



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

FILED

Oct 01, 2024, 3:07 pm

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 24-FH2470

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 July 29, 2024, [REDACTED] ("Complainant") requested a Fair Hearing based on Respondent's denial of [REDACTED].

Pursuant to notice e-mailed to the Petitioner's Authorized Representative's e-mail address of record on August 12, 2024, the undersigned Hearing Officer convened a telephonic hearing on September 16, 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 9:17 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 16, 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 September 26, 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)*. The record shows that the Order Consolidating & Scheduling Fair Hearing by Telephone and Prehearing Instructions (“Scheduling Order”), was issued August 12, 2024. On September 17, 2024, the Office of Fair Hearings received an e-mail from Petitioner’s Authorized Representative that stated as follows:

I just received an email stating that I failed to appear for the fair hearing ? That is not true, the fair hearing was for September 17th at 9 am. I took that specific day off for this reason. I even notified my care coordinator it was for September 17th, 2024. I’m sorry I think I might’ve gotten the dates confused. But I would really appreciate it if someone can help me with this matter. [REDACTED]


On page 1 of the Scheduling Order the following is given: “The hearing is scheduled to be conducted by telephone on **September 16, 2024, at 9:00 a.m. Eastern Time**”. The Scheduling Order unambiguously provides the date of the Fair Hearing. As such, 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 1st day of October, 2024, in Tallahassee, Leon County, Florida.


Joseph Mabry
24-FH2470
2024.10.01 08:09:42
-04'00'

JOSEPH MABRY, 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:




Children's Medical Services
CMSPlanContract@flhealth.gov

AHCA Medicaid Hearing Unit
MedicaidHearingUnit@ahca.myflorida.com