



JOSH STEIN
ATTORNEY GENERAL

STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

SETH DEARMIN
CHIEF OF STAFF

March 9, 2022

North Carolina Senate President Pro Tempore Phil Berger
North Carolina House of Representatives Speaker Tim Moore
Co-Chairs, Joint Legislative Commission on Governmental Operations

Senator Danny Earl Britt, Jr.
Senator Warren Daniel
Representative James Boles, Jr.
Representative Allen McNeill
Representative Carson Smith
Co-Chairs, Appropriations Subcommittee on Justice and Public Safety

North Carolina General Assembly
Raleigh, North Carolina 27601-1096

RE: G.S. §114-2.5; Report on Settlement Agreement for Knowles, Smith & Associates

Dear Members:

Section 114-2.5 of the North Carolina General Statutes requires the Attorney General to report to the Joint Legislative Commission Governmental Operations and the Chairs of the Appropriations Subcommittees on Justice and Public Safety regarding all settlements and court orders which result in more than \$75,000.00 being paid to the State. Pursuant to that statute, I am writing regarding the settlement of claims for Medicaid reimbursement to the state and federal governments in the above-referenced matter. Pursuant to federal law (42 C.F.R. § 433.320) recoveries in these cases are shared on a pro rata basis by the state and federal governments.

A settlement has been executed between Knowles, Smith & Associates and the State of North Carolina.

The settlement resolves allegations that from January 1, 2016 through December 31, 2020, Knowles, Smith & Associates billed for CDT D9223 - (deep sedation/general anesthesia, 15 minute increments), which were not provided, had no supporting clinical

documentation, were not medically necessary, and which were performed in violation of Division of Health Benefits Clinical Coverage Policy.

Under the terms of North Carolina's settlement, the State of North Carolina will recover \$1,150,000.00. Of that amount the federal government will receive \$656,075.00 for North Carolina's federal portion of Medicaid recoveries. The North Carolina Medicaid Program will receive \$231,576.74 as restitution. In addition, pursuant to Article IX, Section 7 of the North Carolina Constitution and G.S. § 115C-457.1, the penalty portion of the settlement in the amount of \$237,084.00 will be paid to the Civil Penalty Forfeiture Fund for the support of North Carolina public schools. Pursuant to G.S. § 115C-457.2 and G.S. § 1-608(c), the North Carolina Department of Justice will receive \$25,264.26 for investigative costs and costs of collection.

We will be happy to respond to any questions you may have regarding this report.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Seth Dearmin', with a stylized flourish extending to the right.

Seth Dearmin
Chief of Staff

SD:ng

cc: Sean Hamel, NCGA Fiscal Research Division
Mark White, NCGA Fiscal Research Division
Morgan Weiss, NCGA Fiscal Research Division