

BEFORE THE  
NORTH CAROLINA MEDICAL BOARD

In re: )  
 )  
Benedict Onwukwe Okwara, M.D. ) NON-DISCIPLINARY  
 ) CONSENT ORDER  
 )  
Respondent. )

This matter is before the North Carolina Medical Board (hereafter "Board") on information regarding Benedict Onwukwe Okwara, M.D. (hereafter "Dr. Okwara"). Dr. Okwara admits, and the Board finds and concludes, that:

Whereas, the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes, and

Whereas, on or about March 16, 1991, the Board first issued a license to practice medicine and surgery to Dr. Okwara, license number 33878, and

Whereas, during the times relevant herein, Dr. Okwara practiced medicine in Charlotte, North Carolina, and

Whereas, in October 2008, Dr. Okwara entered into a Settlement Agreement ("Settlement") and Integrity Agreement with the United States Government based on information that Dr. Okwara improperly billed federal healthcare programs, Medicare, Medicaid and the

Federal Employee Health Benefit Programs, by a method known as "upcoding", and

Whereas, upcoding is a process in which a physician bills a third party payer for services he provides to a patient under a billing code that provides for higher monetary reimbursement to the physician other than the billing code that accurately reflects the actual service the physician provided the patient, and

Whereas, according to the United States Government, Dr. Okwara up-coded for a seven year period of time between 1999 and 2006, and

Whereas, according to the terms of the Settlement, Dr. Okwara must pay the United States Government 1.7 million dollars (\$1,700,000.00) over a five year period, and

Whereas, according to the Integrity Agreement, Dr. Okwara must periodically, at his own expenses, employ an auditor to monitor and ensure that he properly bills the United States Government for his services, and

Whereas, in 1996, Dr. Okwara was arrested in Union County for speeding and Obstructing and Delaying an Officer in his Official Duties, and

Whereas, Dr. Okwara was convicted of the speeding offense, and

Whereas, Dr. Okwara then initiated civil litigation against the arresting officer and other public officials in State and Federal Court, and

Whereas, both the federal and state courts dismissed Dr. Okwara's civil litigation finding that the lawsuits had no merit, and

Whereas, the Board is concerned about Dr. Okwara's conduct in both of these instances, and

Whereas, Dr. Okwara's conduct, as described above, constitutes a basis for the Board to find that Dr. Okwara committed unprofessional conduct, including, but not limited to, departure from, or the failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, or the committing of any act contrary to honesty, justice, or good morals, whether the same is committed in the course of the physician's practice or otherwise, and whether committed within or without North Carolina, within the meaning of N.C. Gen. Stat. § 90-14(a)(6), and grounds exist under that section of the North Carolina General Statutes for the Board to annul, suspend, revoke, or limit Dr. Okwara's license to practice medicine issued by the Board or to deny any future application he might make, and

Whereas the Board has determined that it is in the public interest to resolve this case as set forth below;

Now, therefore, with Dr. Okwara's consent, it is ORDERED that:

1. Dr. Okwara must strictly comply with the conditions of his Settlement and Integrity Agreement with the United States

Government, including the timely repayment of any funds to be made to the United States Government pursuant to the Settlement.

2. Any non-compliance, in any manner, with the terms and conditions of his Settlement and Integrity Agreement with the United States Government, shall be deemed a violation of this Non-Disciplinary Agreement, and shall further be grounds to take disciplinary action against Dr. Okwara's North Carolina medical license pursuant to paragraph 6 of this Non-Disciplinary Consent Order.

3. Dr. Okwara shall obey all laws. Likewise, he shall obey all rules and regulations involving the practice of medicine.

4. Dr. Okwara shall notify the Board in writing of any change in his residence or practice addresses within ten (10) days of the change.

5. Dr. Okwara shall meet with the Board or members of the Board for an informal interview at such times as requested by the Board.

6. If Dr. Okwara fails to comply with any of the terms of this Non-Disciplinary Consent Order, that failure shall constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license to practice medicine and surgery and to deny any application he might make in the future or then have pending for a license.

7. This Consent Order shall take effect immediately upon its execution by both Dr. Okwara and the Board, and it shall continue in effect until specifically ordered otherwise by the Board.

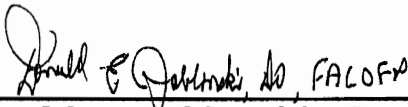
8. Dr. Okwara hereby waives any requirement under law or rule that this Consent Order be served on him.

9. Upon execution by Dr. Okwara and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law.

This the 6<sup>th</sup> day of April, 2010.

NORTH CAROLINA MEDICAL BOARD

By:

  
\_\_\_\_\_  
Donald E. Jablonski, D.O.  
President

Consented to this the 30 day of March, 2010.

  
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Benedict Onwukwe Okwara, M.D.


State of North Carolina

County of Union

I, Olga Gomez, a Notary Public for the above named County and State, do hereby certify that Benedict Onwukwe Okwara, M.D., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal

This the 30 day of March, 2010.

  
\_\_\_\_\_  
Notary Public

(SEAL)

My Commission expires: 11/5/2014