

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

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SCOTT LEE, )  
 DOB: 12/31/1971 )  
 APSIN ID: 7257542 )  
 DMV NO. 7170548 AK )  
 ATN: 114-356-115 )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )  
 Case No. 3AN-13- CR.  
 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  
Scott Lee - 001

Count II - AS 47.05.210(a)(5) Misd A  
Medical Assistance Fraud  
Scott Lee - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEAL CHARGES:

**Count I**

That on or about November 24, 2011 through January 24, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, SCOTT LEE, 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 November 24, 2011 through January 24, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, SCOTT LEE, 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) sent a referral to the Medicaid Fraud Control Unit (MFCU) involving a personal care attendant (PCA) named Scott Lee. PI received a call from an anonymous caller alleging that Lee was billing for PCA services while he was out of the country. Lee was supposed to be providing care to his mother Mao Lee. Investigator James Drayton with DHSS Quality Assurance contacted Lee's mother and learned that Lee was not there and that she had not seen him for several months. A review of Medicaid claims revealed that Lee billed Medicaid a total of \$14,632.39 for providing PCA services when he was traveling outside of the country or working at another job.

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.

Investigator Webb requested travel records from Agent Stefanie Vetter with Immigration and Customs Enforcement (ICE) for Lee. Border crossing records revealed that Lee traveled to Taipei from November 24, 2011 through December 21, 2011. During this time period Lee billed Medicaid for providing PCA services to Mao Lee in the amount of \$2,107.94. Medicaid records reveal there was no request for preauthorized international travel as was required at the time.

In December 2011, DHSS sent out a notice that it would no longer be approving PCAs to travel outside of the country with Medicaid recipients due to a clarification by the Centers for Medicare and Medicaid Services that 42 CFR 431.52 prohibits Medicaid expenditures for services outside of the United States. Border crossing records from ICE revealed that PCA Lee left the country on October 22, 2012 and had not returned as of January 24, 2013.

Medicaid records for Mao Lee contained a request for international travel to Bangkok, Thailand for Mao Lee with her PCA Scott Lee beginning October 21, 2012 and returning November 20, 2012. DHSS denied the request on September 14, 2012 because the travel was for a trip outside of the United States. Lee's PCA agency, U-Care Services, reported receiving a call from Scott Lee indicating that Mao Lee had cancelled her trip and was no longer leaving. DHSS suspended payment on all claims submitted by Scott Lee on January 24, 2013 as a result of this investigation. Medicaid paid a total of \$9,020.45 during the time period of October 22, 2012 through January 24, 2013.

Department of Labor records indicated that Lee was working for Copper River Seafood, Inc. between May 31, 2012 and September 30, 2012. A review of Lee's timesheets from Copper River Seafood, Inc. for this time period revealed that Lee was billing Medicaid for time he claimed to be providing PCA services to his mother when in fact he was actually working for Copper River Seafood, Inc. The total amount of overlapping payments to Lee for this time period was \$3,504.00.

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

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