

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

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 VICTORIA AMERIKA KOSETATINO, )  
 DOB: 12/13/1991 )  
 APSIN ID: 7626203 )  
 DMV NO. 7394186 AK )  
 ATN: 114-356-457 ) Case No. 3AN-13- CR  
 )  
 FUAFANUA PU’U, )  
 DOB: 5/22/1973 )  
 APSIN ID: 7549194 )  
 DMV NO. 7361295 AK )  
 ATN: 114-356-448 ) Case No. 3AN-13- CR  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

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  
Victoria Amerika Kosetatino - 001  
Fuafanua Pu’u - 001

Count II - AS 47.05.210(a)(5)  
Medical Assistance Fraud  
Victoria Amerika Kosetatino - 002  
Fuafanua Pu’u - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

**Count I**

That on or about March 18, 2012 through May 14, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, VICTORIA AMERIKA KOSETATINO and FUAFANUA PU'U, 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 18, 2012 through May 14, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, VICTORIA AMERIKA KOSETATINO and FUAFANUA PU'U 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:**

The undersigned swears under oath this Information is based upon a review of the Medicaid Fraud Control Unit (MFCU) investigative report submitted to date. Victoria Kosetatino was identified by the Department of Health and Social Services (DHSS) as an individual who was receiving high wages for performing personal care attendant (PCA) services under Alaska's Medicaid program. DHSS forwarded the information to the MFCU to investigate as a possible fraud.

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 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.

The MFCU investigation revealed that Kosetatino twice billed for Medicaid services she claimed to be providing to Medicaid recipient Fuafanua Pu'u during periods of international travel. Homeland Security Investigations Agent Timothy Brady provided the MFCU with travel records for Kosetatino and Pu'u. These records revealed that Kosetatino traveled from Alaska to American Samoa March 19, 2012 through March 29, 2012 and that Pu'u traveled from Alaska to American Samoa from April 27, 2012 through May 15, 2012. A review of Medicaid billing records revealed that Kosetatino submitted timesheets to PCA agency Good Faith Services for the time period that she was in Samoa resulting in Medicaid paying a total of \$1,138.00 for PCA services that were never performed. Medicaid records also revealed that Kosetatino submitted timesheets to the same agency for the time period that Pu'u was in Samoa resulting in Medicaid paying a total of \$2,468.25 for PCA services that were not performed. MFCU Investigators interviewed Kosetatino who admitted that she and Pu'u would fill out the timesheets and sign them prior to each of their respective trips overseas. Kosetatino claimed that she informed Good Faith Services that she and Pu'u were going to be traveling and that an agency representative told her to bill for the services anyway.

Medicaid regulations do not allow a PCA to bill Medicaid for home based healthcare services provided while traveling without prior approval from HSS. See 7AAC 125.050(c). Moreover, Medicaid will only cover related services that happen within the United States. See 42 C.F.R. § 431.52(b); see also Department of Health and Social Services, Senior and Disabilities Services, Policy and Procedure Manual, Section 3 Out-of-State Travel for Waiver Recipients, Procedures, A.1 (Ex. E, p. 4).

Dated at Anchorage, Alaska, this \_\_\_\_ day of September, 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  
September 2013, at Anchorage, Alaska.

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