

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

L.L.L.,

Appellant,

v.

Case No. 5D16-2409

AGENCY FOR HEALTH CARE
ADMINISTRATION,

Appellee.

_____ /

Opinion filed March 24, 2017

Administrative Appeal from the
Agency for Health Care
Administration.

L.L.L., Daytona Beach, pro se.

Andrew T. Sheeran and Tracy C. George,
of the Agency for Health Care
Administration, Tallahassee, for Appellee.

ON CONCESSION OF ERROR

PER CURIAM.

The appellant appeals an administrative Final Order of the Department of Children and Families, Office of Appeal Hearings, upholding his Medicaid health plan's denial of prior authorization for dental care.

The appellee, the Florida Agency for Health Care Administration, concedes in its brief that “[a] due process violation occurred because the Hearing Officer was provided and relied upon an inapplicable policy and [the appellant] was not given an opportunity to examine or rebut the legal authority provided to the Hearing Officer.” The appellee also concedes that “the case should be remanded to reopen the fair hearing to give the parties an opportunity to present evidence and argument in rebuttal and for the Hearing Officer to make a determination based on the applicable policy.” We agree. Accordingly, we reverse the order under review and remand for another hearing.

REVERSED and REMANDED.

SAWAYA, PALMER and TORPY, JJ., concur.