

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

STATE OF ALASKA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LEVELEVEI FIAPULE ATAFUA,	)	
aka: LEVELEVEI FIAPULE TUFUGA	)	
ATAFUA,	)	
DOB: 7/3/1970	)	
APSIN ID: 7162011	)	
DMV NO. 7099666 AK	)	
ATN: 114-356-061	)	Case No. 3AN-13-                      CR.
	)	
DANA WILLIAM ATAFUA,	)	
DOB: 12/7/1969	)	
APSIN ID: 7162268	)	
DMV NO. 7099835 AK	)	
ATN: 114-356-097	)	Case No. 3AN-13-                      CR.
	)	
VIOLET TUFUGA,	)	
DOB: 2/24/1977	)	
APSIN ID: 7211977	)	
DMV NO. 7135220 AK	)	
ATN: 114-356-106	)	Case No. 3AN-13-                      CR.
	)	
Defendants.	)	
	)	
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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  
Leveleveli Fiapule Atafua - 001

Count II - AS 47.05.210(a)(5) Misd A  
Medical Assistance Fraud  
Leveleveli Fiapule Atafua - 002

Count III - AS 47.05.210(a)(2) Fel C  
Medical Assistance Fraud  
Dana W. Atafua - 001

Count IV - AS 47.05.210(a)(1) Misd A  
Medical Assistance Fraud  
Violet Tufuga - 001

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

**Count I**

That on or about June 6, 2012 through March 23, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, LEVELEVELI FIAPULE ATAFUA, 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 June 6, 2012 through March 23, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, LEVELEVELI FIAPULE ATAFUA, 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.

**Count III**

That on or about June 6, 2012 through March 23, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, DANA W. ATAFUA,

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 C felony offense being contrary to and in violation of AS 47.05.210(a)(2) and against the peace and dignity of the State of Alaska.

#### **Count IV**

That on or about March 18, 2013 through March 23, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, VIOLET TUFUGA, 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.

#### **Probable Cause Statement:**

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

On February 26, 2013, MFCU received a fraud referral from Lynne Keilman-Cruz, RN of the Division of Senior and Disability Services (DSDS) with the Department of Health and Social Services (DHSS). The referral provided that on January 18, 2013, DHSS employees made a presentation to the residents of Chugach Manor and Chugach View apartments located in Anchorage, which are low income housing facilities operated by Alaska Housing Finance Corporation. After the presentation a 91 year old resident approached Keilman-Cruz and reported that she had been solicited for and pressured to accept personal care attendant (PCA) services by a Good Faith Services, LLC (Good Faith) employee. The resident reported that she only agreed to services on three days per week and that the PCA stopped coming to her apartment after the resident returned from an out-of-state vacation.

PCAs are 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. The MFCU initiated a medical assistance fraud investigation based on the above allegations.

The MFCU investigation revealed that a number of Good Faith office employees were also billing Medicaid for providing PCA services and holding additional outside employment. Levelevei Atafua is a Good Faith office employee, PCA and employee of UPS. A review of Atafua's billing revealed three instances in which Atafua claimed to be providing PCA services to a Medicaid recipient while the recipient was hospitalized and two instances in which she billed Medicaid for providing PCA services while traveling outside of Alaska and/or the country.

Atafua is a PCA for Medicaid recipients Viliamu Atafua (aka William) and Fiamaua Ape. A review of Medicaid records revealed that William was hospitalized from June 6, 2012 through June 29, 2012. Alaska regulation expressly prohibits the billing for PCA services when a Medicaid recipient is hospitalized. See 7AAC 125.050(b). A review of Medicaid billing records revealed that Atafua submitted timesheets reflecting that she provided PCA services to William on June 6-7, 2012 resulting in Medicaid being fraudulently billed for \$204.84. Atafua's timesheets were signed by his power of attorney Dana W. Atafua certifying that the tasks were accomplished in accordance with William's service plan. The notice also indicates that a misrepresentation constitutes fraud.

MFCU investigators checked with Immigration and Customs Enforcement (ICE) for travel records on Atafua and her recipients. Border crossing records indicated that Atafua returned to the United States from an international trip on July 11, 2012.

Atafua was interviewed on May 22, 2013 regarding her travels and admitted traveling to Pago Pago, Samoa from July 3, 2012 through July 11, 2012. Atafua admitted to knowingly submitting the timesheets during this period and getting paid for services that she did not provide. Atafua also admitted that Medicaid recipient William was hospitalized during this same period of time. Atafua's conduct resulted in Medicaid paying \$967.78 for PCA services that were not provided by Atafua. The timesheets submitted by Atafua were also signed by William's power of attorney Dana Atafua attesting that all of the services claimed in the timesheet were actually provided to William. Medicaid records revealed that William was hospitalized from July 3-5, 2012.

Medicaid records for William indicate that he was again hospitalized from July 29, 2012 through July 31, 2012. Timesheets submitted by Atafua and signed by William's power of attorney Dana Atafua reflect that Atafua provided PCA services to William during these times. Medicaid was billed \$209.88 for services Atafua claimed to be providing during this time.

Atafua also admitted to traveling outside of Alaska for a church retreat from March 18, 2013 through March 23, 2013 and that both of her Medicaid recipient remained in Alaska during this time. A review of timesheets submitted by Atafua indicates that she billed for providing PCA services to Medicaid recipients William Atafua and Fiamaua Ape. The timesheets submitted for William were again signed by his power of attorney Dana Atafua indicating that the services identified were in fact provided. Atafua admitted to knowingly submitting the timesheets for work she claimed to be providing while traveling and Dana Atafua also acknowledged his signatures on the same timesheets. Medicaid was billed a total of \$833.69 for PCA services that Atafua claimed to be providing during this time period.

Medicaid denied some of the claims submitted by Atafua that overlapped with hospitalization stays and/or the agency Good Faith voided some of the claims after being paid by Medicaid. The denial of claims and/or voiding of claims does not relieve Atafua of criminal liability. Alaska law provides that the crime of Medical Assistance

Fraud is committed by the submission of a fraudulent medical claim to a medical assistance agency. See Alaska Statute 47.05.210(a)(1).

Atafua stated during her interview that she later became concerned about the fraudulent timesheets and approached Good Faith employee Phillip Francisco about the fraudulent billing. Atafua told Francisco that her sister Violet Tufuga had actually provided the services to her recipients while she was out of the country. Violet Tufuga later submitted timesheets claiming to have provided care for Atafua's Medicaid recipients William and Fiamaua. The timesheets submitted for William were signed by William's power of attorney Dana Atafua. Violet Tufuga's timesheets, however, overlap with timesheets submitted by Violet Tufuga for allegedly providing care to other Medicaid recipients. The loss to Medicaid for overlapping times submitted by Tufuga totaled \$489.72.

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