

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

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6
7 ISATOU BANTANG NJIE

8 DOB: 08/15/1976

9 APSIN ID: 7069138

10 DMV NO.: 7031111 AK

11 ATN:

12 MAIMUNA SIDIBEH NJIE

13 DOB: 12/30/1947

14 APSIN ID: 7087910

15 DMV NO.:

16 ATN:

17 Defendants.

18 No. (Isatou Bantang Njie)

19 No. (Maimuna Sidibeh Njie)

20 INFORMATION

21 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)
22 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
23 crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.
24 The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

25 Count II - AS 47.05.210(a)(1)Fel B

26 Medical Assistance Fraud

27 Isatou Bantang Njie - 002

Count III - AS 47.05.210(a)(5)

Medical Assistance Fraud

Isatou Bantang Njie - 003

Count IV - AS 47.05.210(a)(2)Fel B

Medical Assistance Fraud

Maimuna Sidibeh Njie - 003

1
2 THE DISTRICT ATTORNEY CHARGES:

3
4 COUNT II:

5 That in the Third Judicial District, State of Alaska,

6
7 COUNT III:

8 That in the Third Judicial District, State of Alaska,

9
10 COUNT IV:

11 That in the Third Judicial District, State of Alaska,

12 The undersigned swears under oath this Information is based upon a review of
13 police report 0600723 submitted to date.

14 The undersigned swears under oath this Information is based upon a review of
15 DHSS investigative reports submitted to date as well as the investigative material
16 developed by Medicaid Fraud Control Unit (MFCU) investigators.

17 Karen Pudge operates Forget-Me-Not Care Coordination agency. As part of her
18 business, Pudge provides services to Medicaid recipients and seeks payment through the
19 state administered Medicaid program. In order to participate in the Medicaid program,
20 Pudge has undergone training and received certification to provide care coordination
21 services to Medicaid recipients. *See* 7 ACC 130.238. Pursuant to 7 AAC 105.220(a)(1),
22 as enacted through Alaska Statute Title 47, any person who provides medical services to
23 a recipient or bills the state for their services agrees to “comply with all applicable federal
24 and state laws related to providing medical or medically related services to Medicaid
25 recipients in this state.” *See also* 7 ACC 105.210(b)(3)(requiring anyone seeking
26 enrollment with the state to provide Medicaid services to agree to follow all state and
27 federal applicable laws). As part of that certification process, Pudge, on behalf of her
agency, has agreed to comply with these laws and regulations. The regulations also

1 require specific documentation to be maintained by a care coordination provider in order
2 to ensure the integrity of the services being provided.

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

17 When providing services to a Medicaid recipient, all providers are required by 7
18 AAC 105.230(a) to "maintain accurate financial, clinical, and other records necessary to
19 support the services for which the provider requests payment. The provider shall ensure
20 that the provider's staff, billing agent, or other entity responsible for the maintenance of
21 the provider's financial, clinical, and other records meets the requirements of this
22 section." Included among the documentation a care coordinator is required to maintain
23 are the documents that would support the services being provided to a recipient that
24 would permit the disbursements of payments pursuant to 7 AAC 130.240. The care
25 coordinator provider is not only required to maintain records of the treatment that was
26 provided to the recipient, but they are also required to maintain documentation regarding
27 the "specific services provided" and the "date on which the service was provided." 7
AAC 105.240 requires the care provider to produce the above-referenced documentation
upon request by an authorized agency such as MFCU.

1 Under Alaska law, “personal care services may be provided only to a recipient
2 who is living in the recipient's personal residence,” and under the concomitant federal
3 law that reimburses states, a Medicaid recipient is not permitted to travel and receive
4 services without receiving prior permission from the state. *See generally* 7 AAC
5 125.050. Even if a recipient is permitted to travel outside of the state, the recipient
6 cannot travel for more than 30 days without returning to AK and still receive services.
7 *See* 7 AAC 130.231(b)(3)(C)(4). Under no circumstances may a recipient travel outside
8 of the United States of America and still receive Medicaid-funded services.

9 Maimuna Njie was a Medicare and Medicaid recipient that began receiving care
10 coordination services by Ms. Pudge in April 2013. Njie lived with her adult daughter,
11 Khaddy Jobarteh, in the Anchorage area when Ms. Pudge began providing services to her
12 in 2013. In an interview that took place while Ms. Pudge was being audited, she
13 indicated that when she began providing services to Njie, she was bed ridden and had
14 recently had surgery on her back. Pudge further indicated that since Njie was from
15 Africa and didn't speak English, she would get her information about Njie's condition
16 from her daughter, Khaddy. Pudge said that when she would conduct her home visits,
17 Njie would remain in her bedroom in the residence and she had never seen her outside of
18 that bedroom. Njie's other daughter, Isatou Njie, was her personal care assistant.

19 MFCU investigators learned in 2016 that Maimuna Njie took a trip to Gambia in
20 Africa in November 2013, and she did not return to the U.S. until May 2014. Njie was
21 out of the country from November 19, 2013 until May 25, 2014. Njie not only failed to
22 get permission to travel outside the state of Alaska, she completely failed to inform
23 anyone at the state that she was going to be travelling outside the country. When
24 reviewing the services that were allegedly provided to Njie through Medicaid funds
25 during this timeframe, the investigators discovered that Karen Pudge had been
26 reimbursed for purportedly providing care coordinator services to Njie even though Njie
27 was not in the United States. In order for Pudge to comply with the law that would
28 permit her to be paid through Medicaid for the services provided to Njie, she would have
29 to have had a minimum of two contacts per month, including at least one in-person

1 meeting per month. In her interview, Pudge agreed that she understood Njie had to be
2 present and the services needed to be provided in order for her to fulfill her obligation.

3 When MFCU investigators discovered the potentially fraudulent billing for
4 Pudge's services allegedly provided to Njie, they obtained copies of the documentation
5 that Pudge was required to keep regarding her services for Njie. Pudge maintained
6 "Contact Documentation" reports for "Face-to-Face Contact" for Njie during the above-
7 referenced timeframe. Pudge had contact documents for December 2013 through May
8 2014. The documents purport to represent an in-person care coordination contact she had
9 with Maimuna Njie during each of those months, including a narrative section where
10 specific notes were provided. For example, during the purported in-person meeting from
11 January 30, 2014, two-and-a-half months after Njie left for Gambia, Pudge reports on her
12 form that she "met w/ Maimuna in her bedroom, as usual," and that she was "well
13 groomed, dressed in her traditional clothing." Likewise, on February 8, 2014, Pudge
14 reports that "Maimuna was dressed comfortably & appropriately – in long dress as is her
15 tradition [and she] . . . appeared well groomed."

16 MFCU Investigators interviewed Karen Pudge in May 2016 regarding the
17 inconsistencies they had discovered. When first confronted, Pudge denied that Njie had
18 been traveling during the referenced timeframe and insisted that she had personally met
19 with her as reflected by her billings. Pudge was made aware of the fact that the
20 investigators had verified that Njie was not in the country during the referenced
21 timeframe and Pudge ultimately admitted that she did not meet with Njie in person at her
22 residence. Throughout the interview, Pudge maintained that she was not aware of the
23 fact that Njie was traveling outside of the state and acknowledged that she would have
24 reported that to the appropriate agency if she had known. Pudge admitted that she had
25 not done the once a month in-person meetings with Njie during the referenced timeframe
26 and said that she merely called Khaddy and relied on the information provided over the
27 phone. Khaddy has since pleaded guilty for her role in the fraud.

The investigators further confronted Pudge about the fact that each of the contact
documents from the fraudulent time period purported to be signed by Maimuna Njie.

1 Pudge offered various explanations, but ultimately admitted that she had Njie sign several
2 blank documents when she was initially meeting with her and that she likely had her sign
3 some of the documents when she met with her after May 2014. Pudge admitted that she
4 added some notes in the margins of the documentation prior to providing them when they
5 were demanded in order to make the home visit documentation appear more convincing.
6 Pudge agreed that what she had done was not permitted and she stated that the only
7 reason she ceased doing the once a month in person visits was because she could never
8 communicate with Njie due to the language barrier and that Njie never got out of her bed
9 when she did visit the residence.

10 Over the course of the six month period where Njie was traveling outside of the
11 United States and fraudulently receiving services through Medicaid, the state erroneously
12 paid approximately \$30,000 in fraudulently billed services. Karen Pudge personally
13 billed the state \$1,410 for her services. However, if Karen Pudge had complied with her
14 obligations under Alaska law as a licensed care coordinator, Njie's ineligibility to receive
15 services through Medicaid would have been discovered in November 2013 and the bulk
16 of the loss would have been avoidable.

17
18
19
20 BAIL INFORMATION

21
22 Dated at , Alaska, this ____ day of November, 2016.

23
24 JAHNA LINDEMUTH
25 ATTORNEY GENERAL

26 By: _____
27

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Paul J. Miovas
Assistant District Attorney
Alaska Bar No. 0808051