



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

FILED

Feb 28, 2024, 11:05 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 24-FH0204

vs.

AGENCY FOR HEALTH CARE
ADMINISTRATION,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Agency for Health Care Administration. On January 19, 2024, [REDACTED] requested a Fair Hearing on behalf of the Petitioner based on Respondent's denial of Behavior Analysis services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record and Respondent's e-mail address of record on February 5, 2024, the undersigned Hearing Officer convened a telephonic hearing on February 27, 2024, at 1:00 p.m. Eastern Standard Time. At the Fair Hearing, Respondent's representative stated that their hearing packet was e-mailed to Petitioner's Authorized Representative's address of record on February 21, 2024. Confirmation of delivery could not be verified. Petitioner's Authorized Representative stated that [REDACTED] had not received the hearing packet.

The Scheduling Order noticed to all parties states:

The Plan is ORDERED, **within ten (10) business days from the date of this ORDER, not to exceed ten (10) days prior to the hearing date**, to send any documents they intend to present as evidence at the Fair Hearing to the Office of Fair Hearings

by uploading the documents to the Fair Hearing Intake record using the PNV (Provider Network Verification System) and to the Petitioner and any other parties at the address of record for that party.

...

The Respondent is ORDERED to file with the Office of Fair Hearings all legal authorities, including Medicaid rules, policies and regulations, internal plan guidelines and criteria, and contractual provisions, relied upon for its determination of any issues presented in the Fair Hearing. The Petitioner must have access to this information during the course of the hearing. Failure to file these documents may result in a default final order in favor of the Petitioner.

Pursuant to Rule 59G-1.00(16)(a)(1), Florida Administrative Code ("Fla. Admin. Code R."):

(a) A Hearing Officer shall be appointed by the Agency to preside over each fair hearing and must:

1. Ensure that the fair hearing is conducted in a manner consistent with this rule, and promotes the fair, just, and speedy resolution of the proceeding.

...

(b) The Hearing Officer shall have the authority to issue any and all orders and render rulings consistent with this rule.


The undersigned concludes that the Respondent's failure to timely submit to the Petitioner the documentation for the hearing does not promote a fair, just, or speedy resolution of the proceeding consistent with Fla. Admin. Code R. 59G-1.00(16)(a)(1). In consideration of the foregoing and pursuant to Fla. Admin. Code R. 59G-1.00(16)(b), the undersigned issues this Final Order of Default.

Based on the foregoing,

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

Respondent's denial of Petitioner's Behavior Analysis services is **REVERSED**. Petitioner's appeal based on Respondent's denial of Behavior Analysis services is **GRANTED**.

DONE AND ORDERED this 28th day of February, 2024 in Tallahassee, Leon County, Florida.

 Joseph Mabry
24-FH0204
2024.02.28
09:06:47 -05'00'

JOSEPH MABRY, 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.

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AHCA Medicaid Hearing Unit
MedicaidHearingUnit@ahca.myflorida.com