

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

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 MARLON SANTOS GARON,)
 Aka: MARLON SANTOS BARON)
 DOB: 9/2/1956)
 APSIN ID: 6574950)
 DMV NO. 6574950 AK)
 ATN: 114-356-673)
)
 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)Fel C
Medical Assistance Fraud
Marlon Santos Garon - 001

Count II - AS 47.05.210(a)(5) Mis A
Medical Assistance Fraud
Marlon Santos Garon – 002

THE OFFICE OF SPECIAL PROSECUTIONS CHARGES:

Count I

That on or about November 23, 2012 through January 17, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MARLON SANTOS GARON, 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 November 23, 2012 through January 17, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, MARLON SANTOS GARON, 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:

The undersigned swears under oath this Information is based upon a review of the Medicaid Fraud Control Unit (MFCU) investigative report submitted to date.

An unrelated investigation by the Medicaid Fraud Control Unit revealed that Medicaid paid personal care attendant (PCA) Marlon Garon for providing PCA services to Medicaid recipient A.G., while A.G. was outside of the United States. The Alaska Medicaid program will pay for a limited amount of PCA services occurring away from a recipient's municipality of residence, but only when the travel is pre-authorized and the services cannot be provided by any other means. See 7AAC 125.050(c). Moreover, DHSS will not authorize PCA services outside of the United States due to federal regulation 42 CFR 431.52 prohibiting Medicaid expenditures for services outside of the United States.

A review of Immigration and Custom Enforcement records for Marlon Garon and A.G. revealed that both were out of the country from November 22, 2012 through January 17, 2012. Marlon Garon submitted timesheets reflecting he provided personal care services for Medicaid recipient A.G. from November 23, 2012 through January 26, 2013. A review of the timesheets revealed that Marlon was claiming to be providing A.G. between six to eight hours of PCA and/or respite services daily by

assisting A.G. with walking, toileting, bathing, dressing, etc. Medicaid billing information revealed that Medicaid paid PCA agency Good Faith Services \$9,480.91 for the above identified period of travel.

On September 10, 2014, MFCU investigators interviewed Marlon along with power of attorney Myrona Newman (A.G.'s daughter) and A.G. Both Marlon and Newman acknowledged their signatures on the PCA services timesheet that was submitted to Good Faith Services for payment by the Alaska Medicaid program for the periods of time corresponding with Marlon and A.G.s' travel. Marlon and Newman also both acknowledged that Marlon and A.G. were out of country on vacation and that they knowingly submitted the timesheets for PCA and respite services during this time. Marlon indicated that he told Good Faith employee Regan Medina that he and A.G. were travelling to the Philippines and that he received a cash advance prior to leaving.

On September 18, 2014, Marlon, Newman and A.G. were again interviewed regarding the services that Marlon claimed to be providing A.G. Marlon billed Medicaid for bathing A.G. on a daily basis as well as assisting her with toileting and dressing. Marlon admitted to MFCU investigators that A.G. bathes only once a week and that Newman assisted with the bathing. A.G. further admitted that Newman provided the services of bathing, toileting and dressing and that Marlon only assisted with the taking of medication, escort, grocery shopping and cooking, contrary to the information stated on the timesheets. A.G. further indicated that other family members

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helped her in the Philippines with the services that Marlon did not provide.

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

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