

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

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

STATE OF ALASKA,

Plaintiff,

vs.

ANGELINA LOPEZ
DOB: 11/02/1955
APSIN ID: 6702695
DMV NO.: 6702695 AK
ATN: 115745481

Defendant.

No. 3AN-18-_____ CR (Angelina Lopez)

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)(5)
Medical Assistance Fraud
Angelina Lopez - 001

THE OFFICE OF SPECIAL PROSECUTIONS CHARGES:

COUNT I

That in the Third Judicial District, State of Alaska, on or about 2012-2017, at or near Anchorage, ANGELINA LOPEZ, knowingly made a false entry or falsely altered a medical assistance record.

All of which is a Misdemeanor class A offense being contrary to and in violation of 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

The undersigned swears under oath this Information is based upon a review of police report 0665468 submitted to date.

This PCA fraud case arose from a tip given to the Medicaid Fraud Control Unit (MFCU) on or about March 22nd, 2017. PCAs, or Personal Care Assistants, are enrolled in

1 Medicaid as home- or community-based healthcare providers. The Alaska Medicaid Program
2 pays PCA agencies to provide services of daily living to senior or disabled Medicaid recipients,
3 which will allow Medicaid recipients to stay in their home rather than be placed in an assisted
4 living home type setting or other long-term care facility. Medicaid recipients are evaluated for
5 medical needs by an employee of the Department of Health and Social Services. The DHSS
6 evaluator decides on an appropriate number of hours and the types of services for the recipient to
7 receive home healthcare based on the recipient's individualized needs. The Medicaid recipient is
8 then authorized to hire a PCA provider through a PCA agency to provide those home- or
9 community-based based healthcare services. The PCA provider, as an employee of the PCA
10 agency, fills out a timesheet for the work done over the course of specific day or week and both
11 the PCA provider and the recipient (or guardian/power of attorney) signs the timesheet. On the
12 timesheet, the PCA provider lists the specific activities they did that day, such as "dressing,"
13 "bathing," "exercise," etc. along with an associated number of hours that activity took to
14 complete. The PCA provider then submits the timesheet to the PCA agency. The PCA agency
15 in turn bills Medicaid for the work reflected on the PCA provider's timesheet under a particular
16 code – typically code T1019. Medicaid pays approximately \$24 an hour to the PCA agency and
17 the agency must pay the PCA provider at least half of that amount.

20 Similarly, a Medicaid recipient can also be approved for chore and respite services,
21 with similar approval of hours and third party agencies coordinating those services. A PCA may
22 provide both PCA services and chore services for the recipient, often back-to-back in the same
23 day, and may fill out similar timesheets. The chore services timesheet includes services such as
24 "vacuum," "laundry," etc. The agency then uses those timesheets to bill Medicaid, typically
25

1 under code S5120. Medicaid pays approximately \$20 an hour to the PCA agency and the agency
2 in turn pays the PCA provider a portion of that amount.

3 On March 22nd, 2017 a tipster from a PCA agency called MFCU Investigator Margo
4 Mandell to report PCA Angelina Lopez and Client A had some sort of dispute about a large loan
5 between the two, and also that Lopez was possibly engaged in overlap fraud. Overlap fraud
6 occurs when a PCA submits a timesheet or timesheets for hours when either the PCA, the client,
7 or both are documented being elsewhere. For instance, a PCA may turn in a timesheet claiming
8 to work from 8am-1pm for Client A, but then also submits a timesheet claiming to provide PCA
9 services from 11am-4pm for another client across town. Since it would be impossible to be in
10 two places at the same time, the “overlap” between the two time periods must be fraud because
11 the provider either did not provide the work or made a false entry on a medical assistance record.
12

13 In the present case, the tipster described that Lopez would claim to provide PCA
14 services for Client A while Client A was spending several hours a week in adult day care,
15 dialysis treatment, or otherwise not in the home and not getting PCA services. Inv. Mandel
16 learned that Lopez was working as Client A’s PCA through Consumer Direct PCA agency, that
17 Lopez was also working as Client A’s chore and respite person through COMPASS Center for
18 Community, and that Lopez was working for another PCA agency McKinley Services with
19 Client B. Inv. Mandel collected several different sources of documentation, including Client A’s
20 adult day care agency, Client A’s dialysis treatment facility, Quick Rides LLC (a/k/a
21 AnchorRides), and Lopez’s records from the three agencies.
22

23
24 Inv. Mandel calculated overlap from May 2012 to March 2017. The overlap time
25 tables demonstrate that Lopez’s PCA timesheets with Consumer Direct conflict with the records
26 of Client A’s adult day care, Client A’s dialysis records, and Client A’s recorded pickup and
27

1 drop off times from Quick Ride, LLC as well as timesheets from McKinley Services with Client
2 B. Lopez's PCA timesheets from both Consumer Direct and Compass contain multiple instances
3 where Lopez is purporting to be providing PCA services to Client A at the same time Client A is
4 clocked in at other service provider agencies receiving other services.

5 By way of an example, on July 1st, 2016 Lopez turned in a timesheet claiming she
6 worked as Client A's PCA from 8am to 11:30am. However on July 1st, Client A was at her adult
7 day care from 10am to 2:03pm. Based on those timesheets, Consumer Direct billed Medicaid for
8 Lopez's PCA work and paid Lopez her PCA hourly wage. That one and one-half hour of
9 overlapping time is fraud for two reasons: first, Medicaid paid about \$36.00 for the services that
10 Lopez was not providing, and second, Lopez created a false entry on her medical assistance
11 document. By way of another example, Lopez filled out a timesheet for McKinley Services
12 claiming to work with Client B from noon to 1:30pm on July 25th, 2016, and then also filed a
13 timesheet claiming to have worked with Client A from noon to 2pm on that same day. In total,
14 Inv. Mandel identified more than ten thousand dollars in potential overlap billing when she
15 compared the timesheets to Client A's treatment records.

16 Inv. Mandel interviewed Client A. Inv. Mandel observed that Client A had some
17 memory problems due to age, but Client A did state that Lopez would stay at home and keep her
18 cats company while she was at dialysis. Client A did not have any specific complaints about
19 Lopez other than to say that Lopez was bossy. Client A did not know what Lopez put on the
20 timesheet, because Client A signed stacks of blank timesheets for Lopez.

21 Inv. Mandel interviewed Lopez. Lopez stated that she kept Client A's cats company
22 while Client A was away for the afternoon. Lopez stated that the overlapping times were a
23 mistake. Inv. Mandel pointed out that Medicaid PCA services are not for keeping cats company
24
25
26
27

1 and the overlapping time periods on her time sheets happened several times a week for years.
2 Lopez responded that she sometimes went to work before the hours listed on the timesheet or
3 stayed late, or went over to Client A's residence in the middle of the night, or even stayed the
4 night at her house if Client A needed it. Lopez could not explain why the timesheets associated
5 with Client B's services overlapped with Client A's timesheets.

6 Inv. Mandel interviewed Client A's care coordinator. Client A's care coordinator
7 stated that there was some truth to Lopez's claim that she helped Client A sometimes outside of
8 normal business hours, including taking Client A's cat to visit Client A in the hospital late at
9 night, or giving Client A rides home from the ER at odd hours. The care coordinator stated that
10 Client A and Lopez had been working together for 10 years and their relationship was akin to a
11 "bad, rocky marriage."
12

13 Lopez committed the crime of Medicaid fraud, AS § 47.05.210(a)(5) by knowingly
14 making a false entry in her PCA timesheets consistently throughout the years 2012-2017, for
15 claiming on her timesheets that she was working with Client A while she was not working with
16 Client A.
17

18 BAIL INFORMATION

19 No criminal history.

20 Dated at Anchorage, Alaska, this ____ day of February, 2018.

21
22 JAHNA LINDEMUTH
23 ATTORNEY GENERAL

24 By: _____
25 Eric Senta
26 Assistant Attorney General
27 Alaska Bar No. 1011091