

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

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 MILE VIANE FAINUULELEI,)
 DOB: 11/30/1982)
 APSIN ID: 7232363)
 DMV NO. 7149423 AK)
 ATN: 107-504-748) Case No. 3AN-13-1697 CR.
)
 KATERINA KATHERINE LETUANE,)
 DOB: 12/9/1986)
 APSIN ID: 7276803)
 DMV NO. 7186532 AK)
 ATN: 107-504-676) Case No. 3AN-13-1698 CR.
)
 Defendants.)
)

INFORMATION ADDING MISDEMEANOR COUNT TO INDICTMENT

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)(7) Misd B
Medical Assistance Fraud
Katerina Katherine Letuane - 006

Count II - AS 47.05.210(a)(1) Misd A
Medical Assistance Fraud
Mile Viane Fainuulelei - 005

Count III – AS 47.05.210(a)(2) Misd A
Medical Assistance Fraud
Katerina Katherine Letuane - 007

Count IV - AS 11.46.140(a)(1) Misd A
Theft In The Third Degree
Mile Viane Fainuulelei - 006
Katerina Katherine Letuane - 008

Count V - AS 47.05.210(a)(1) Misd A
Medical Assistance Fraud
Mile Viane Fainuulelei - 007

Count VI - AS 47.05.210(a)(2)Misd A
Medical Assistance Fraud
Katerina Katherine Letuane – 009

Count VIII - AS 11.46.140(a)(1) Misd A
Theft In The Third Degree
Mile Viane Fainuulelei - 008
Katerina Katherine Letuane - 0010

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about April 28, 2008 through June 16, 2008, at or near Anchorage in the Third Judicial District, State of Alaska, KATERINA KATHERINE LETUANE, violated a provision or a regulation of AS 47.07 or AS 47.08 by billing Medicaid for PCA services while the recipient was in the hospital in violation of 7AAC 125.050(b).

All of which is a class B misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(7) and against the peace and dignity of the State of Alaska.

Count II

That on or about January 25, 2011 through February 8, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, MILE VIANE FAINUULELEI, 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 A misdemeanor 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 III

That on or about January 25, 2011 through February 8, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, KATERINA KATHERINE LETUANE, knowingly prepared or assisted another person to prepare a claim for submission 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 A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(2)Misd A and against the peace and dignity of the State of Alaska.

Count IV

That on or about January 25, 2011 through February 8, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, KATERINA KATHERINE LETUANE and MILE VIANE FAINUULELEI committed the crime of theft and the value of the property or services was \$50 or more but less than \$500.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 11.46.140(a)(1) and against the peace and dignity of the State of Alaska.

Count V

That on or about May 28, 2011 through June 1, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, MILE VIANE FAINUULELEI, 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 A misdemeanor 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 VI

That on or about May 28, 2011 through June 1, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, KATERINA KATHERINE

LETUANE, knowingly prepared or assisted another person to prepare a claim for submission 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 A misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(2)Misd A and against the peace and dignity of the State of Alaska.

Count VII

That on or about May 28, 2011 through June 1, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, KATERINA KATHERINE LETUANE and MILE VIANE FAINUULELEI committed the crime of theft and the value of the property or services was \$50 or more but less than \$500.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 11.46.140(a)(1) and against the peace and dignity of the State of Alaska.

Probable Cause:

The undersigned states this Information is based upon a review of investigative reports submitted to date.

In February 2012, the Medicaid Fraud Control Unit received a Myers and Staffers audit report indicating that Medicaid paid for concurrent care in 2008 for recipient Puainaotala “Puna” Fainuulelei for personal care assistance (PCA) services provided to her while she was hospitalized. The audit only identified the PCA agency that billed Medicaid, but not the individual rendering providers as PCAs were not registered providers with the state in 2008.

PCAs are health care providers that the Alaska Medicaid Program pays to provide home based care services which allow Medicaid recipients to stay in their home rather than be placed in a nursing home type setting. Medicaid recipients are evaluated for their needs and a PCA is then hired to provide those needs in the recipient’s home. The PCA fills out a timesheet for the work done and submits that to a PCA agency who

in turn bills Medicaid. Medicaid pays an hourly rate to the agency and the agency must pay the PCA at least half of the amount paid the agency. Alaska Administrative Code 7AAC 125.050(a) & (b) expressly prohibit a PCA from providing services to a recipient while the recipient is hospitalized.

The Medicaid Fraud Control Unit (MFCU) reviewed the Services Tracking Analysis and Reporting System (STARS) database and verified the allegation of billing for PCA services while the recipient was hospitalized on fifteen different days between the dates of April 28, 2008 through June 16, 2008. The PCA agency involved was identified as Vladi and Associates. In April 2012, MFCU investigators requested that Vladi and Associates identify the individual PCAs involved and provide corresponding timesheets submitted by the PCAs for service. Investigators were able to identify the PCAs involved as Mile Fainuulelei and Katerina Letuane, the son and daughter-in-law of the recipients involved.

Puna was hospitalized on and off from April 28, 2008 through June 16, 2008. Katerina billed Medicaid on average \$84 per day during the time her mother-in-law was hospitalized claiming to have provided in-home daily living services to her mother-in-law. Katerina billed Medicaid a total of \$1,275.75 for services that could not be performed while the recipient was hospitalized. Katerina's husband, Mile, signed the timesheets attesting that the in-home services were in fact provided.

In July of 2012, Investigator Katie Paakki compared timesheets submitted by Mile for PCA services provided to his father Viane Fainuulelei against timesheets for Mile's other employment. Paakki discovered that Mile was billing Medicaid for PCA services he claimed to be providing to his father during times when he was actually working for Secure Trans and Republic Parking. Mile was working for Secure Trans from December 16, 2007 to January 18, 2008 and Republic Parking from February 1, 2008 through March 16, 2008. In total, Mile billed Medicaid for \$2,722.30 worth of PCA services he allegedly provided his father when he was actually working at other jobs. Mile's spouse, Katerina Letuane signed all of the timesheets as Viane's power of attorney attesting that the services alleged were in fact provided.

The MFCU's investigation further revealed that Mile billed Medicaid for PCA services for both his father and mother from January 25, 2011 through February 8, 2011 at times when he was actually working for Secure Trans. The total billed to Medicaid during this period for services not provided totaled \$467.88. Katerina was again the power of attorney for both Viane and Puna attesting that Mile did in fact provide the services alleged. Mile admitted to billing for services provided while he was actually working for Secure Trans.

In May 2011, Mile switched his father from one PCA agency to another. During this time, however, Mile submitted bills to both Vladi and Associates and Good Faith PCA agencies for services provided to his father resulting in two Medicaid claims being paid to two different agencies for the same services. The total overpayment from double billing amounted to \$439.55 for services from May 28, 2011 through June 1, 2011. Katerina was again the power of attorney for the Viane during this time. Mile admitted that he switched his father from one agency to another for a short period of time, but claimed that Vladi was not supposed to bill for the services. Mile, however, was double paid for the services based upon his submission of two timesheets to different agencies.

In 2011, Puna Fainuulelei filed a civil suit alleging civil liability for injuries she suffered as a result of a fall. Katerina signed an affidavit attesting that prior to Puna's fall in 2009, that Puna did not need the services of a PCA. Medicaid records, however show that Katerina has been providing PCA services to Puna since 2005. Katerina initially claimed that she did not know what information was in the affidavit that she signed, but later admitted that the information in the affidavit was false.

Bail Information:

Mile Viane Fainuulelei

CONV COURT	CONV DATE	CONV CHARGE	COURT DOCKET	POS ID	FEL	ATN
SAN	11/18/11	THEFT 2 ACCESS DEVICE	3AN-11-3668	Y	Y	113395698

Katerina Katherine Letuane

CONV COURT DAN	CONV DATE 4/5/12	CONV CHARGE FRAUD USE OF A ACCESS DEVICE	COURT DOCKET 3AN-11-3669	POS ID Y	FEL N	ATN 113395707
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Dated at Anchorage, Alaska, this ____ day of February, 2013.

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
February 2013, at Anchorage, Alaska.

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