

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBERG

IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
13 DHR 19837

STEPPING STONES COUNSELING, )  
)  
Petitioner, )  
)  
v. )  
)  
NORTH CAROLINA DEPARTMENT OF )  
HEALTH & HUMAN SERVICES, )  
DIVISION OF MEDICAL ASSISTANCE, )  
)  
Respondent. )

**FINAL DECISION**

This matter was heard by the undersigned Administrative Law Judge on April 9, 2015, in Cary, NC on Petitioner's Motion for Summary Judgment. Petitioner was represented by Christopher P. Brewer, Poyner & Spruill, LLP, Raleigh, NC. Respondent was represented by Brenda Eaddy, NC Attorney General's Office, Raleigh, NC.

It appeared to the Court, upon the affidavits and other materials submitted by the parties and the arguments and authorities presented by counsel, that there is no genuine issue as to any material fact as Petitioner, in its Motion for Summary Judgment, did not contest Respondent's findings in its Revised Provider Summary Report dated December 1, 2014, but only challenged Respondent's compliance with the requirements of N.C. Gen. Stat. § 108C-5 regarding the use of statistical sampling and extrapolation.

Petitioner's Motion for Summary Judgment is DENIED. IT IS THEREFORE ORDERED that judgment is entered for Respondent.

**DECISION**

NOW, THEREFORE, the Undersigned determines that Respondent's decision to recoup funds from Petitioner was pursuant to appropriate authority and correct. Respondent is entitled to recoup \$32,476.00 in inappropriate payments to Petitioner. The decision by Respondent to be repaid \$32,476.00 from Petitioner should be and the same is AFFIRMED.

## **NOTICE**

**This is a Final Decision** issued under the authority of N.C. Gen. Stat. §150B-34.

Under the provisions of North Carolina General Statute §150B-45, any party wishing to appeal the final decision of the Administrative Law Judge must file a Petition for Judicial Review in the Superior Court of the county the where the person aggrieved by the administrative decision resides, or in the case of a person residing outside of the State, the county where the contested case which resulted in the final decision was filed. **The appealing party must file the petition within 30 days after being served with a written copy of the Administrative Law Judge's Final Decision.** In conformity with the Office of Administrative Hearings' rule, 26 N.C. Admin. Code 03.0102, and the Rules of Civil Procedure, N.C. General Statute 1A-1, Article 2, **this Final Decision was served on the parties the date it was placed in the mail as indicated by the date on the Certificate of Service attached to this Final Decision.** N.C. Gen. Stat. §150B-46 describes the contents of the Petition and requires service of the Petition on all parties. Under N.C. Gen. Stat. §150B-47, the Office of Administrative Hearings is required to file the official record in the contested case with the Clerk of Superior Court within 30 days of receipt of the Petition for Judicial Review. Consequently, a copy of the Petition for Judicial Review must be sent to the Office of Administrative Hearings at the time the appeal is initiated in order to ensure the timely filing of the record.

This the 13th day of May, 2015.

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SELINA M. BROOKS  
Administrative Law Judge