



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

FILED

Oct 11, 2024, 10:27 am

OFFICE OF FAIR HEARINGS

[REDACTED],

PETITIONER,

AHCA Case No.: 24-FH2433

Plan ID No.: [REDACTED]

vs.

SUNSHINE STATE HEALTH PLAN, INC.,

RESPONDENT.

_____ /

FINAL ORDER

At all times relevant to this proceeding, Petitioner received Medicaid benefits through Sunshine State Health Plan, Inc. On July 24, 2024, [REDACTED] (“Petitioner’s Authorized Representative”) requested a Fair Hearing based on Respondent’s denial of [REDACTED]

[REDACTED].

Pursuant to notice mailed to the Petitioner’s Authorized Representative’s address of record on August 9, 2024, the undersigned Hearing Officer convened a telephonic hearing on September 24, 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 10:17 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 September 24, 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 October 4, 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. Code R. 59G-1.100(14)(b). On September 25, 2024, the Office of Fair Hearings received an email from Petitioner’s Authorized Representative in response to the Order that states as follows:

I thought someone was supposed to call me today for the fair office hearing at 10am.
After, reviewing again the documents I see I was supposed to call in.
I need a date asap. [REDACTED]
[REDACTED]
Please let me know when I can get another date please asap.
[REDACTED]
[REDACTED]

On October 1, 2024, the Office of Fair Hearings received additional faxed correspondence from Petitioner’s Authorized Representative in response to the Order that states as follows:

My name is [REDACTED] the [REDACTED] to [Petitioner]._The hearing took place on the 24th of September while I was recovering from having [REDACTED]
[REDACTED]
I was not at home to view the documents, and I was under the impression that someone would be calling me as I stated on the 25th when I emailed very confused as to why I never received a call when a week prior a woman had called me the day of the prehearing to ask questions.
My apologies for the confusion on my end but either way I would have not been able to attend since the documents where at my home and not with me in [REDACTED]
[REDACTED].

I need this hearing and so does [REDACTED] and I hope we can still move forward so that [REDACTED] can get the proper help and treatment he needs.


The record shows that the Order Scheduling Fair Hearing by Telephone and Prehearing Instructions (“Scheduling Order”), was issued August 9, 2024. On page 1 of the Scheduling Order, the following instruction is given: “The parties must call the Hearing Officer at the number listed below on the date and at time of the hearing.” The Scheduling Order unambiguously provides that the parties are to call into the hearing. Petitioner’s Representative’s response does not show circumstances that would prevent [REDACTED] from calling into a telephonic hearing. Accordingly, Petitioner has failed to show good cause for [REDACTED] failure to appear at the 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 11th day of October, 2024, in Tallahassee, Leon County, Florida.


Joseph Mabry
24-FH2433
2024.10.11 07:50:55
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**for 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]

Sunshine State Health Plan, Inc.
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AHCA Medicaid Hearing Unit
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