



JOSH STEIN
ATTORNEY GENERAL

STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

SETH DEARMIN
CHIEF OF STAFF

June 1, 2018

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 Warren Daniel
Senator Shirley Randleman
Senator Norman W. Sanderson
Representative James Boles, Jr.
Representative Ted Davis, Jr.
Representative Allen McNeill
Representative Rena W. Turner
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 Atlanticare Home Care Agency, Inc.

Dear Members:

Section 114 2.5 of the North Carolina General Statutes requires the Attorney General to report to the Joint Committee on 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 Atlanticare and the State of North Carolina.

The settlement resolves allegations that from March 1, 2011 through November 20, 2015, Atlanticare failed to check the Health Care Personnel Registry to verify aide qualifications. As a result, improperly qualified aides provided services. Atlanticare failed to maintain patient records supporting the level of aide services required by patients. Atlanticare also produced

falsified documents in response to a Division of Medical Assistance request for Nurse Aide Registry check verifications and paid recruiters to recruit patients to its home care business.

Under the terms of North Carolina's settlement, the State of North Carolina will recover \$325,000.00. Of that amount the federal government will receive \$213,102.50 for North Carolina's federal portion of Medicaid recoveries. The North Carolina Medicaid Program will receive \$48,911.79 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 \$59,013.24 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 \$3,972.47 for investigative costs and costs of collection. We will be happy to respond to any questions you may have regarding this report.

Sincerely,



Seth Dearmin
Chief of Staff

SD:ng

cc: John Poteat, NCGA Fiscal Research Division