

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

STATE OF ALASKA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LILLI ANN SAMANIEGO BENIPAYO, )  
 DOB: 7/20/1962 )  
 APSIN ID: 7448151 )  
 DMV NO. 7305884 AK )  
 ATN: 114-356-565 )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )  
 Case No. 3AN-13- CR.

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  
Lilli Ann Benipayo - 001

Count II - AS 47.05.210(a)(5) Mis A  
Medical Assistance Fraud  
Lilli Ann Benipayo - 002

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

**Count I**

That on or about March 2, 2011 through December 31, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, LILLI ANN BENIPAYO, 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 March 2, 2011 through December 31, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, LILLI ANN BENIPAYO, 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 investigative report submitted to date. On July 16, 2013, Anita Halterman of the Division of Senior and Disability Services with the Department of Health and Social Services (DHSS) contacted the Medicaid Fraud Control Unit (MFCU) regarding suspected fraud. Halterman indicated that notes for Medicaid recipient S. B. indicated that she intended to travel out of the country from November 28, 2012 through December, 31, 2012.

S.B. is a Medicaid recipient receiving personal care attendant (PCA) services from PCA Lillie Ann Benipayo. PCAs are home based healthcare providers that the Alaska Medicaid Program pays to provide services of daily living assistance 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 by DHSS and then authorized a specific number of PCA service hours to be provided to the recipient in the recipient's home. The recipient hires a PCA who provides the services of daily living and fills out a timesheet for the work provided. The PCA and recipient or power of attorney sign the timesheet that is submitted to an agency and 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.

DHSS regulation previously allowed for a PCA to travel with a recipient out of state if the Department specifically authorized the travel. On December 23, 2011, DHSS issued a notification to all Alaska PCA agencies indicating that Federal Regulation 42 CFR 431.52 prohibits Medicaid expenditures for services outside of the United States. Accordingly, DHSS stopped authorizing all international travel for PCAs.

MFCU contacted Agent Tim Brady with Homeland Security Investigations regarding international travel for S.B. and/or Lillie Ann Benipayo. Agent Brady reported that PCA Lillie Benipayo traveled outside the United States without Medicaid recipient S.B. from March 2, 2011 through April 3, 2011. Agent Brady also reported that Medicaid recipient S.B. traveled outside of the United States with PCA Lillie Benipayo from November 28, 2012 through December 31, 2012. A review of Medicaid billing records revealed that PCA Benipayo billed Medicaid a total of \$3,436.69 for the March through April 2011 trip and \$4,664.63 for the November through December 2012 trip for a total of \$8,101.32.

PCA Benipayo was interviewed on November 4, 2013. Benipayo admitted travelling to the Philippines from March 2, 2011 through April 3, 2011 without Medicaid recipient S.B. Benipayo also admitted to travelling internationally with Medicaid recipient S.B. from November 28, 2012 through December 31, 2012. Benipayo admitted that it was her signature on the timesheets submitted. Benipayo stated she thought she could provide services while traveling internationally and indicated that another PCA provided services to S.B. while she was travelling internationally without S.B. A review of transportation logs submitted by Benipayo indicated that she alleged to be providing transportation services to S.B. in Anchorage when the two were actually overseas in the Philippines.

Benipayo stated that she contacted the PCA agencies Arctic Care and Good Faith Services, LLC in May 2013 to void the claims after attending a DHSS seminar in which the presenter indicated that out of country billing for Medicaid services is prohibited. Benipayo denied learning this fact from her brother that served

as an interpreter for MFCU in a similar investigation. A review of the billing claims shows that all but \$1,270.94 of the disallowable claims have been reversed by the PCA agencies.

Dated at Anchorage, Alaska, this \_\_\_\_ day of December, 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  
January 2014, at Anchorage, Alaska.

Notary Public in and for Alaska  
My Commission Expires: End of Hire