

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

STATE OF ALASKA,)
)
Plaintiff,)
)
vs.)
)
ALVIN MARIANO DURANO,)
DOB: 8/23/1969)
APSIN ID: 7053173)
DMV NO. 7019044 AK)
ATN: 114-356-169) Case No. 3AN-13- CR.
)
NORMITA MARIANO DURANO,)
DOB: 8/3/1941)
APSIN ID: 6641525)
DMV NO. 6641525 AK)
ATN: 114-356-178) Case No. 3AN-13- CR.
)
Defendants.)
)

3AN-13-459 SW

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
Alvin Mariano Durano - 001
Normita Marino Durano - 001

Count II - AS 47.05.210(a)(5) Misd A
Medical Assistance Fraud
Alvin Mariano Durano - 002
Normita Marino Durano - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about January 1, 2011 through February 3, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, ALVIN MARIANO DURANO and NORMITA MARIANO DURANO, 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 January 1, 2011 through February 3, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, ALVIN MARIANO DURANO and NORMITA MARIANO DURANO, 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 Statement:

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

The Program Integrity (PI) Unit of the Department of Health and Social Services (DHSS) referred an investigation to the Medicaid Fraud Control Unit (MFCU) involving personal care attendant (PCA) agency Good Faith Services, LLC. (Good Faith) and employees of Good Faith for suspected Medicaid fraud. During the course of the investigation, MFCU investigators learned from confidential source #2 that PCA Alvin Durano was billing Medicaid for providing PCA service while the recipient, Normita Durano, was out of the country.

PCAs are licensed and registered health care providers that the Alaska Medicaid Program pays to provide home based healthcare services which will allow Medicaid recipients to stay in their home rather than be placed in a nursing home type setting. Medicaid recipients are evaluated for their healthcare needs and a PCA is then hired by the recipient to provide those needs in the recipient's home. The PCA fills out a timesheet for the work done and submits it to a PCA agency that in turn bills Medicaid. Medicaid pays approximately \$24 an hour to the agency and the agency must pay the PCA at least half of that amount.

Immigration and Customs Enforcement (ICE) Agent Stefanie Vetter provided MFCU investigators with detailed border crossing information for both Alvin Durano and Medicaid recipient Normita Durano. A comparison of Medicaid billing records against the travel records revealed that Alvin Durano billed Medicaid for allegedly providing PCA services to Normita Durano on three different occasions when Normita was traveling out of the country alone (3/15/11 – 5/15/11, 11/9/11 – 1/24/12, 11/22/12 – 2/3/13). Alvin Durano billed Medicaid a total of \$8,683.92 for the times that Normita Durano was out of the country. A review of the timesheets submitted during this period revealed that both Alvin Durano, as the PCA, and Normita Durano, as the consumer of services, signed each of the timesheets attesting that the tasks identified were completed and that a misrepresentation of constitutes fraud.

On May 8, 2013, MFCU investigators interviewed Alvin Durano about his work as a PCA for his mother Normita Durano. Alvin stated that he had not been Normita's PCA for a couple of years, but acknowledged submitting timesheets to Good Faith for providing PCA services to Normita reflecting the services actually provided. Alvin stated that he previously worked for U-Haul Services for approximately 8-9 years and that his normal work hours were from 7:30 a.m. to 4:30 p.m. Monday through Friday. A review of timesheets submitted by Alvin for the years 2011 – 2012 revealed overlapping time between PCA hours Alvin claimed to be providing services and the actual hours he was working for U-Haul. Alvin billed Medicaid a total of \$14,760.93

for PCA services he claimed to be providing Normita when he was actually working for U-Haul.

Alvin was re-interviewed on May 15, 2013 regarding his services as a PCA. Alvin admitted to serving as Normita’s PCA until recently and to just signing the timesheets, but not actually providing the services. Alvin admitted that he would cash the paychecks from Good Faith and then give the money to Normita.

MFCU investigators and agents from the Office of Inspector General interviewed Normita Durano on May 23, 2013. Normita admitted traveling to the Philippines from November 2012 through February 2013. Normita also verified that the signatures on the timesheets were in fact hers. Normita told the investigators that she would fill out the tasks performed and the dates and times on the timesheet and then her son Alvin would turn the timesheet into Good Faith. Normita said the times on the timesheet did not reflect the time that Alvin provided the PCA services, but she claimed that he would come before or after and work. Normita also denied knowing that she could not bill Medicaid for receiving PCA services while traveling alone outside of the country. Normita admitted to also filling out the timesheets during her travel time and then Alvin would submit the timesheets to Good Faith for payment. Between January 1, 2011 through February 3, 2013, Alvin and Normita Durano billed Medicaid a total of \$23,444.55 for PCA services that were not performed.

Dated at Anchorage, Alaska, this ____ day of July, 2013.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____
A. Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

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SUBSCRIBED AND SWORN TO before me this ____ day of
July 2013, at Anchorage, Alaska.

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