

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 ELISHA JEFFERSON O'HARA, III,)
 AKA: JEFF O'HARA)
 DOB: 4/28/1957)
 APSIN ID: 7257895)
 DMV NO. 7170804 AK)
 ATN: 107-504-622)
)
 Defendant.)
)
 _____)
 Case No. 3AN-12- CR.

INFORMATION

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

Count I - AS 47.05.210(a)(1) – Fel C
Medical Assistance Fraud
Elisha Jefferson O'Hara III - 001

Count II - AS 11.46.130(a)(1)
Theft In The Second Degree
Elisha Jefferson O'Hara III - 002

Count III - AS 47.05.210(a)(5) – A Misdo
Medical Assistance Fraud
Elisha Jefferson O'Hara III - 003

THE OFFICE OF SPECIAL PROSECUTION AND APPEALS CHARGES:

Count I

That on or about June 17, 2012 through June 24, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, ELISHA JEFFERSON O'HARA, III, knowingly submitted or authorized the submission of a claim to a medical assistance agency for property, services, or a benefit with reckless disregard that the claimant is not entitled to the property, services, or benefit.

All of which is a class C felony offense being contrary to and in violation of AS 47.05.210(a)(1), and against the peace and dignity of the State of Alaska.

Count II

That on or about June 17, 2012 through June 24, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, ELISHA JEFFERSON O'HARA, III committed the crime of theft and the value of the property or services was \$500 or more.

All of which is a class C felony offense being contrary to and in violation of AS 11.46.130(a)(1) and against the peace and dignity of the State of Alaska.

Count III

That on or about June 17, 2012 through July 1, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, ELISHA JEFFERSON O'HARA, III, knowingly made a false entry or falsely altered a medical assistance record.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

Probable Cause Statement:

Candice Stewart, an HR Specialist with Immediate Care, contacted the Medicaid Fraud Control Unit (MFCU) regarding potential Medicaid Fraud. Stewart indicated that Immediate Care employee Elisha J. O'Hara III was a Personal Care

Attendant (PCA) for recipient Cordles Rodriguez. PCAs are health care providers that the Alaska Medicaid Program pays to provide services which will allow Medicaid recipients to stay in their home rather than be placed in a nursing home type setting. Medicaid recipients are evaluated for their needs and a PCA is then hired to provide those needs in the recipient's home. The PCA fills out a timesheet for the work done and submits that to a PCA agency who in turn bills Medicaid. Medicaid pays \$21 an hour to the agency and the agency must pay the PCA at least half of that amount.

Stewart indicated that O'Hara submitted timesheets on June 17, 2012, June 24, 2012 and July 1, 2012 to Immediate Care for PCA services provided to Rodriguez from June 11, 2012 – June 29, 2012. Stewart indicated that the recipient's signatures change significantly on the timesheets dated June 17, 2012 and June 24, 2012 which were submitted to the agency by O'Hara. Stewart further stated that the agency Immediate Care was contacted by someone reporting that Rodriguez was actually in the hospital. Medical regulations provide that PCA services may be provided only to a recipient who is living in the recipient's personal residence. The regulation specifically excludes hospital stays from qualifying as a personal residence. See 7AAC 125.050(a) and (b).

A review of Rodriguez's medical records revealed that he was involved in an ATV accident on June 10, 2012 and that LifeMed transported him from the Big Lake area to Providence Hospital at approximately 3:04 p.m. on June 10, 2012. Rodriguez was transferred from Providence to St. Elias, an acute care hospital on June 20, 2012 by ambulance. Rodriguez was not discharged until June 29, 2012.

On June 17, 2012, O'Hara submitted a timecard to Immediate Care in Anchorage claiming to have provided PCA services to Rodriguez from June 10 – 16, 2012. On June 24, 2012, O'Hara submitted a second timecard to Immediate Care for PCA services provided to Rodriguez from June 17-23, 2012. O'Hara claimed a total of 52.75 hours of PCA services for the time period from June 11-23, 2012 for a total fraudulent claim of \$1,200.59. These claims were submitted to the State Department of Health in Anchorage for payment and the State paid Immediate Care for the services.

O'Hara also submitted a timecard on July 1, 2012 for services provided to Rodriguez from June 24-30, 2012. Immediate Care did not submit this timecard to Medicaid for payment. However, Alaska law makes it a crime to knowingly submit a claim to either the Department of Health and Social Services or a medical assistance agency for a benefit with a reckless disregard that the claimant is entitled to the benefit. See AS 47.05.210(a). Alaska law further defines medical assistance agency to included companies such as Immediate Care. See AS 47.05.290.

O'Hara, in response to a question about the submission of the timecards while Rodriguez was in the hospital, claimed that he forgot that billing for PCA services was prohibited during periods of hospitalization. O'Hara further claimed that he provided the PCA services listed on his timecard to O'Hara while he was in the hospital. St. Elias records revealed that O'Hara only registered as a guest at the facility on two days between June 20-29, 2012 and stayed at the facility less hours than he was claiming on his timecard. St. Elias staff further indicated that the facility does not allow non-employees to provide the type of services to patients that O'Hara was claiming to have provided to Rodriguez while he was a patient at St. Elias.

Dated at Anchorage, Alaska, this ____ day of December, 2012.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____
A. Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

SUBSCRIBED AND SWORN TO before me this ____ day of
February 2013, at Anchorage, Alaska.

Notary Public in and for Alaska
My Commission Expires: End of Hire

