

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

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 CARMEN MEDINA MARCELO, )  
 DOB: 6/11/1980 )  
 APSIN ID: 7327280 )  
 DMV NO. 7225886 AK )  
 ATN: 107-504-559 )  
 )  
 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  
Carmen Medina Marcelo - 001

Count II - AS 47.05.210(a)(5) Misd A  
Medical Assistance Fraud  
Carmen Medina Marcelo – 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

**Count I**

That on or about August, 2, 2011 through September 17, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, CARMEN MEDINA MARCELO, 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 August 2, 2011 through September 17, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, CARMEN MEDINA MARCELO, 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.

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.

Good Faith is a personal care agency that provides PCA, transportation and care coordination services to eligible Medicaid beneficiaries. 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 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.

In April 2013, Carmen Marcelo contacted the MFCU offices and requested a meeting. Marcelo informed investigators that she submitted timesheets to Good Faith for Medicaid billing purposes for PCA services that she did not perform. Marcelo has been employed with Good Faith since December 2010 as a client manager and an on-call PCA. Marcelo stated that after beginning work for Good Faith she was asked to claim PCA hours for a Medicaid recipient that did not yet have a PCA. A review of timesheets verified that Marcelo submitted timesheets claiming to be providing 16.25 hours per week of PCA services to Medicaid recipient Pacita Hipe from August 2, 2011 through September 17, 2011. In total, Medicaid paid \$2,434.09 for services that Marcelo claimed to be providing to Hipe.

Marcelo admitted that she never provided the services that were indicated in the medical assistance records. Alaska law provides that a person commits the crime of medical assistance fraud if the person knowingly submits or authorizes the submission of a claim to a medical assistance agency for a benefit with a reckless disregard that the claimant is not entitled to the money. See Alaska Statute 47.05.210(a)(1). Alaska law also prohibits a person from knowingly making a false entry in a medical assistance record. See Alaska Statute 47.05.210(a)(5). Marcelo stated that she thought her actions were okay if she did not get the money. Marcelo explained that she gave the money received from Medicaid to one of the owners of Good Faith that then in turn paid the money to the Medicaid recipient's daughter.

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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