

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

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 ARLENE ARIATE BROCALES,)
 DOB: 7/16/1972)
 APSIN ID: 7334392)
 DMV NO. 7230775 AK)
 ATN: 114-356-322)
)
 Defendant.)
)
 _____)
 Case No. 3AN-14- 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)
Medical Assistance Fraud
Arlene Ariate Brocales - 001

Count II - AS 47.05.210(a)(5)
Medical Assistance Fraud
Arlene Ariate Brocales - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about January 4, 2012 through July 23, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, ARLENE ARIATE BROCALES, 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 January 4, 2012 through July 23, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, ARLENE ARIATE BROCALES, 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.

On January 11, 2013, the MFCU received a report from the Department of Health and Social Services (DHSS) Division of Quality Assurance (QA) regarding the endangerment of a vulnerable adult by the adult's care provider. Adult Protective Services (APS) visited Medicaid recipient A.B. on January 10, 2013 roaches cross over his body and the kitchen counter and saw and heard rodents running in the apartment. APS employees also observed that A.B.'s apartment appeared to generally be un-kept, A.B. appeared to be weak and that his medications were mostly unopened. A.B.'s personal care attendant Arlene Brocales was asleep in her apartment next door.

Investigators with the MFCU interviewed Arlene Brocales on January 11, 2013 regarding the care she was allegedly providing for Medicaid recipient A.B. Arlene stated that she works hard for her father and that she is the only one providing him with care. Arlene further claimed that A.B. did not want to take his medication, which explained why there was a month's worth of unopened medication in his room.

Arlene told investigators that she also worked at Providence Alaska Medical Center three days a week for twelve hours each day. Arlene admitted that her boyfriend, Timmy White, would provide some of the care for A.B. when she was unavailable due to medical appointments.

MFCU Investigators re-interviewed Arlene Brocales on January 28, 2013 regarding her work as a PCA. Investigators showed Arlene timesheets from Arctic Care and C Care for Medicaid recipients A.B. and V.S. Arlene acknowledged her signatures on the timesheets for all of the documents. Investigators then showed Arlene her timesheets from Providence and the fact that the timesheets from Providence showed that she was not providing the services to A.B. at the times indicated on her timesheet to Medicaid. Arlene claimed the times on the timesheets were wrong, but that her father was receiving his care each day. Arlene claimed to provide the services for her father before going to work at 7:30 a.m., or after coming home at 7:30 p.m. Arlene also claimed her boyfriend Timmy White was providing the services. Arlene acknowledged that Timmy was not a PCA and that it was against Medicaid regulations to allow a non-PCA to provide the services and bill Medicaid.

Investigators then questioned Arlene about the conflicting times on V.S. timesheets. Arlene admitted she was not at V.S.'s residence for all the time she billed Medicaid. Arlene stated that V.S.'s wife would tell her to go home early on two or three days each week and she would bill for the full 3.5 hours while only working 1.5 hours. An interview with Linda Salao confirmed that Linda would tell Arlene to go home early and allow her to bill for services she did not provide Medicaid. Linda denied that Arlene was spitting the money received from Medicaid for claiming to provide services to V.S., but admitted that Arlene would then provide Linda and V.S. \$200 - \$300 per month to spend on medications.

A review of the timesheets submitted by Arlene for providing PCA services to A.B. and V.S. from January 4, 2012 through July 23, 2012 revealed that Arlene billed Medicaid a total of \$5,939.48 during times in which she was actually working for Providence. Alaska law further provides that a person commits the crime of medical assistance fraud

when the person knowingly makes a false entry in a medical assistance record. See Alaska Statute 47.05.210(a)(5). Alaska law defines a medical assistance record to include timesheets submitted to PCA agencies. See Alaska Statute 47.05.290.

Dated at Anchorage, Alaska, this ____ day of June, 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
June 2014, at Anchorage, Alaska.

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