

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

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
MARK S FEAGIAI,)
DOB: 5/22/1986)
APSIN ID: 7798921)
DMV NO. 7454495 AK)
ATN: 114-356-223) Case No. 3AN-13- CR.
)
ELISAIA SILUANO)
aka: ELI SILUANO)
DOB: 5/17/1960)
APSIN ID: 7146390)
DMV NO. 7088627 AK)
ATN: 114-356-214) Case No. 3AN-13- CR.
)
Defendants.)
)

3AN-13-459 SW)

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
Mark S Feagiai - 001
Elisaia Siluano - 001

Count II - AS 47.05.210(a)(5) Misd A
Medical Assistance Fraud
Mark S Feagiai - 002
Elisaia Siluano - 002

Count III - AS 47.05.210(a)(1) Fel C
Medical Assistance Fraud
Mark S Feagai - 003

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about March 17, 2013 through June 1, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MARK S FEAGIAI and ELISAIA SILUANO, 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 March 17, 2013 through June 1, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MARK S FEAGIAI and ELISAIA SILUANO, 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.

Count III

That on or about August 21, 2012 through May 31, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MARK S FEAGIAI, 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.

Probable Cause Statement:

The undersigned swears under oath this Information is based upon a review of the Medicaid Fraud Control Unit (MFCU) investigative report submitted to date.

Good Faith Services, LLC (Good Faith) is a personal care agency (PCA) agency that provides Medicaid personal care, transportation and care coordination services to eligible Medicaid recipients. MFCU is conducting an ongoing investigation into medical assistance fraud by individual employees, officers and directors of Good Faith. During the course of that investigation, the MFCU received information from a confidential informant (CS-3) that Medicaid recipient Elisaia Siluano and his past and present PCAs were involved in a scheme designed to defraud Medicaid. Both the recipient and PCAs were alleged to be signing timesheets attesting that PCA services were being performed when in actuality no services were performed. The timesheets were then submitted to Good Faith for payment by Medicaid. The recipient and PCAs would then divide the proceeds paid by Medicaid based upon the fraudulent timesheets.

PCAs are licensed and registered health care providers that the Alaska Medicaid Program pays to provide home-based healthcare 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 by employees from the Department of Health and Social Services (DHSS) for their healthcare needs and a PCA is then hired by the recipient to provide those needs in the recipient's home in accordance with the recipient's plan of care. The PCA fills out a timesheet for the work done and the recipient or a power of attorney for the recipient signs the timesheet attesting that the work was in fact performed. The PCA then submits the timesheet to a PCA agency that in turn bills Medicaid for the PCA services provided. Medicaid pays approximately \$24 an hour to the agency and the agency must pay the PCA at least half of that amount.

A review of Siluano's Medicaid file reveals that he is a 52-year old male with a diagnosis of diabetes, arthritis, hypertension, morbid obesity and lumbago. He

was initially assessed by DHSS Senior and Disability Services on February 16, 2011, which was the same date Good Faith began billing Medicaid for providing PCA services. Siluano was approved for 33.5 hours of PCA services per week. Good Faith submitted billing claims to Medicaid for recipient Siluano under Mark Feagai's rendering ID number from March 17, 2013 through June 1, 2013. The total Medicaid payment for this time period by Medicaid was \$7,462.40.

Siluano admitted during an interview that all Medicaid proceeds for PCA services submitted under Feagai's rendering ID number for recipient Siluano was fraudulent as no services were provided. Siluano also admitted that he and Feagai shared in the proceeds from the fraudulent billing. Siluano also informed CS-3 that he was not actually in need of Medicaid services. Siluano discontinued receiving PCA services following his interview with MFCU investigators.

MFCU investigators then interviewed Feagai regarding his billing for PCA services allegedly provided to Siluano. Feagai admitted that no services whatsoever were performed for recipient Siluano. Feagai admitted that he and Siluano had an agreement whereby both would sign the timesheets attesting that the services were performed with the intent to obtain the proceeds from Medicaid. Feagai would then cash the checks received from Good Faith for providing PCA services and then take the money to Siluano, who would keep the majority of the money and give Feagai a percentage.

MFCU investigators reviewed Department of Labor records and discovered that Feagai was also employed by Parkview Center as a security guard. A review of Feagai's timesheets revealed that he was working as a security guard for Parkview Center at the same time he was alleging in timesheets to be providing PCA services for three different Medicaid recipients. Feagai billed Medicaid a total of \$4,372.50 from August 21, 2012 through May 31, 2013 for PCA services he claimed to be providing when he was actually working for Parkview Center as a security guard. Medicaid was billed a total of \$11,834.90 for PCA services that were never provided.

Bail Information:

ELISAIA SILUANO

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|-------|---------|---------------------|--------------|-----|-----|-----------|
| CONV | CONV | CONVICTING | COURT DOCKET | POS | FEL | ATN |
| COURT | DATE | CHARGE | | ID | | |
| DAN | 4/13/04 | DRIVING WHILE INTOX | 3AN-04-1050 | Y | N | 108279234 |

Dated at Anchorage, Alaska, this ____ day of July, 2013.

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
July 2013, at Anchorage, Alaska.

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