

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

STATE OF ALASKA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
OLGA PALACIO PASION, )  
aka: OLGA DADIVAS PALACIO, )  
aka: OLGA DAVINAS PAKACUI, )  
DOB: 8/3/1971 )  
APSIN ID: 7164956 )  
DMV NO. 1079635 AK )  
ATN: 107-504-883 ) Case No. 3AN-13- CR.  
)  
MARCO FUNTANILLA PASION, )  
AKA: MARCO F. PASION )  
DOB: 10/19/1972 )  
APSIN ID: 7193233 )  
DMV NO. 1082777 AK )  
ATN: 114-356-466 ) 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  
Olga Palacio Pasion - 001

Count II - AS 47.05.210(a)(2) Misd A  
Medical Assistance Fraud  
Marco Funtanilla Pasion - 001

Count III - AS 47.05.210(a)(5)  
Medical Assistance Fraud  
Olga Palacio Pasion - 002  
Marco Funtanilla Pasion - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

**Count I**

That on or about December 8, 2012 through January 16, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, OLGA PALACIO PASION, 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 December 8, 2012 through January 16, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MARCO FUNTANILLA PASION, knowingly prepared or assisted another person in preparing a claim for submission 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 A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(2) and against the peace and dignity of the State of Alaska.

**Count III**

That on or about December 8, 2012 through January 16, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, OLGA PALACIO PASION and MARCO FUNTANILLA PASION, 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.

In February 2013, Olga Pasion 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.

MFCU Investigator Paakki requested Department of Labor records for PCA Olga Pasion which revealed that she was paid approximately \$83,000 over the course of two years for taking care of her parents. Investigator Paakiki next sent a request for travel information to Homeland Security Investigations Agent Timothy Brady for the border crossing history of Olga Pasion. Border crossing records revealed that Pasion traveled internationally from December 8, 2012 through January 16, 2013.

A review of the timesheets submitted by Olga Pasion revealed that she claimed to be providing 73.5 hours each week of PCA services to her parents during the period she was traveling. The time sheets indicate she was helping her parents with mobility, medical access, eating, oral medication, bathing, toilet use, personal hygiene, light housework, laundry and shopping. Olga Pasion also submitted transportation logs in support of payment for escort services indicating that she transported her father

around Anchorage 15 different times during the period of time she was traveling outside of the country with her parents.

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). Olga Pasion's husband, Marco F. Pasion, served as the power of attorney for Wilfredo Palacio and signed Olga Pasion's transportation logs indicating that the alleged transportation was provided within Alaska. Medicaid was billed a total of \$412.76 for fraudulently submitted timesheets between December 8, 2012 and January 16, 2012.

Olga Pasion was interviewed regarding the PCA services she claimed to be providing her parents. Olga Pasion stated that she went to work for Good Faith as her last agency would not allow her to bill for so many hours. Olga Pasion indicated she previously billed for PCA services while traveling. She told Good Faith about the trip and was instructed to bill for her time. Olga Pasion admitted traveling to the Philippines in December 2012 with her parents. Olga Pasion admitted that she and her parents filled out the timesheets for PCA services and that she and her husband filled out the logbooks for the transportation and that her husband signed the logbook for the transportation services while the recipients were out of the country. Medicaid was billed a total of \$11,159.07 for PCA and transportation services Olga Pasion claimed to be providing between December 8, 2012 and January 16, 2013 when her parents were outside of the country.

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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