

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

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 BRYAN FIDEL PENTECOSTES,)
 DOB: 3/24/1981)
 APSIN ID: 6886910)
 DMV NO. 6886910 AK)
 ATN: 114-356-142)
)
 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
Bryan Fidel Pentecostes - 001

Count II - AS 47.05.210(a)(5) Misd A
Medical Assistance Fraud
Bryan Fidel Pentecostes - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about August 23, 2012 through October 17, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, BRYAN FIDEL PENTECOSTES, 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 23, 2012 through October 17, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, BRYAN FIDEL PENTECOSTES, 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) for suspected Medicaid fraud. During the course of the investigation, MFCU investigators learned that Good Faith employee Bryan Pentecostes was billing Medicaid for providing PCA services to a recipient without actually providing the services.

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 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 Margo Mandel reviewed Medicaid billing records indicating that Bryan Pentecostes billed for providing PCA services to Medicaid recipient Lillian Gregg from August 23, 2012 through October 17, 2012. Investigators Mandel and Payne interviewed Lillian and her stepdaughter and current PCA Anita Mixon. Both Lillian and Mixon stated that Lillian signed up with Good Faith for PCA services in mid-August and Lillian was assessed by the Division of Senior and Disability Services on August 23, 2013, the same day that Pentecostes began billing for providing Lillian with services. Mixon applied to be a PCA, but she was not provisionally authorized to provide the services until October 17, 2012, the same day that Pentecostes stopped billing Medicaid for providing Lillian with PCA services.

Both Lillian and Mixon stated that Mixon was the only person to provide Lillian with PCA services and that no male associate of Good Faith had been in the home providing services as indicated on the timesheets submitted by Pentecostes. The timesheets submitted by Pentecostes were for providing 8.75 hours of PCA services each week on a daily basis from 8:00 a.m. – 9:15 a.m. and indicated that he was providing Lillian with light and main meal preparation and medication assistance. In total, Pentecostes submitted timesheets to Medicaid for \$1,515.80 worth of PCA services that he never provided.

Investigators next contacted Eli Gregg, who is Lillian's son and power of attorney for Medicaid issues. Eli signed and dated all of Lillian's timesheets attesting that the PCA services were rendered, including the timesheets submitted by Bryan Pentecostes for the time period August 23, 2012 through October 16, 2012. Eli confirmed, however, that Pentecostes never provided any PCA services for his mother and that his sister Anita Mixon is the only person who has acted as Lillian's PCA.

Eli stated that Anita had been living with and taking care of Lillian since prior to Anita's authorization to bill for PCA services. Eli stated that when he signed the timesheets for the period prior to his sister's authorization that the timesheets were

blank and did not contain Pentecostes' name. Eli thought the timesheets were being submitted on his sister's behalf to render payment for services she provided prior to her authorization as a PCA.

Eli stated that his sister Anita was summoned by Bryan Pentecostes to the Good Faith office on June 21, 2013 (the same day Investigator Mandel attempted to schedule an interview with Bryan). Eli accompanied Anita to the meeting. Bryan Pentecostes told Eli and Anita that if they were contacted by MFCU investigators and questioned they were to say that Bryan Pentecostes had been in their mother's home and had provided the PCA services as reflected on the timesheets. Bryan further indicated that if Eli and Anita did not make these false assertions that their mother, Lillian Gregg, would be in trouble with Medicaid.

Lillian Gregg is an 84-year old female with a diagnosis of advanced dementia and hypertension. She is primarily cared for by her daughter Anita Mixon. Investigators from MFCU have since learned that Bryan Pentecostes has future plans of leaving the State of Alaska.

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