and went off the record at 1:17 p.m.

Rule 59G-1.100(9)(b)(5)(b), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a request for a Fair Hearing if the Recipient fails to appear at the scheduled Fair Hearing without good cause.

On February 29, 2024, the undersigned issued an Order to Show Cause (“Order”) why the instant case should not be dismissed for failure to appear at the scheduled Fair Hearing. The Order notified the Petitioner’s Authorized Representative that failure to show good cause on or before March 11, 2024, would result in dismissal of the case.

Rule 59G-1.00(2)(n) defines Good Cause as “[a]n incident or occurrence which is beyond the control of the movant and which prevents compliance.” Examples of good cause include a disabling accident, illness, or declared emergency; or other similar circumstances beyond the Recipient’s control. See Fla. Admin. Rule 59G-1.100(14)(b). On February 29, 2024, Petitioner’s Authorized Representative sent an e-mail to the Office of Fair Hearings explaining that [REDACTED] could not open the document from [REDACTED] cell phone. In this case, Petitioner had nineteen (19) days to contact the Office of Fair Hearings to request that [REDACTED] preferred contact method be changed because [REDACTED] could not open e-mails, but [REDACTED] failed to do so. As such, Petitioner failed to show good cause for [REDACTED] failure to appear at the hearing.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

Petitioner’s Fair Hearing request is hereby deemed abandoned, and this matter is now closed.

DONE AND ORDERED this 13th day of March, 2024 in Tallahassee, Leon County, Florida.

George L. Winslow, Jr.



24-FH0096

2024.03.13 08:35:31

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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]

AHCA Medicaid Hearing Unit
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