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

STATE OF ALASKA,

Plaintiff,

vs.

MALISI MALUIA
DOB: 12/19/1976
APSIN ID: 7293858
DMV NO.: 7200462
ATN: 115745553

Defendant.

No. 3AN-18-_____ CR (Malisi Maluia)

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
Malisi Maluia - 001

Count II - AS 47.05.210(a)(5)
Medical Assistance Fraud
Malisi Maluia - 002

THE OFFICE OF SPECIAL PROSECUTIONS CHARGES:

COUNT I

That in the Third Judicial District, State of Alaska, on or about Nov. 2017 to Jan. 2018, at or near Anchorage, MALISI MALUIA, 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, and the value of the property, services or benefit was greater than \$500.

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

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COUNT II

That in the Third Judicial District, State of Alaska, on or about Nov. 2017-Jan. 2018, at or near Anchorage, MALISI MALUIA, 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 0682031 submitted to date.

This PCA fraud case arose from a tip given to the Medicaid Fraud Control Unit (MFCU) from the Dept. of Labor, Unemployment Insurance Benefit division, on Feb. 16th, 2018. PCAs, or Personal Care Assistants, are enrolled in Medicaid as home- or community-based healthcare providers. The Alaska Medicaid Program pays PCA agencies to provide services of daily living to senior or disabled Medicaid recipients, which will allow Medicaid recipients to stay in their home rather than be placed in an assisted living home type setting or other long-term care facility. Medicaid recipients are evaluated for medical needs by an employee of the Department of Health and Social Services. The DHSS evaluator decides on an appropriate number of hours and the types of services for the recipient to receive home healthcare based on the recipient's individualized needs. The Medicaid recipient is then authorized to hire a PCA provider through a PCA agency to provide those home- or community-based based healthcare services. The PCA provider, as an employee of the PCA agency, fills out a timesheet for the work done over the course of specific day or week and both the PCA provider and the recipient (or guardian/power of attorney) signs the timesheet. The PCA provider then submits the

1 timesheet to the PCA agency. The PCA agency in turn bills Medicaid for the work reflected on
2 the PCA provider’s timesheet under a particular code – either code T1019 or S5150. Medicaid
3 pays approximately \$24 an hour to the PCA agency and the agency must pay the PCA provider
4 at least half of that amount.

5 This case involves one type of Medicaid fraud known as “travel billing.” An offender
6 commits travel billing fraud by submitting timesheets claiming to have provided PCA services
7 that cannot possibly have been provided because the provider, or the recipient, or both, were
8 traveling outside the United States or in different parts of the country at the time of the purported
9 service. Prior to December 23rd, 2011, Alaska Medicaid could authorize payment for PCA
10 services while travelling internationally if the travel was pre-approved. On December 23rd, 2011,
11 the Department of Health sent out a notice to all Medicaid providers that federal law prohibits
12 Medicaid expenditures for services outside the United States. Under no circumstances may a
13 recipient travel outside of the United States of America and still receive Medicaid funded
14 services, and providing service in another state within America requires DHSS pre-approval.
15 See 7 AAC 125.050, and 18 U.S.C. § 1396a(80).

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18 On Feb. 16th, 2018 an investigator with the State of Alaska, Dept. of Labor &
19 Workforce Development, division of Unemployment Insurance Benefits called the MFCU to
20 report that she thinks there may be an individual committing Medicaid Fraud. She reported that
21 Malisi Maluia had applied for unemployment insurance benefits, claiming to be unemployed and
22 living in Arkansas since Nov. 2017. Their system had issued a red flag, however, indicating that
23 an employer had reported recent wages to the Alaska Dept. of Labor showing Maluia working in
24 Alaska. The investigator followed up and learned that PCA agency Absolute Care of Alaska had
25 reported to the Dept. of Labor that Maluia had been working consistently at Absolute Care as a
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1 PCA for quite some time, including from Nov. 2017 when Maluia claimed to have moved out of
2 Alaska. Thus, either Maluia was actually in Alaska working at Absolute Care (and potentially
3 claiming fraudulent unemployment benefits) or was in Arkansas since Nov. of 2017 (and
4 potentially claiming fraudulent Alaska Medicaid payments). The investigator checked their
5 electronic claim form submitted by Maluia, and observed that that claim came from an IP
6 address associated with Conway, Arkansas.

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8 The MFCU case was assigned to Inv. Quinten Warren. Inv. Warren and the MFCU's
9 forensic accountant checked Medicaid claims associated with Maluia, which revealed that
10 Maluia had been getting paid for Medicaid services associated with recipient SF for some time.
11 Since Nov. 12th, 2017 Medicaid paid \$4898.30 for PCA services purporting to have been
12 provided by Maluia to Medicaid recipient SF. Inv. Warren requested and was given Maluia's
13 paystubs and timesheets from Absolute Care, which showed that Maluia filed timesheets
14 claiming to have worked in Alaska up until Jan. 20th 2018. There were twelve timesheets and six
15 paystubs during the time period of Nov. 2017 to Jan. 2018. On each of those timesheets Maluia
16 claimed to have provided services including assistance with toilet use, personal hygiene, and
17 bathing duties to SF while SF was in Alaska. Maluia claimed approximately 2.5-3.5 hours of
18 work per day, seven days a week.

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20 Maluia called the Dept. of Labor about his claim denial. Maluia stated to the Dept. of
21 Labor investigator that he was in Conway, Arkansas and unemployed. The Dept. of Labor
22 investigator noted the phone number he was calling from. He claimed that he was getting paid
23 for PCA services via Absolute Care in Alaska but not working at Absolute Care, but he needed
24 both that money and the unemployment insurance money to pay for things in Conway, Arkansas.

