



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

FILED

Apr 09, 2024, 9:58 am
OFFICE OF FAIR HEARINGS

[REDACTED],

PETITIONER,

AHCA Case No.: 24-FH0562

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] ("Petitioner's Authorized Representative") requested a Fair Hearing based on Respondent's denial of Home Health services.

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on March 4, 2024, the undersigned Hearing Officer convened a telephonic hearing on March 29, 2024, at 10:00 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 10:18 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. 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 March 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 April 8, 2024, would result in dismissal of the case.

On March 29, 2024, the Office of Fair Hearings received an email communication from Petitioner’s Authorized Representative in response to the Order stating: I received a call on Tuesday stating that I did not have a fair hearing any longer because we have to go through an external review with Sunshine.

Apparently we don't qualify for a fair hearing since my children are under CMS Florida kid care. If this information I was given was incorrect please let me know.


Here, Petitioner’s Authorized Representative’s explanation did not demonstrate an “incident or occurrence which is beyond the control of the movant”. 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 9th day of April, 2024, in Tallahassee, Leon County, Florida.

 Kimberly Roche
24-FH0562
2024.04.09 08:17:30
-04'00'

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]

**Children's Medical Services
CMSPlanContract@flhealth.gov**

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