

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

2022 JUN -5 A 11: 20

SHANNON FOUNTAIN,

Petitioner,

vs.

DOAH CASE NO.: 22-0765
MPI CASE NO.: BGS_AHCA_201720554

STATE OF FLORIDA, AGENCY FOR
HEALTH CARE ADMINISTRATION,

Respondent.

FINAL ORDER OF DISMISSAL

THIS CAUSE is before me for issuance of a Final Order of Dismissal. This case concerns a Denial of Request for Exemption From Disqualification From Employment/Medicaid Provider Enrollment filed by Petitioner, SHANNON FOUNTAIN (“Petitioner”).

On February 1, 2022, the Agency for Health Care Administration issued a letter denying Petitioner’s Application for Exemption. This letter is attached as **Exhibit A** and incorporated herein by reference.

On February 10, 2022, Petitioner timely filed a Petition for a Formal Administrative Hearing challenging the denial of her application for an Exemption. The Petition is attached as **Exhibit B** and incorporated herein by reference.

The matter was referred to the Division of Administrative Hearings (DOAH) and an Administrative Law Judge (ALJ) was assigned to the case.

Petitioner failed to respond to the Agency’s attempt to gain her cooperation in the preparation of a Joint Prehearing Stipulation. In response to an email serving her with the Agency’s Unilateral Prehearing Stipulation, Petitioner sent an email to the paralegal who emailed the

Unilateral Prehearing Stipulation stating that she no longer wished to pursue the matter. The paralegal responded to the email and told Petitioner she should call the ALJ's Judicial Assistant (JA) to determine what the Judge would require dismissing the matter and provided the JA's contact information. The email thread is attached as **Exhibit C** and incorporated herein by reference.

Petitioner failed to contact the JA because on April 7, 2022, a duly noticed telephone prehearing conference was held. Petitioner failed to appear and attempts by DOAH staff to reach her during the telephone conference were not successful.

That same day, an Order to Show Cause was issued, directing Petitioner to file a response to the DOAH ALJ no later than April 15, 2022, advising whether she still wanted to go forward with her case. The Order stated that failure to respond to the Order would result in the conclusion that Petitioner did not want to proceed, and the file of the Division of Administrative Hearings would be closed.


On April 19, 2022, having still not heard from Petitioner, the ALJ issued an Order Closing File and Relinquishing Jurisdiction, closing the DOAH file and returning jurisdiction of the case back to the Agency. A copy of the Orders are attached as **Composite Exhibit D** and incorporated herein by reference.

It is therefore **ORDERED** and **ADJUDGED**:

1. This matter is **DISMISSED** based on Petitioner's failure to pursue her Request for Exemption.
2. The Agency's Denial of Request for Exemption From Disqualification From Employment/Medicaid Provider Enrollment is upheld. The parties shall govern themselves accordingly.

3. The above-styled case is **CLOSED**.

DONE and ORDERED this 3rd day of June 2022, in Tallahassee,
Leon County, Florida.



Simone Marsteller, Secretary
State of Florida, Agency for Health Care Administration

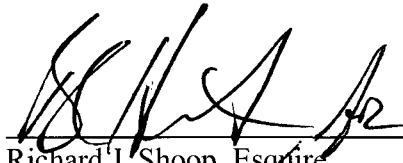
A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF AHCA, AND A SECOND COPY ALONG WITH THE FILING FEE AS PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE 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 RENDITION OF THE ORDER TO BE REVIEWED.

Copies furnished to:

Shannon Fountain 11230 Dollar Lake Dr. Apt 6 Port Richey, FL 34668 (U.S. Mail)	Samantha Heyn, Unit Manager Background Screening Unit Agency for Health Care Administration BGSscreen@ahca.myflorida.com (Electronic Mail)
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Bradley Butler, Jr., Esquire Office of the General Counsel Susan.Sapoznikoff@ahca.myflorida.com (Electronic Mail)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the above named addressees by U.S. Mail or other designated method on this the 6th day of JUNE 2022.



Richard J. Shoop, Esquire
Agency Clerk
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Agency for Health Care Administration
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