



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

FILED

May 07, 2024, 9:09 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 24-FH0561

Plan ID No.: [REDACTED]

vs.

CHILDREN'S MEDICAL SERVICES,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Children's Medical Services. On February 13, 2024, [REDACTED] ("Complainant") requested a Fair Hearing based on Respondent's denial of personal care services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on March 6, 2024, the undersigned Hearing Officer convened a telephonic hearing on April 12, 2024, at 9:30 a.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 9:47 a.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 April 12, 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 April 22, 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 April 25, 2024, the Office of Fair Hearings received faxed correspondence from Petitioner's Authorized Representative, indicating that the Fair Hearing Complainant was informed that the Fair Hearing scheduled April 12, 2024, was canceled. However, the Office of Fair Hearings did not issue any order canceling the hearing scheduled for April 12, 2024. The correspondence received from [REDACTED] did not show an incident or occurrence which is beyond the control of the Petitioner. Accordingly, Petitioner did not show good cause for failure to appear at the scheduled Fair 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 7th day of May, 2024, in Tallahassee, Leon County, Florida.

 Kameisha Presley
24-FH0561
2024.05.07 08:28:33
-04'00'

KAMEISHA PRESLEY, Hearing Officer
Agency for Health Care Administration
Office of Fair Hearings
2727 Mahan Drive, Mail Stop # 11

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]

Children's Medical Services
CMSPlanContract@flhealth.gov

AHCA Medicaid Hearing Unit
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