

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

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 CLARITA RIVERA MENESES,)
 aka: CLARITA RIVERA WOMACK,)
 aka: CLARITA RIVERA MCCLEARY)
 DOB: 2/23/1958)
 APSIN ID: 6727474)
 DMV NO. 6727474 AK)
 ATN: 114-356-052)
)
 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
Clarita Rivera Meneses - 001

Count II - AS 47.05.210(a)(5) Misd A
Medical Assistance Fraud
Clarita Rivera Meneses – 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about April 10, 2010 through January 28, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, CLARITA RIVERA MENESES, 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 April 10, 2010 through January 28, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, CLARITA RIVERA MENESES, 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 a personal care attendant (PCA) named Clarita Meneses. The PI unit indicated that Meneses billed Medicaid for PCA and respite services she claimed to be providing for a Medicaid recipient when the recipient was in the Philippines. The investigation conducted by the MFCU revealed that Clarita Meneses billed Medicaid for providing PCA services on two occasions when Josephina Meneses was traveling without Clarita and on one occasion when Clarita traveled with the Pacencia Rivera.

Medicaid was billed a total of \$13,292.71 for PCA, respite and transportation services during these time periods.

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

Investigator Webb requested travel records from Agent Stefanie Vetter with Immigration and Customs Enforcement (ICE) for Clarita and Josephina Meneses. Border crossing records revealed that recipient Josefina Meneses flew overseas on May 1, 2010 through June 1, 2010 and again on May 8, 2011 through June 11, 2011. PCA Clarita Meneses did not travel with Josefina Meneses on these trips, but did submit bills to Medicaid through PCA agency C-Care Services alleging to be providing PCA services to Josefina during these times. Timesheets submitted by Clarita alleged that she was providing between 4 – 4.75 hours of daily PCA service involving tasks of assisting Josephina with mobility, transferring to/from bed to chair or wheelchair, dressing, medications, bathing, toilet use, personal hygiene, light housework and laundry.

Clarita was also claiming to be providing two hours of daily respite services during the same time periods. Respite workers, unlike PCAs, are not licensed and registered with DHSS making it difficult to identify who is providing respite services to recipients. The respite program, however, is designed to provide relief to an unpaid caregiver. Clarita was simply billing Medicaid for the full amount of PCA and respite hours allotted all while Josephina was traveling without Clarita. The total loss to Medicaid during this time period was \$6,129.95.

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 Clarita traveled overseas with Medicaid recipient Pacencia Riviera from December 26, 2012 through January 28, 2013. Clarita, however, submitted timesheets through PCA agency Good Faith Services for the services she claimed to be providing Riviera overseas during this time period.

Clarita was interviewed regarding her overseas travel and billing. Clarita confirmed the signatures on the timesheets in question were hers stating “no one signs for me.” Clarita stated that the agencies never told her not to bill while she was traveling and that she told Good Faith Services employee Reagan Medina that she was going to be traveling. Clarita denied knowing the rules and said that Reagan Medina told her it was okay to bill. The total loss to Medicaid during this time period was \$7,126.76 resulting in a total for all time periods of \$13,292.71.

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