



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

FILED

Jul 31, 2024, 2:11 pm

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 24-FH1289

Plan ID No.: [REDACTED]

vs.

MANAGED CARE OF NORTH AMERICA, INC.,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Managed Care of North America, Inc. On April 18, 2024, [REDACTED] (“Complainant”) requested a Fair Hearing based on Respondent’s denial of dental services.

Pursuant to notice mailed to the Petitioner’s Authorized Representative’s address of record on June 25, 2024, the undersigned Hearing Officer convened a telephonic hearing on July 15, 2024, at 9:00 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 9:16 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 July 15, 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 July 25, 2024, would result in dismissal of the case. On July 22, 2024, the Office received a response in which Petitioner’s Authorized Representative stated, “I thought the Office of [Fair] Hearings would call my phone number since I was not able to call the Office from my car.” She further stated, “My family was on vacation until July 14, 2024 but unfortunately a terrible storm hit [REDACTED] where we resided on July 14, 2024 and I was not able to come back home on time. I was stuck in a traffic because of the thunderstorm. I tried to get the office at 9:20 a.m. but unfortunately it was too late.” The Order Rescheduling Fair Hearing by Telephone and Prehearing Instructions clearly orders the parties to call in for the hearing, provides call in instructions, clarifies that the numbers will only work at the scheduled date and time, and provides a contact number for Office of Fair Hearings. It also clearly states that if Petitioner’s Authorized Representative cannot appear at the hearing as scheduled, they must contact the Office of Fair Hearings and request a continuance at least 5 days prior to the scheduled hearing, unless there is an emergency. In this case, Petitioner’s Authorized Representative response did not demonstrate good cause for their absence.

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 31st day of July, 2024, in Tallahassee, Leon County, Florida.



Digitally signed by
Laura Gallagher
Reason: 24-FH1289
Date: 2024.07.31
10:55:57 -04'00'

LAURA GALLAGHER, 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]

Managed Care of North America, Inc.
gaflmfh@mcna.net

AHCA Medicaid Hearing Unit
MedicaidHearingUnit@ahca.myflorida.com