

IN THE DISTRICT COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 ROCKY KYUNG KIM,)
 aka: KYUNG ROCK KIM,)
 aka: KYUNG ROCK,)
 DOB: 6/10/1957)
 APSIN ID: 6981316)
 DMV NO. 6971921 AK)
 ATN: 107-504-865)
)
 MYONG SUK DAHLBERG,)
 aka: MYONG SUK THYNG,)
 DOB: 10/8/1952)
 APSIN ID: 6415650)
 DMV NO. 6415650 AK)
 ATN: 114-356-205)
)
 Defendants.)
)

Case No. 3AN-13-
 Search Warrants: 3AN-13-459 SW
 3AN-13-602 SW

INFORMATION

<p>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.</p> <p>The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:</p>

Count I - AS 47.05.210(a)(1)Fel C
 Medical Assistance Fraud
 Rocky Kyung Kim – 001

Count II - AS 47.05.210(a)(5) Misd A
Medical Assistance Fraud
Rocky Kyung Kim – 002

Count III – 47.05.210(a)(3)(A) Misd A
Medical Assistance Fraud
Rocky Kyung Kim - 003

Count IV - 47.05.210(a)(3)(A) Misd A
Medical Assistance Fraud
Rocky Kim - 004

Count V - 47.05.210(a)(1) Fel C
Medical Assistance Fraud
Myong Suk Dahlberg - 001

Count VI - 47.05.210(a)(3)(A) Misd A
Medical Assistance Fraud
Myong Suk Dahlberg - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about August 17, 2012 through March 9, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, ROCKY KYUNG KIM, 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 August 17, 2012 through March 9, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, ROCKY KYUNG KIM, 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 17, 2012 through March 9, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, ROCKY KYUNG KIM, knowingly conferred, or offered to confer a benefit to refer a medical assistance recipient to a health care provider.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(3)(A) and against the peace and dignity of the State of Alaska.

Count IV

That on or about May 15, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, ROCKY KYUNG KIM, knowingly conferred, or offered to confer a benefit to refer a medical assistance recipient to a health care provider.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(3)(A) and against the peace and dignity of the State of Alaska.

Count V

That on or about March 10, 2013 through March 30, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MYONG SUK DAHLBERG, 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 VI

That on or about April 3, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, MYONG SUK DAHLBERG, knowingly conferred, or offered to confer a benefit to refer a medical assistance recipient to a health care provider.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(3)(A) 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.

On February 26, 2013, MFCU received a fraud referral from Lynne Keilman-Cruz, RN of the Division of Senior and Disability Services (DSDS) with the Department of Health and Social Services (DHSS). The referral provided that on January 18, 2013, DHSS employees made a presentation to the residents of Chugach Manor and Chugach View apartments located in Anchorage, which are low income housing facilities operated by Alaska Housing Finance Corporation. After the presentation a 91 year old resident approached Keilman-Cruz and reported that she had been solicited for and pressured to accept personal care attendant (PCA) services by a Good Faith Services, LLC (Good Faith) employee. The resident reported that she only agreed to services on three days per week and that the PCA stopped coming to her apartment after the resident returned from an out-of-state vacation.

PCAs are 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 for their needs and a PCA is then hired by the recipient to provide those needs in the recipient's home. The PCA fills out a timesheet for the work done and submits it to a PCA agency that in turn bills Medicaid. Medicaid pays approximately \$24 an hour to the agency and the agency must pay the PCA at least half of that amount.

On April 4, 2013, Keilman-Cruz received a complaint from Chugach Manor Service Coordinator alleging that Medicaid recipient Im Soo Roland was not receiving her authorized PCA services. A review of Medicaid billing records revealed

that Good Faith billed Medicaid for PCA services rendered to Im Soo Roland by PCA Rocky Kim from August 17, 2012 through March 9, 2013.

Rocky Kim was interviewed on April 9, 2013 regarding his care of Im Soo Roland. Kim acknowledged working for Good Faith since 2011 as a PCA client manager and a PCA. Kim's duties require that he prepare Medicaid recipients for need assessments by HSS and then serve as the recipient's PCA until a permanent PCA can be found for the recipient. Kim's compensation with Good Faith was based upon the total number of PCA hours billed to Medicaid by PCAs supervised by Kim. Kim's compensation could be as high as \$133,000 per year based upon the total hours of PCA services billed to Medicaid for Kim's recipients (requiring 3,500 weekly PCA hours).

Kim submitted timesheets to Good Faith claiming that he provided Roland with 90 minutes of PCA services consisting of toileting, dressing, bathing, personal hygiene and mobility. Kim indicated on the timesheets that he provided the services on a daily basis from 10:00 – 11:30. Kim admitted creating the timesheets and confirmed his signature on several of the documents. Kim also admitted that he did not assist Roland with toileting, bathing or dressing and that he did not provide services to Roland on a daily basis.

Kim stated that the only service he provided Roland was occasional help with translation services and playing a movie for her and other seniors at the Anchorage Senior Activity Center. Medicaid regulations define allowable PCA services as the services that HSS identifies on the recipients personal care assessment as being medically necessary. See 7AAC 125.030. Medicaid regulations specifically provide that personal care services may only be provided to a recipient who is living in the recipient's personal residence and the care must be consistent with the recipient's condition. See 7AAC 125.050; 195. Kim admitted knowing that Medicaid would only pay for the services documented on the timesheet and that was the reason the timesheets were filled out in a manner consistent with the recipient's assessment. Alaska law provides that a person commits the crime of medical assistance fraud if the person knowingly submits a claim to a medical assistance agency for a benefit with a reckless

disregard that the person is entitled to the benefit. See Alaska Statute 47.05.210(a)(1). Alaska law also prohibits the act of knowingly making a false medical assistance record. See Alaska Statute 47.05.210(a)(5).

Recipient Im Soo Roland, her husband, and niece all confirmed that Kim never provided any services to Im Soo Roland. Im Soo Roland indicated that she had back pain and only signed up for PCA services in order to receive assistance getting to medical appointments as her niece was too busy to take her. Roland told Kim she did not need help at home, but he insisted that he needed to bill Medicaid for one hour every day. In total, Rocky Kim billed Medicaid for \$7,170.90 for PCA services that were never provided to Im Soo Roland.

Rocky Kim's sister, Myong Dahlberg, is also a PCA for Good Faith. Medicaid billing records indicate that Dahlberg began billing Medicaid for providing PCA services to Im Soo Roland from March 10, 2013 through March 30, 2013. Dahlberg admitted that she completed and signed the timesheets indicating that she was providing services to Im Soo Roland. Initially Dahlberg claimed that she took Roland to church, doctor appointments, helped her pick out clothing and occasionally cleaned her toilets. MFCU investigators confronted her by telling her they had video evidence that she was never in Roland's home. At this point, Dahlberg stated that Im Soo Roland worked and that she would normally tell Dahlberg not to come over. Dahlberg also claimed that sometimes she would just sit in her car and talk with Im Soo Roland which is not an allowable PCA service.

Im Soo Roland informed MFCU investigators that Dahlberg never provided her with any PCA services. Dahlberg never bathed, showered, dressed or escorted her to medical appointments. All services she billed Medicaid for providing. Im Soo Roland's husband, Robert, confirmed that Dahlberg never provided PCA services to Im Soo Roland. Medicaid was billed a total of \$734.58 by Dahlberg for services she never provided to Roland.

Roland also indicated that Kim on at least two occasions gave her \$200 in cash and that Kim told her the money was for him not helping her, but Kim instructed

her not to tell anyone because he could get in trouble. In April 2011, MFCU investigators conducted an interview of a confidential informant who agreed to meet with Kim regarding the services he was allegedly providing Im Soo Roland and the money that was given to the recipient. The informant recorded multiple meetings with Kim in which Kim stated that he wanted Im Soo Roland to tell MFCU investigators that he was helping her in other ways and that he saw her 3-4 times per week. Kim stated that he gave Im Soo Roland \$200 about four times and warned her that if they talked about the money they would be in big trouble. Kim stated that he and Im Soo Roland needed to get their stories together.

On June 20, 2013, Im Soo and Robert Roland stated that Dyong Dahlberg attempted to give them \$75.00, but that the Rolands refused to take the money. The Rolands were unsure of the date, but believed that it was after April 3, 2013. Im Soo Roland stated that Dahlberg came to her door and tried to give her the money “for this month.”

Im Soo Roland’s niece, Eun-Young Pak, indicated that Kim repeatedly was attempting to contact Im Soo Roland through friends, by driving around Eun-Young Pak’s mother’s house, and by coming to Pak’s store. Pak believes that Kim was trying to make Im Soo Roland feel like it was her fault for all of this happening .

Rocky Kim has a history of attempting to intimidate Medicaid recipients associated with DHSS and/or MFCU investigations. On April 2, 2012, MFCU received a report from DSDS Adult Protective Services (APS) Section that Medicaid recipient Kyong Kim was threatened by Rocky Kim when she refused to fake her inability to care for herself in order to get increased PCA hours from Medicaid. APS received the report from David Park, who is Kyong Kim's pastor. Park reported that Rocky Kim took over Kyong Kim's care even though Kyong Kim stated that she did not want a male PCA. Rocky Kim did take Kyong Kim to appointments, but did not provide other services which were billed to Medicaid.

On May 4, 2012, DSDS received a report of Rocky Kim harassing a recipient when she refused to allow Kim to manipulate her needs assessment to

maximize payment without justification. The recipient dropped Kim as her care coordinator and Kim reportedly responded by yelling and threatening the recipient by telling her he would arrange it so she would “never receive services for the remainder of her life.”

On November 8, 2012, DSDS received a complaint that Kim was harassing Eva Coleman, a former customer of Good Faith, to continue signing timesheets despite the fact that the recipient had transferred to another agency six weeks earlier. The recipient’s sister reported to DSDS that Rocky Kim must have stolen her sister’s money. DSDS investigator James Drayton interviewed Rocky Kim in March 2013. During the interview, Kim admitted to accepting a \$300 “bonus” from Coleman for opening her safe. On April 4, 2013, DSDS received an allegation that Kim was continuing to harass Coleman to return to Good Faith by throwing rocks at her house late at night.

On May 15, 2013, the owner of C Care Services reported that one of her current Medicaid recipients had reported that she was being pressured by Rocky Kim to transfer her services back to Good Faith. Recipient So Boon Sin was previously receiving services from Good Faith, but recently transferred to C Care Services. Rocky Kim, upon learning of her transfer, came to Sin’s apartment two days in a row and stayed for half of the day each time. Kim tried to convince Sin to transfer her services back to Good Faith, to sign paperwork for the transfer and tried to give her \$200. Kim left the money on Sin’s table when he left. Kim returned the next day and repeated the process, but took \$100 from the table upon leaving the second day. Sin Called Sun Woodruff from C Care Services who then called Kim to tell him that she was upset with him trying to pay Sin to transfer back to Good Faith. Kim told Woodruff that he would send his sister Dahlberg over to collect the \$100. So Boon Sin expressed concern to the MFCU investigators that Kim hates her and may do something harmful to her.

Bail Information – Rocky K. Kim:

CONV COURT	CONV DATE	CONVICTING CHARGE	COURT DOCKET	POS ID	FEL	ATN
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DAN 3/12/02 Disorderly Conduct – 3AN-0010925 NO NO 102927951
Create hazard

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