



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

FILED

Oct 17, 2024, 9:28 am

OFFICE OF FAIR HEARINGS

[REDACTED]

PETITIONER,

AHCA Case No.: 24-FH2973

Plan ID No.: [REDACTED]

vs.

SUNSHINE STATE HEALTH PLAN, INC.,

RESPONDENT.

\_\_\_\_\_ /

**FINAL ORDER OF DISMISSAL**

The Office of Fair Hearings received a request for a Fair Hearing from Petitioner on September 11, 2024. Rule 59G-1.100(8)(g), Florida Administrative Code (“F.A.C”), requires that “a Fair Hearing request by an enrollee must be received by the Agency within 120 days of the date a required [Notice of Plan Appeal Resolution] NPAR is sent to the enrollee”. Rule 59G-1.100(9)(b)(3), F.A.C., authorizes a Hearing Office to deny or dismiss a Fair Hearing request that is untimely.

In the instant case, the NPAR for the denial of homemaker services is dated May 3, 2024. The Complainant requested a Fair Hearing on September 11, 2024, which is more than 120 days from May 3, 2024. Therefore, it appears that the request is untimely.

On October 1, 2024, the undersigned issued an Order to Show Cause (“Order”) why the Fair Hearing request should not be dismissed for failure to timely file the request. The Order explained that Rule 59G-1.100(b)(g), Florida Administrative Code, requires that “[a] fair hearing request by an enrollee must be received by the Agency within 120 days of the date the required


NPAR is sent to the enrollee.” The Order notified Petitioner that failure to show cause by October 11, 2024, would result in dismissal of the case. The Office of Fair Hearings did not receive a response.

Based on the foregoing,

**IT IS THEREFORE ORDERED AND ADJUDGED THAT:**

This case is dismissed without prejudice and is now closed.

**DONE AND ORDERED** this 17th day of October, 2024 in Tallahassee, Leon County, Florida.

  
Joseph Mabry  
24-FH2973  
2024.10.17 08:20:08  
-04'00'

---

**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:**




**Sunshine State Health Plan, Inc.**  
**SunshineHealth\_MFH@centene.com**

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