

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



FILED

Apr 05, 2024, 12:44 pm

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 24-FH0463

vs.

AGENCY FOR HEALTH CARE  
ADMINISTRATION,

RESPONDENT.

\_\_\_\_\_ /

**FINAL ORDER OF DEFAULT**

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Agency for Health Care Administration. On February 5, 2024, [REDACTED] (“Petitioner’s Authorized Representative”) requested a Fair Hearing on behalf of the Petitioner based on Respondent’s denial of Behavior Analysis services.

Pursuant to notice mailed to the Petitioner’s Authorized Representative’s address of record and Respondent’s e-mail address of record on March 13, 2024, the undersigned Hearing Officer convened a telephonic hearing on April 3, 2024, at 1:00 p.m. Eastern Standard Time. At the Fair Hearing, Respondent’s representative initially stated that their hearing evidence packet was mailed to Petitioner’s Authorized Representative’s address of record on March 15, 2024. Confirmation of delivery could not be verified. Petitioner’s Authorized Representative stated that [REDACTED] had not received the hearing packet. Upon further inquiry, Respondent’s representative determined that the hearing evidence packet had not been mailed to the Petitioner’s Authorized Representative.

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 Petitioner and each other party (that is not a health plan) is ORDERED to send any documents they intend to present at the Fair Hearing to the Hearing Officer at the Office of Fair Hearings' mailing address or e-mail address below, and the other parties at the designated address of record **no later than ten (10) days prior to the hearing date**. All pages of evidence submitted must be numbered consecutively.

...

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 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 5<sup>th</sup> day of April 2024 in Tallahassee, Leon County, Florida.

 George L. Winslow, Jr.  
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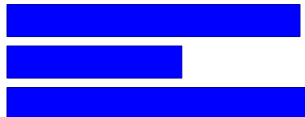
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**GEORGE WINSLOW, Hearing Officer**  
**Agency for Health Care Administration**  
**Office of Fair Hearings**  
**2727 Mahan Drive, Mail Stop # 11**  
**Tallahassee, FL 32308-5407**

**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:**



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