

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



**FILED**

Mar 14, 2024, 1:23 pm

OFFICE OF FAIR HEARINGS

[Redacted]

**PETITIONER,**

**AHCA Case No.: 24-FH0414**

**vs.**

**AGENCY FOR HEALTH CARE  
ADMINISTRATION,**

**RESPONDENT.**

\_\_\_\_\_ /

**FINAL ORDER OF DISMISSAL**

The Office of Fair Hearings received a request for a Fair Hearing from Petitioner on February 2, 2024. Rule 59G-1.100(8)(c), Florida Administrative Code, requires that “a Fair Hearing request must be made within 90 days of the date of the required time to provide a NOA [Notice of Action], or such other time specified by law.” Rule 59G-1.100(9)(b)(3), Florida Administrative Code, authorizes a Hearing Officer to deny or dismiss a Fair Hearing request that is untimely.

In the instant case, the Notice of Reconsideration Determination is dated July 14, 2023. Petitioner requested a Fair Hearing on February 2, 2024, which is more than 90 days from July 14, 2023. Therefore, it appears that the request is untimely.

On February 27, 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(8)(c), Florida Administrative Code, requires that “[a] fair hearing request must be made within 90 days of the date of the required time to provide a NOA [Notice

of Action], or such other time specified by law.” The Order notified Petitioner that failure to show cause by March 8, 2024, would result in dismissal of the case.


On March 4, 2024, the Office of Fair Hearings received a response to the Order from Petitioner’s Authorized Representative stating that “[d]ue to my medical condition, I have been in and out of the hospital for a few months now and have not been able to respond to the letters received regarding the Fair hearing.” Included with the email response was a letter from [REDACTED] indicating that Petitioner’s Authorized Representative has been a patient under their care since [REDACTED]. This response appears inconsistent with the opportunity to timely file the Fair Hearing request within 90 days of the Notice of Reconsideration Determination dated July 14, 2023.

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 14th day of March, 2024 in Tallahassee, Leon County, Florida.

 Kimberly Roche  
24-FH0414  
2024.03.14  
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**KIMBERLY ROCHE, 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]  
[REDACTED]

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