

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

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6 EFREN SALISI GARDIOLA

7 DOB: 07/08/1966

8 APSIN ID: 7055442

9 DMV NO.: 7020774

ATN: 114677505

10 Defendant.

No. 3AN-16-

CR.

11
12 INFORMATION

13 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)
14 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.
15 The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

16 Count I - AS 47.05.210(a)(1)

Medical Assistance Fraud

17 Efren Salisi Gardiola - 001

18 Count II - AS 47.05.210(a)(5)

Medical Assistance Fraud

19 Efren Salisi Gardiola - 002

20 THE ATTORNEY GENERAL CHARGES:

21
22 COUNT I

23 That in the Third Judicial District, State of Alaska, on or about May 21, 2013
24 through December 31, 2014, at or near Anchorage, EFREN SALISI GARDIOLA knowingly
25 submitted or authorized the submission of a claim to a medical assistance agency for property,
26 services, or a benefit with reckless disregard that the claimant is not entitled to the property,
27 services, or benefit.

1 All of which is a Felony class C offense being contrary to and in violation of
2 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

3 **COUNT II**

4 That in the Third Judicial District, State of Alaska, on or about May 21, 2013
5 through December 13, 2014, at or near Anchorage, EFREN SALISI GARDIOLA knowingly
6 made a false entry or falsely altered a medical assistance record.

7 All of which is a Misdemeanor class A offense being contrary to and in violation of
8 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

9 The undersigned swears under oath this Information is based upon a review of
10 police report 0643834 submitted to date.

11 On February 11, 2016, the Medicaid Fraud Control Unit (MFCU) received a
12 report of Medicaid fraud from Department of Health and Social Services (DHSS) Health
13 Care Program Manager Karen Engstrom regarding fraud being committed by Efen
14 Gardiola. Engstrom alleged that Gardiola fraudulently billed the State of Alaska
15 Medicaid program for personal care attendant (PCA) services that were never provided.

16 PCAs are enrolled in Medicaid as home-based healthcare providers. The Alaska
17 Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients,
18 which will allow Medicaid recipients to stay in their home rather than be placed in an
19 assisted living home type setting. Medicaid recipients are evaluated for medical needs by
20 an employee of DHSS and the recipient is then authorized to hire a PCA to provide
21 home-based healthcare services. The PCA fills out a timesheet for the work done and
22 submits it to a PCA agency that in turn bills Medicaid. Medicaid pays approximately \$24
23 an hour to the agency and the agency must pay the PCA at least half of that amount.

24 Prior to December 23, 2011, Alaska Medicaid would authorize payment for PCA
25 services while travelling internationally if the travel was pre-approved. On December 23,
26 2011, the DHSS sent out a notice to all Medicaid providers that federal law prohibits
27 Medicaid expenditures for services outside of the United States.

One type of Medicaid fraud investigated by MFCU is known as “travel billing.”
An offender commits travel billing fraud by submitting timesheets claiming to have

1 provided PCA services that cannot possibly have been provided because the provider, or
2 the recipient, or both, are traveling outside the United States at the time of the purported
3 service.

4 Investigator Boone reviewed international travel records provided by SA Tim
5 Brady with the Department of Homeland Security. Travel records revealed that PCA
6 Gardiola and Medicaid recipient F.G. extensively travelled internationally between 2011
7 through 2014. A review of Medicaid billing records revealed that Gardiola billed
8 Medicaid during periods when he or the recipient was travelling internationally in
9 violation of Medicaid regulations.

10 Investigators interviewed Gardiola regarding his timesheets and international
11 travel. Gardiola admitted to traveling internationally on five different trips in 2013 and
12 four trips in 2014 without Medicaid recipient F.G. Gardiola confessed to filling out,
13 signing and submitting timesheets for pay. Gardiola admitted that F.G. travelled
14 internationally without him from May 11, 2011 through June 13, 2011 and that he billed
15 Medicaid for providing PCA services during this time. Gardiola further admitted to
16 travelling internationally with F.G. from May 10, 2012 through June 20, 2012 and
17 January 28, 2014 through February 13, 2014. Gardiola billed Medicaid a total of
18 \$19,068.55 for services that could not be provided and/or were in violation of Medicaid
19 regulations.

20 Dated at Anchorage , Alaska, this ____ day of April, 2016.

21 CRAIG W. RICHARDS
22 ATTORNEY GENERAL

23 By: _____
24 A. Andrew Peterson
25 Assistant Attorney General
26 Alaska Bar Assoc. #0601002

27 SUBSCRIBED AND SWORN TO before me this ____ day of
April 2016, at Anchorage, Alaska.

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