

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

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6
7 AMINA ALIS ALLEN
8 DOB: 06/03/1980
9 APSIN ID: 6726702
10 DMV NO.: 6726702 AK
11 ATN: 115745787

12 Defendant.

13 No. 3AN-18-_____ CR

14 INFORMATION

15 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:

16 Count I - AS 47.05.210(a)(1)
17 Medical Assistance Fraud
18 Amina Alis Allen - 001

19 Count II - AS 47.05.210(a)(5)
20 Medical Assistance Fraud
21 Amina Alis Allen - 002

22 THE OFFICE OF THE ATTORNEY GENERAL CHARGES:

23 COUNT I

24 That in the Third Judicial District, State of Alaska, on or about January 12, 2015,
25 at or near Anchorage, AMINA ALIS ALLEN knowingly submitted or authorized the
26 submission of a claim to a medical assistance agency for property, services, or a benefit
27 with reckless disregard that the claimant is not entitled to the property, services, or
benefit. The approximate value of the claims submitted totaled \$19,220.52.

1 All of which is a Class C Felony offense being contrary to and in violation of AS
2 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

3 COUNT II

4 That in the Third Judicial District, State of Alaska, on or about January 12, 2015,
5 at or near Anchorage, AMINA ALIS ALLEN knowingly made a false entry or falsely
6 altered a medical assistance record.

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

9 The undersigned swears under oath this Information is based upon a review of
10 the investigative material developed to date by Medicaid Fraud Control Unit (MFCU)
11 investigators in investigation case number 0242344.

12 Amina Allen provided services as a personal care attendant (“PCA”) through
13 PCA agency Immediate Care Services, from 2011 through January 2015. In order to
14 participate in the Medicaid program as a PCA and provide PCA services to Medicaid
15 recipients, Allen had to complete training and receive a certification. *See* 7 ACC
16 130.220. Pursuant to 7 AAC 105.220(a)(1), as enacted through Alaska Statute Title 47,
17 any person who provides medical services to a recipient or who bills the state for his or
18 her services agrees to “comply with all applicable federal and state laws related to
19 providing medical or medically related services to Medicaid recipients in this state.” *See*
20 *also* 7 ACC 105.210(b)(3)(requiring anyone seeking enrollment with the state to provide
21 Medicaid services to agree to follow all state and federal applicable laws). Allen had
22 been certified to work as a Medicaid-based PCA through Immediate Care Services PCA
23 agency.

24 When providing services to a Medicaid recipient, all providers, which includes
25 the licensed agency and their employees, are required by 7 AAC 105.230(a) to “maintain
26 accurate financial, clinical, and other records necessary to support the services for which
27 the provider requests payment. The provider shall ensure that the provider’s staff, billing
agent, or other entity responsible for the maintenance of the provider’s financial, clinical,

1 and other records meets the requirements of this section.” Included among the
2 documentation a PCA or their agency is required to maintain are the documents that
3 would support the services being provided to a recipient and permit the disbursements of
4 Medicaid payments. The PCA or agency is not only required to maintain records of the
5 treatment that was provided to the recipient, but they are also required to maintain
6 documentation regarding the “specific services provided” and the “date on which the
7 service was provided.” 7 AAC 105.240 requires the care provider to produce the above-
8 referenced documentation upon request by an authorized agency such as MFCU.

9 PCAs are enrolled in Medicaid as home-based health care providers. The Alaska
10 Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients,
11 which will allow Medicaid recipients to stay in their home rather than be placed in an
12 assisted living home-type setting. Medicaid recipients are evaluated for medical needs by
13 an employee of the Department of Health and Social Services (“DHSS”) and the recipient
14 is then authorized to hire a PCA to provide home-based healthcare services. The PCA
15 provides the approved level of services and then contemporaneously fills out a timesheet
16 for the work performed. The timesheet is initially submitted to the licensed agency—in
17 Allen’s case, Immediate Care. The agency uses the timesheet provided by the PCA as
18 the documented basis for the amount the agency bills to Medicaid for the services
19 provided; the agency maintains a copy of that timesheet in accordance with the above-
20 stated regulations. Typically, Medicaid pays approximately \$24 an hour to the agency
21 for the service, and the agency is required to pay the PCA at least half of that amount.

22 In the current case, Immediate Care reported to MFCU investigators that they
23 believed Amina Allen, a PCA who worked for Immediate Care, had submitted timesheets
24 for services that were not provided. During the course of the investigation, MFCU
25 investigators received Amina Allen’s timesheets from the duration of her employment at
26 Immediate Care. Allen served as a PCA for her mother, S.A., from 2011 until October
27 2014. Investigators obtained certain of S.A.’s medical records, including hospital records
for services received by S.A. in Washington State during dates Allen claimed to have
provided PCA services to S.A., as well as some of S.A.’s air travel records from Alaska

1 Airlines, and the phone records for S.A.'s cell phone during this same time period. These
2 records revealed that, on several occasions, Allen billed for PCA services she allegedly
3 provided while her mother, S.A., had actually traveled to Washington and/or was
4 receiving medical treatment at various hospitals in Washington, and/or using her cell
5 phone in Washington State. Unless given prior authorization, PCAs are only permitted to
6 bill for services they personally performed within the State of Alaska. The regulations
7 governing PCA care require that the billing and associated documentation accurately
8 reflect what services were provided, and when those services were rendered by the PCA.

9 Allen submitted timesheets verifying that she provided PCA and/or respite
10 services to her mother, S.A., every day from March 2, 2013 until April 11, 2013; every
11 day from December 27, 2013 until February 23, 2014; and every day between September
12 29, 2014 and October 18, 2014. S.A.'s phone records, obtained from AT&T by search
13 warrant, indicate that S.A.'s phone was in use in the Seattle area during these time
14 periods. Records received from Alaska Airlines show that S.A. traveled from Anchorage
15 to Seattle on March 1, 2013; no return flight was found in Alaska Airlines' records.
16 However, S.A.'s phone records demonstrate that she used her phone in the Seattle area in
17 the early hours of April 11, 2013, and used it in the Anchorage area later that day.

18 Alaska Airlines records also demonstrated that S.A. traveled from Anchorage to
19 Seattle on December 26, 2013 and from Seattle to Anchorage on February 23, 2014.
20 S.A.'s phone records indicate that she used her phone exclusively in the Washington area
21 during that time period. No records obtained from Alaska Air demonstrate that S.A. flew
22 to or from Anchorage and Seattle on Alaska Airline on September 29, 2014 or October
23 18, 2014. However, on September 29, 2014, S.A.'s phone records show her phone was in
24 use in the Anchorage area in the first part of the day, and in the Seattle area in the latter
25 part of the day. Allen last billed for services allegedly provided to her mother on October
26
27

1 18, 2014.¹ However, S.A.'s phone records indicate that her phone was exclusively in use
2 in the Seattle area from September 29, 2014 until October 18, 2014—and remained in
3 Seattle after October 8, 2014. Moreover, as discussed below, S.A. was treated at
4 Washington hospitals at various times during this period.

5 Medical records revealed that between March 2013 and November 2014, S.A.
6 was hospitalized in Washington State hospitals ten times. Overlapping each of these
7 hospitalizations, Allen submitted timesheets alleging that she was providing PCA and/or
8 respite services to S.A. in Alaska.

9 On March 23, 2013, Allen billed for providing 5 hours of PCA care and 2 hours
10 of respite care to S.A. S.A. was treated at the emergency department of Swedish Medical
11 Center's 1st Hill Center, in Seattle, Washington, on that same day, after suffering a fall.

12 On January 6, 2014, Allen billed for providing 5 hours of PCA care to S.A. S.A.
13 was treated at Swedish Medical Center, 1st Hill Center, in Seattle Washington, on that
14 same day. According to the notes in her file, S.A. reported that she came to Seattle on
15 December 27, 2013. On January 9, 2014, Allen billed for providing 4.5 hours of PCA
16 care and 2 hours of respite care to S.A. S.A. was treated at Swedish Medical Center, 1st
17 Hill Center, in Seattle, Washington on that same day. On January 16, 2014, Allen billed
18 for providing 4.5 hours of PCA care and 2 hours of respite care to S.A. S.A. was treated
19 at Swedish Medical Center, 1st Hill Center, in Seattle, Washington on that same day.
20 S.A.'s patient file notes that she is seeing the doctor at Swedish Medical Center "because
21 she has temporarily relocated to Seattle." On January 23, 2014, Allen billed for
22 providing 4.5 hours of PCA care and 2 hours of respite care to S.A. S.A. was treated at
23 Swedish Medical Center, 1st Hill Center, in Seattle, Washington on that same day. On
24 January 30, 2014, Allen billed for providing 4.5 hours of PCA care and 2 hours of respite
25 care to S.A. S.A. was treated at Swedish Medical Center, 1st Hill Center, in Seattle,
26 Washington on that same day.

27 ¹ Other airlines flew this route at that time, including Delta Airlines and Jet Blue; records from a small period of
time within this timeframe were obtained from Jet Blue, and there is a pending request via search warrant to obtain
Delta Airlines records for S.A.'s travels.

1 On February 6, 2014, Allen billed for providing 4.5 hours of PCA care and 2
2 hours of respite care to S.A. S.A. was treated at Swedish Medical Center, 1st Hill Center,
3 in Seattle, Washington on that same day. On February 13, 2014, Allen billed for
4 providing 4.5 hours of PCA care and 2 hours of respite care to S.A. S.A. was treated at
5 Swedish Medical Center, 1st Hill Center, in Seattle, Washington on that same day. On
6 February 20, 2014, Allen billed for providing 5 hours of PCA care and 2 hours of respite
7 care to S.A. S.A. was treated at Swedish Medical Center, 1st Hill Center, in Seattle,
8 Washington on that same day.

9 On October 9, 2014, Allen billed for providing 2 hours of PCA care to S.A. S.A.
10 was treated at the emergency department of the UW Medicine Valley Medical Center, in
11 Renton, Washington on that same day.

12 Based on Allen's timesheets, Medicaid was billed \$19,220.52 for PCA and/or
13 Chore and Respite Services while S.A. was in Washington State. Medicaid paid
14 \$17,370.52 for those services.

BAIL INFORMATION

15 Based on a review of APSIN, the defendant has the following convictions in the
16 State of Alaska:

CONV COURT	CONV DATE	CONVICING CHARGE	COURT DOCKET	POS ID	FEL	ATN
DAN	10/15/99	DISORDERLY CONDUCT	3AN-98-8277	Y	N	102002256

19 Dated at Anchorage, Alaska, this 26th day of February, 2018.

21 JAHNA LINDEMUTH
22 ATTORNEY GENERAL

23 By: _____

24 Jenna L. Gruenstein
25 Assistant District Attorney
26 Alaska Bar No. 0912086
27