

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 ANABEL CONTRERAS

7 DOB: 01/20/1984

8 APSIN ID: 7113455

9 DMV NO.: 7063602 AK

10 ATN: 115745157

11 Defendant.

12 No.3AN-16-\_\_\_\_\_ (Anabel Contreras)

13 INFORMATION

14 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)  
15 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:

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

17 Medical Assistance Fraud

18 Anabel Contreras - 001

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

20 Medical Assistance Fraud

21 Anabel Contreras - 002

22 THE ATTORNEY GENERAL CHARGES:

23 COUNT I:

24 That in the Third Judicial District, State of Alaska, between December 6, 2011  
25 and December 31, 2011, at or near Anchorage, ANABEL CONTRERAS, knowingly  
26 submitted or authorized the submission of a claim to a medical assistance agency for  
27

1 property, services, or a benefit valued at \$2,219 with reckless disregard that the  
2 claimant was not entitled to the property, services, or benefit.

3 All of which is a Felony class C offense being contrary to and in violation of  
4 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

5  
6 **COUNT II:**

7 That in the Third Judicial District, State of Alaska, between December 6, 2011  
8 and December 31, 2011, at or near Anchorage, ANABEL CONTRERAS, knowingly  
9 made a false entry or falsely altered a medical assistance record.

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

12 The undersigned swears under oath this Information is based upon a review of  
13 DHSS investigative reports submitted to date as well as the investigative material  
14 developed by Medicaid Fraud Control Unit (MFCU) investigators. This investigation  
15 involved fraudulently billed services to Medicaid for care allegedly provided to Rafael  
16 Contreras in December 2011.

17 In 2011, Rafael Contreras received assistance as a Medicaid recipient, and his  
18 adult daughter, Anabel Contreras, was his personal care attendant (PCA). In order to  
19 participate in the Medicaid program as a PCA, Anabel had to complete training and  
20 receive a certification to provide PCA services to Medicaid recipients. *See* 7 ACC  
21 130.220. Pursuant to 7 AAC 105.220(a)(1), as enacted through Alaska Statute Title 47,  
22 any person who provides medical services to a recipient or bills the state for their services  
23 agrees to “comply with all applicable federal and state laws related to providing medical  
24 or medically related services to Medicaid recipients in this state.” *See also* 7 ACC  
25 105.210(b)(3)(requiring anyone seeking enrollment with the state to provide Medicaid  
26 services to agree to follow all state and federal applicable laws). Anabel Contreras had  
27 been certified to work as a Medicaid-based PCA through McKinley Services PCA  
agency. It was through a more recent audit of McKinley Services that the following

1 fraudulent billing was discovered.

2 When providing services to a Medicaid recipient, all providers, which includes  
3 the licensed agency and their employees, are required by 7 AAC 105.230(a) to “maintain  
4 accurate financial, clinical, and other records necessary to support the services for which  
5 the provider requests payment. The provider shall ensure that the provider's staff, billing  
6 agent, or other entity responsible for the maintenance of the provider's financial, clinical,  
7 and other records meets the requirements of this section.” Included among the  
8 documentation a PCA or their agency is required to maintain are the documents that  
9 would support the services being provided to a recipient that would permit the  
10 disbursements of Medicaid payments. The PCA or agency is not only required to  
11 maintain records of the treatment that was provided to the recipient, but they are also  
12 required to maintain documentation regarding the “specific services provided” and the  
13 “date on which the service was provided.” 7 AAC 105.240 requires the care provider to  
14 produce the above-referenced documentation upon request by an authorized agency such  
15 as MFCU.

15 PCAs are enrolled in Medicaid as home-based healthcare providers. The Alaska  
16 Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients,  
17 which will allow Medicaid recipients to stay in their home rather than be placed in an  
18 assisted living home type setting. Medicaid recipients are evaluated for medical needs by  
19 an employee of DHSS and the recipient is then authorized to hire a PCA to provide  
20 home-based healthcare services. The PCA provides the approved level of services and  
21 then fills out a timesheet for the work done. The timesheet is initially submitted to the  
22 licensed agency, in Contreras’ case, that would have been McKinley Services. Then, the  
23 agency, McKinley Services, will use that timesheet as the documented basis for the  
24 amount that is billed to Medicaid for the services provided and maintain a copy of that  
25 timesheet in accordance with the above-stated regulations. Traditionally, Medicaid then  
26 pays approximately \$24 an hour to the agency for the service, and the agency is required  
27 to pay the PCA at least half of that amount.

Although some immediate family members are excluded from providing services,

1 adult children of the recipient are permitted to provide services as long as the meet the  
2 certification requirements. Under Alaska law, “personal care services may be provided  
3 only to a recipient who is living in the recipient's personal residence,” and under the  
4 concomitant federal law that reimburses states, a Medicaid recipient is not permitted to  
5 travel and receive services without receiving prior permission from the state. *See*  
6 *generally* 7 AAC 125.050. Even if a recipient is permitted to travel outside of the state,  
7 the recipient cannot travel for more than 30 days without returning to AK and still receive  
8 services. *See* 7 AAC 130.231(b)(3)(C)(4). Under no circumstances may a recipient  
9 travel outside of the United States of America and still receive Medicaid-funded  
10 services. On December 23, 2011, the state sent out a general notice to all care provider  
11 agencies in Alaska regarding the travel ban that was in place for Medicaid services.

12 During the course of the audit and subsequent investigation by MFCU  
13 investigators, the state learned that the recipient, Rafael Contreras, traveled outside of the  
14 United States to the Dominican Republic from December 6, 2011 through December 27,  
15 2011 – a three week period. Investigators confirmed that Contreras’ daughter and PCA,  
16 Anabel, did not travel out of the country with Rafael Contreras. Investigators obtained  
17 copies of the timesheets Anabel Contreras submitted to McKinley Services for PCA  
18 services allegedly performed during this timeframe. Anabel’s timesheets purport to  
19 represent that she provided her father PCA services every day he was outside of the  
20 country, despite the fact that she was not with him in the Dominican Republic and that  
21 services provided outside of the country were not authorized. Even though the general  
22 notice regarding the travel ban was issued that same month, neither Anabel nor McKinley  
23 ever notified the state that Contreras had billed for services that were not authorized.  
24 Moreover, as his PCA, Anabel Contreras was the only one authorized to provide PCA  
25 services to her father and bill for them as her timesheets purported to be occurring, but  
26 since Anabel was not traveling with her father, it was impossible for her to have provided  
27 the services reflected by the relevant timesheets.

Specifically, during the three week timeframe when the recipient was in the  
Dominican Republic, Anabel Contreras submitted a timesheet indicating that she had

1 worked every Monday through Saturday from 10 a.m. until 2:50 p.m. providing PCA  
2 services to her father. She submitted the hours of 9 a.m. until 1 a.m. for the two Sundays  
3 within that timeframe. Anabel was submitting timesheets that would be the basis for  
4 billing Medicaid totaling 31 hours of work per week. The PCA services that she was  
5 purporting to personally provide her father expressly included tasks such as “bathing,”  
6 “toilet use,” “personal hygiene / grooming,” “dressing and undressing” and “light  
7 housework.” Included on the bottom of each timesheet was a specific disclaimer that  
8 noted “This is so certify the tasks were accomplished and are authorized in this  
9 consumer’s service plan. Misrepresentation constitutes FRAUD.” Anabel Contreras  
10 signed three such timesheets representing that she had done the purported tasks when it  
11 would have been impossible for her to have completed any such work since her father  
12 was outside of the country and she was not with him.

13 Over the course of three week period when Rafael Contreras was traveling outside  
14 of the United States, the defendant fraudulently submitted timesheets representing \$2,219  
15 worth of Medicaid claims.

#### 16 BAIL INFORMATION

17 The defendant has no known criminal convictions.

18  
19 Dated at Anchorage, Alaska, this \_\_\_\_ day of December, 2016.

20  
21 JAHNA LINDEMUTH  
22 ATTORNEY GENERAL

23  
24 By: \_\_\_\_\_  
25 Paul J. Miovas  
26 Assistant District Attorney  
27 Alaska Bar No. 0808051