

Appellate Practice Pointer
Baycare Health Sys., Inc. v. Agency for Health Care Admin.

In Baycare Health Sys., Inc. v. Agency for Health Care Admin., Case No. 2D05-1691, 2006 WL 3040661 (Fla. 2d DCA Oct. 27, 2006), the Second District Court of Appeal held that due process protections do not extend to a party who voluntarily submits its health insurance claim disputes to the dispute resolution process provided for by section 408.7057, Florida Statutes. By voluntarily submitting its claims to this process, a party agrees to the lack of procedural safeguards within the process. Additionally, the case demonstrates that the limited scope of review that Florida's appellate courts have over AHCA orders may leave those that volunteer for the process without any means of challenging the result.

The court specifically warned that the process created by section 408.7057 is not an adequate method to resolve legal issues of first impression that involve the payment of millions of dollars. Therefore, in determining whether to engage in this dispute resolution process, a party should consider the issue that the process will resolve and should weigh the possibility of a more expedient resolution against the safeguards that the party will forego by volunteering for the process.

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