

**Department of Law, Criminal Division**  
310 K Street Suite 601, Anchorage, AK 99501  
Phone: (907) 269-6250 Fax: (907) 269-7939  
Email: LawOSP@alaska.gov

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

STATE OF ALASKA,

Plaintiff,

vs.

KRISTEN E NILSSON

DOB: 06/10/1980

APSIN ID: 6842114

DMV NO.: 6842114

ATN: 114677631

Defendant.

No. 3AN-16- \_\_\_\_\_ (Kristen E Nilsson)

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)(7)  
Medical Assistance Fraud  
Kristen E Nilsson - 001

Count II - AS 47.05.210(a)(7)  
Medical Assistance Fraud  
Kristen E Nilsson - 002

Count III - AS 47.05.210(a)(7)  
Medical Assistance Fraud  
Kristen E Nilsson - 003

Count IV - AS 47.05.210(a)(7)  
Medical Assistance Fraud  
Kristen E Nilsson - 004

Count V - AS 47.05.210(a)(7)  
Medical Assistance Fraud  
Kristen E Nilsson - 005

THE ATTORNEY GENERAL CHARGES:

COUNT I:

That between June 2014 and November 2015, in the Third Judicial District, State of Alaska, Kristen E. Nilsson did commit the crime of medical assistance fraud by knowingly failing to complete and maintain adequate documentation regarding her care coordination contact reports for services purportedly provided to a Medicaid recipient, A.E., as required by regulations promulgated pursuant to AS 47.07 or AS 47.08.

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

COUNT II:

That between June 2015 and November 2015, in the Third Judicial District, State of Alaska, Kristen E. Nilsson did commit the crime of medical assistance fraud by knowingly failing to complete and maintain adequate documentation regarding her care coordination contact reports for services purportedly provided to a Medicaid recipient, B.B., as required by regulations promulgated pursuant to AS 47.07 or AS 47.08.

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

COUNT III:

That between May 2013 and September 2014, in the Third Judicial District, State of Alaska, Kristen E. Nilsson did commit the crime of medical assistance fraud by knowingly failing to complete and maintain adequate documentation regarding her care coordination contact reports for services purportedly provided to a Medicaid recipient, W.D., as required by regulations promulgated pursuant to AS 47.07 or AS 47.08.

1 All of which is a class B misdemeanor offense being contrary to and in violation  
2 of 47.05.210(a)(7) and against the peace and dignity of the State of Alaska.

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4 **COUNT IV:**

5 That between February 2015 and December 2015, in the Third Judicial District,  
6 State of Alaska, Kristen E. Nilsson did commit the crime of medical assistance fraud by  
7 knowingly failing to complete and maintain adequate documentation regarding her care  
8 coordination contact reports for services purportedly provided to a Medicaid recipient,  
9 A.L., as required by regulations promulgated pursuant to AS 47.07 or AS 47.08.

10 All of which is a class B misdemeanor offense being contrary to and in violation  
11 of 47.05.210(a)(7) and against the peace and dignity of the State of Alaska.

12 **COUNT V:**

13 That between June 2015 and September 2015, in the Third Judicial District,  
14 State of Alaska, Kristen E. Nilsson did commit the crime of medical assistance fraud by  
15 knowingly failing to complete and maintain adequate documentation regarding her care  
16 coordination contact reports for services purportedly provided to a Medicaid recipient,  
17 K.T., as required by regulations promulgated pursuant to AS 47.07 or AS 47.08.

18 All of which is a class B misdemeanor offense being contrary to and in violation  
19 of 47.05.210(a)(7) and against the peace and dignity of the State of Alaska.

20 The undersigned swears under oath this Information is based upon a review of  
21 DHSS investigative reports submitted to date.

22 Kristen Nilsson, acting as a sole proprietor, began operating Assisting Alaskans  
23 Care Coordination agency in April 2013. As part of her business, Nilsson provides  
24 services to Medicaid recipients and seeks payment through the state administered  
25 Medicaid program. In order to participate in the Medicaid program, Nilsson has  
26 undergone training and received certification to provide care coordination services to  
27 Medicaid recipients. As part of that certification process, Nilsson, on behalf of her

1 agency, has agreed to comply with the laws and regulations that apply to care  
2 coordinators that participate in the Medicaid program and bill Medicaid for their  
3 services. Several such regulation requirements, as enacted pursuant to AS 47.07 or AS  
4 47.08, require specific documentation to be maintained by a care coordination provider in  
5 order to ensure the integrity of the services being provided.

6           Once a person has been enrolled as a care coordinator, the regulations, as set  
7 forth in 7 AAC 130.240 (b), prohibits Medicaid-based payments to a care coordinator  
8 that fails to maintain "contact with the recipient or the recipient's representative in a  
9 manner and with a frequency appropriate to the needs and the communication abilities of  
10 the recipient, but at a minimum makes two contacts each month with the recipient or the  
11 recipient's representative; one of the two contacts must be an in-person visit with the  
12 recipient." Additionally, after each of those visits, the care coordinator is required to  
13 "complete and retain, as documentation of each visit, a recipient contact report in  
14 accordance with the department's Care Coordination Conditions of Participation," which  
15 includes collecting a signature by the recipient or another witness for the in-person visit  
16 that occurs. A certified care coordinator is required to produce the documentation  
17 described above upon request for auditing purposes. As part of the initial process with a  
18 care coordinator taking on a new client that is a Medicaid recipient, the care coordinator  
19 enters into a written agreement with the recipient to provide these services.

20           When providing services to a Medicaid recipient, a care coordinator is required  
21 by 7 AAC 105.230(a) to "maintain accurate financial, clinical, and other records  
22 necessary to support the services for which the provider requests payment. The provider  
23 shall ensure that the provider's staff, billing agent, or other entity responsible for the  
24 maintenance of the provider's financial, clinical, and other records meets the requirements  
25 of this section." Included among the documentation a care coordinator is required to  
26 maintain are the documents that would support the services being provided to a recipient  
27 that would permit the disbursements of payments pursuant to 7 AAC 130.240. The care  
coordinator provider is not only required to maintain records of the treatment that was  
provided to the recipient, but they are also required to maintain documentation regarding

1 the “specific services provided” and the “date on which the service was provided.”  
2 Finally, 7 AAC 105.240 requires the care provider to produce the above-referenced  
3 documentation upon request of the DHSS.

4 In January 2014, the Department of Health and Social Services (DHSS) received  
5 numerous complaints that Ms. Nilsson, d/b/a Assisting Alaskans Care Coordination, was  
6 not fulfilling her obligations as a care coordinator. Based on the complaints, DHSS  
7 conducted an investigation into Ms. Nilsson's practices and compliance with the  
8 necessary regulations. The investigation was conducted by Investigator Theresa Rosso  
9 from the Division of Senior and Disabilities Services.

10 Inv. Rosso's investigation revealed that there were at least six Medicaid  
11 recipients who were receiving care coordination services from Ms. Nilsson during the  
12 timeframe of May 2013 through November 2015 where Ms. Nilsson received payments  
13 for her services but she was unable to produce adequate documentation when requested  
14 for those services. When interviewed, Ms. Nilsson admitted that her record keeping and  
15 documentation as required by law and regulations was inadequate regarding several  
16 recipients. Ms. Nilsson stated that she was having a hard time keeping up with the  
17 necessary documentation and she often got behind on her reports and would attempt to  
18 use her calendar to catch up with the required reports.

19 For one recipient, E.A., Ms. Nilsson billed Medicaid for purported care  
20 coordination services from June 2014 through November 2015. During that 18 month  
21 period, there should have been a minimum of 36 documented contacts with the recipient,  
22 with a minimum of at least 18 in-person visits. E.A.'s guardian reported that Ms. Nilsson  
23 did meet with the recipient on a regular basis during this period, but Ms. Nilsson did not  
24 have adequate documentation to support the meetings. Also, the recipient's guardian  
25 indicated in her interview in early 2016 that Ms. Nilsson inexplicably completely stopped  
26 meeting with E.A. altogether in November 2015 and they have not seen her or spoken to  
27 her for several months.

For another recipient, B.B., Ms. Nilsson billed Medicaid for purported care  
coordination services from June 2015 through November 2015. During that 6 month

1 period, Ms. Nilsson only performed two in-person visits and when the necessary  
2 documentation was requested for the other contacts, Ms. Nilsson was unable to provide  
3 any documentation for any contacts with B.B.

4 For recipient W.D., Ms. Nilsson billed Medicaid for purported care coordination  
5 services from May 2013 through September 2014. During that 17 month period, Inv.  
6 Rosso could only verify less than 6 in-person visits. When the documentation was  
7 requested for the services that were provided to W.D., Ms. Nilsson was unable to provide  
8 the necessary documentation relating to 13 billings that occurred for services allegedly  
9 performed for W.D. Also, the documentation that was provided for the other contacts  
10 was inadequate in that it generally did not have the recipient's signature or the signature  
11 of another witness and the notations were cursory in nature.

12 For recipient A.L., Ms. Nilsson billed Medicaid for purported care coordination  
13 services from February 2015 through December 2015. A.L.'s guardian indicated that  
14 there was a maximum of only 6 in-person visits during that 10 month period, but that Ms.  
15 Nilsson did make regular phone contact. The recipient's guardian was experiencing  
16 problems because the actual care provider was not being paid for their services, and when  
17 the guardian inquired as to what was causing the problem, she was informed that Ms.  
18 Nilsson was not submitting the necessary reports, which was impacting the services being  
19 provided to A.L. When requested, Ms. Nilsson was unable to provide appropriate  
20 documentation regarding her contacts with A.L. during this time frame.

21 Finally, for recipient K.T., Ms. Nilsson billed Medicaid for purported care  
22 coordination services from June 2015 through September 2015. There, the recipient's  
23 guardian received a disenrollment letter and when she inquired as to the issue, she was  
24 informed that Ms. Nilsson had not been providing the agency with the necessary  
25 documentation. K.T.'s guardian was required to get a new care coordinator in order to  
26 avoid losing K.T.'s enrollment. The investigator was only able to confirm 2 in-person  
27 visits with K.T. during the 4 month period. Again, Ms. Nilsson was unable to provide  
adequate documentation for the services allegedly provided to K.T. during this time  
frame.

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For each of the recipients described above, Ms. Nilsson submitted billing to the state for Medicaid-based payments. Ms. Nilsson was paid by the department, but when several complaints were received, the department performed an audit on Ms. Nilsson's services and requested the necessary supporting documentation for the services provided. Ms. Nilsson was unable to provide the documentation that she was required to maintain, so the case was referred to the Medicaid Fraud Control Unit for further review.

**BAIL INFORMATION**

The defendant has no prior criminal convictions.

Dated at Anchorage, Alaska, this \_\_\_\_ day of November, 2016.

**JAHNA LINDEMUTH  
ATTORNEY GENERAL**

By: \_\_\_\_\_  
Paul J. Miovas  
Assistant District Attorney  
Alaska Bar No. 0808051