

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

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 MIKI KIM, )  
 aka: MYOUNGSIK KIM CEPEDA, )  
 aka: MYONG SIK KIM, )  
 DOB: 6/20/1983 )  
 APSIN ID: 7381650 )  
 DMV NO. 7260888 AK )  
 ATN: 114-356-484 )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )  
 Case No. 3AN-13- 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 B  
Medical Assistance Fraud  
Miki Kim - 001

Count II - AS 47.05.210(a)(5) Mis A  
Medical Assistance Fraud  
Miki Kim - 002

Count III - AS 11.46.600(a)(2)  
Scheme to Defraud  
Miki Kim - 003

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

**Count I**

That on or about December 20, 2009 through January 26, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MIKI 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 B 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 20, 2009 through January 26, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MIKI 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 December 20, 2009 through January 26, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MIKI KIM engaged in conduct constituting a scheme to defraud one or more persons of \$10,000 or to obtain \$10,000 or more from one or more persons by false or fraudulent pretense, representation, or promise and obtained property or services in accordance with the scheme.

All of which is a class B felony offense being contrary to and in violation of AS 11.46.600(a)(2) 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, of the Division of Senior and Disability Services (DSDS) with the Department of Health and Social Services (DHSS). The referral resulted in the criminal charges being filed against numerous Personal Care Attendants (PCAs) associated with the PCA agency Good Faith Services, LLC (Good Faith) for fraudulently billing Medicaid for services not provided.

PCAs are home based healthcare providers that the Alaska Medicaid Program pays to provide services of daily living in a home based 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 March 19, 2013, MFCU investigators executed a search warrant at the offices of Good Faith Services. Employee Miki Kim was interviewed during the service of the warrant. Kim stated that she works as a client manager for Good Faith and attends the initial and renewal assessments for the recipients when the state is evaluating the recipient's level of need. Kim stated that she also works as a back-up PCA and that she primarily does paperwork for her cases.

A review of Kim's Medicaid billing activities revealed that she billed Medicaid a total of \$44,663.03 for providing PCA services to five different Medicaid recipients at the same time as she was employed full time as a client manager. The MFCU investigation revealed that all \$44,663.03 was fraudulently billed to Medicaid for services that were not provided.

Medicaid records revealed that Kim billed Medicaid a total of \$18,677.16 for PCA and waiver services provided to Medicaid recipient C.Y. from December 20, 2009 through January 26, 2013 and a total of \$13,334.18 for services allegedly provided to Medicaid recipient I.L., from May 16, 2010 through December 10, 2011.

On November 19, 2013, Investigator Anderson contacted C.Y.'s daughter Sung Don who agreed to show the investigators where C.Y. currently lived. C.Y. was sick, so Investigator Anderson, speaking through an interpreter, spoke with his wife I.L. regarding the PCA and respite services Kim alleged to have provided. I.L. recognized a photo of Miki Kim and identified her by name. I.L. stated that Kim never provided any care for C.Y. and that the only time she saw Kim was when the assessor for the state was present.

Investigator Anderson showed I.L. the timesheets submitted by Kim in which she alleged to be exercising and walking C.Y. daily between the hours of 9-11 p.m. in December 2010. I.L. stated that this would be impossible as C.Y. suffered a stroke in 2009 and has been partially paralyzed since that date. I.L. explained that the most C.Y. can do is walk with a cane from the chair to the kitchen table (approximately 6 feet) and otherwise he has to use a wheelchair. Sung Don similarly stated that Kim was not exercising C.Y. between the hours of 9-11 p.m. at night.

Investigator Anderson showed I.L. timesheets in which Kim was billing for providing PCA services to I.L. I.L. acknowledged her signature on the timesheets, but stated she only sees the timesheets when her daughter, Sung Don, brings them to her for signing. Investigator Anderson pointed out where Kim was billing for transferring, dressing, bathing, meal preparation and toileting I.L. I.L. said it was all a lie and that the most Kim ever did was to inquire occasionally when Don was out of town, but never provided any care.

Investigator Anderson questioned Sung Dong about providing the false timesheets to Miki Kim. Dong admitted forging her mother's name to the blank

timesheets and giving them to Miki Kim. Dong attempted to deny knowing that Miki Kim was not providing services, but Investigator Anderson pointed out that C.Y. was living in Dong's home with Dong for much of the time in which there was false billing. Dong admitted knowing that many of the entries such as the exercising at night were lies and knowing that it was wrong to sign her mother's name to the timesheets.

Medicaid billing information revealed that Kim billed Medicaid \$1,218.47 for providing PCA services to Medicaid recipient K.S. from October 28, 2012 through November 7, 2012. Investigator Anderson spoke with K.S. and her daughter Pu McNamara about the services Kim alleged to have provided K.S. Both K.S. and McNamara laughed as Investigator Anderson read from the timesheets submitted by Kim. Both stated that Kim never provided a single service that she billed Medicaid for providing. Anderson asked about the meal preparation and K.S. and McNamara stated that the only meal ever prepared in Kim's presence was when Kim showed up and said she was hungry. McNamara cooked Kim a meal and Kim left after eating. McNamara stated that she was personally taking care of her mom and did not know that Kim was being paid for providing any care.

Medicaid records showed that Kim billed Medicaid a total of \$10,103.98 for providing PCA services to Medicaid recipient B.K. from November 21, 2010 through January 4, 2011 and again from April 17, 2011 through June 25, 2011. Investigator Anderson spoke with B.K. and her granddaughter about the services Kim alleged to be providing in timesheets submitted to Medicaid. B.K. confirmed her signatures on the timesheets and stated that Miki would show up at her home once in a while, sit at her table and fill out the timesheets. B.K. stated through an interpreter that she does not read or speak English.

Investigator Anderson showed B.K. the timesheets billing Medicaid for bathing, meals, toileting, laundry and light housework. B.K. denied that Kim ever provided any of the billed services. B.K. said the most Kim ever did for her was to read

some of her mail. B.K. said that she was crippled and at times had to crawl across the floor when nobody was present to help her. The only relief she gets is when her granddaughter Jae Jang (Jenny) takes care of her and that Kim has done nothing. B.K. did not understand why Kim was being paid since she had signed Jenny up as a PCA and Jenny was not being paid for the services she provided.

Medicaid records showed that Kim billed Medicaid a total of \$1,329.24 for providing PCA services to Medicaid recipient O.L. from January 1-15, 2013. Investigator Anderson asked O.L. if she knew Kim. O.L. stated that Kim had previously served as an interpreter for her. O.L. informed Investigator Anderson that Kim never provided her with PCA services. O.L. confirmed her signature on one of the timesheets, but was uncertain of the other signature. She was certain, however, that Kim never bathed her, cooked for her, took her shopping, did laundry, toileted, dressed or undressed her. O.L. asked Investigator Anderson why Kim would lie about those things.

Dated at Anchorage, Alaska, this \_\_\_\_ day of April, 2014.

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  
April 2014, at Anchorage, Alaska.

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