

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 RUBIELA AMITUS MARTIN

7 DOB: 10/06/1944

8 APSIN ID: 6505491

9 DMV NO.: 6505491 AK

10 ATN: 115745166

11 Defendant.

12 No. 3AN-16- CR. (Rubiela Amitus Martin)

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 Rubiela Amitus Martin - 001

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

20 Medical Assistance Fraud

21 Rubiela Amitus Martin - 002

22 THE ATTORNEY GENERAL CHARGES:

23 COUNT I

24 That in the Third Judicial District, State of Alaska, between November 7, 2011
25 and February 7, 2013, at or near Anchorage, RUBIELA AMITUS MARTIN, knowingly
26 submitted claims totaling more than \$500 to a medical assistance agency for property, services,
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1 or a benefit with reckless disregard that the claimant is not entitled to the property, services, or
2 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.

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COUNT II

That in the Third Judicial District, State of Alaska, between November 7, 2011 and February 7, 2013, at or near Anchorage, RUBIELA AMITUS MARTIN, knowingly made a false entry in a medical assistance record.

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

The undersigned swears under oath this Information is based upon a review of the Medicaid Fraud Control Unit (MFCU) Investigation report. This investigation involved the defendant fraudulently billing Medicaid for services she alleged to provide to Medicaid Recipient E.L., while E.L. was traveling in Panama without the defendant.

E.L. is an elderly woman that is authorized to receive personal care assistance (PCA) services through the Alaska Medicaid Program. PCAs are enrolled in Medicaid as home-based healthcare providers. PCAs are enrolled in Medicaid as home-based healthcare providers. The Alaska Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients, which will allow Medicaid recipients to stay in their home rather than be placed in an assisted living home type setting. Medicaid recipients are evaluated for medical needs by an employee of DHSS and the recipient is then authorized to hire a PCA to provide home-based healthcare services. The PCA provides the approved level of services and then fills out a timesheet for the work done. The timesheet is initially submitted to the licensed agency and then the agency will use the timesheet as the documented basis for the amount that is billed to Medicaid for the services provided. Traditionally, Medicaid then pays approximately \$24 an hour to the agency for the service, and the agency is required to pay the PCA at least half of that amount.

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2 In order to participate in the Medicaid program as a PCA, Rubiela Martin
3 completed a background check with DHSS and enrolled as a PCA prior to being able to
4 provide PCA services to Medicaid recipients. *See* 7AAC 130.220(b). Pursuant to 7 AAC
5 105.220(a), as enacted through Alaska Statute Title 47, any person who provides medical
6 services to a recipient or bills the state for their services agrees to “comply with all
7 applicable federal and state laws related to providing medical or medically related
8 services to Medicaid recipients in this state.” *See also* 7 AAC 105.210(b)(3) (requiring
9 anyone seeking enrollment with the state to provide Medicaid services to agree to
10 follow all state and federal applicable laws). Medicaid regulations require providers to
11 “maintain accurate financial, clinical, and other records necessary to support the services
12 for which the provider requests payment.” 7 AAC 105.230(a). PCAs are also required to
13 maintain contemporaneous service records of services provided, including documentation
14 of tasks performed, date and time of services, and a signature verifying that the services
15 were provided. *See* 7 AAC 125.120(a).

16 Under Alaska law, “personal care services may be provided only to a recipient
17 who is living in the recipient’s personal residence,” and under the concomitant federal
18 law that reimburses states, a Medicaid recipient is not permitted to travel and receive
19 services without receiving prior permission from the state. *See* generally 7 AAC125.050.
20 If a recipient is permitted to travel outside of the state, the recipient cannot travel for
21 more than 30 days without returning to AK and still receive services. *See* 7 AAC
22 130.231(b)(3)(C)(4). Under no circumstances may a recipient travel outside of the United
23 States of America and still receive Medicaid-funded services.

24 E.L. was a Medicaid recipient in 2011 receiving PCA services through PCA
25 Agency McKinley Services by her daughter Rubiela Martin. A review of Martin’s
26 employment records reveals that she filled out an employment application with McKinley
27 Services in September 2011. Rubiela Martin received notice on September 30, 2011 that
the Background Check Unit had completed the review of her background and that she
was cleared for association with McKinley Services as a PCA.

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2 On December 9, 2011, the Senior and Disability Services section of DHSS
3 received a letter from McKinley Services stating that E.L. “is requesting her PCA
4 accompany her while on vacation in Panama.” No travel request form was ever
5 submitted and DHSS sent an email to McKinley Services on December 15, 2011
6 informing the agency that the request for travel authorization was denied due to
7 insufficient documentation. DHSS requested that the agency submit the travel request as
8 soon as possible. No travel request was ever submitted.

9 A Medicaid Integrity Contractor HMS Federal audit of McKinley Services
10 revealed that the agency billed Medicaid for PCA services allegedly provided by the PCA
11 when the recipient was out of the country. International travel records received from
12 Immigration and Customs Enforcement verified that Medicaid recipient E.L. traveled
13 internationally to Panama from December 7, 2011 through January 19, 2012 and again
14 from December 30, 2012 through February 7, 2013. International travel records provided
15 by Immigration and Customs Enforcement further revealed that PCA Rubiela Martin did
16 not travel to Panama with Medicaid recipient E.L. At the time of both travel periods,
17 E.L. was authorized to receive 26.5 hours of PCA services weekly.

18 Rubiela Martin submitted timesheets during both periods of international travel
19 by E.L. Specifically, timesheets were submitted for the weeks of 12/04/11-12/10/11;
20 12/11/11- 12/17/11; 12/18/11-12/24/11; 12/25/11-12/31/11; 01/01/12-01/07/12;
21 01/08/12-01/14/12; and 01/15/12-01/21/12. In regards to the second travel period
22 (12/30/12-2/07/13), timesheets were submitted for the weeks of 12/30/12-01/05/13;
23 01/06/13-01/12/13; 01/13/13-01/19/13; 01/20/13-01/26/13; 01/27/13-02/02/13; and
24 02/03/13-02/09/13. A review of the timesheets submitted by Rubiela Martin revealed
25 that she claimed to be providing 26.5 hours of services each week and alleged to be
26 providing daily PCA services consisting of body mobility, transferring, medication,
27 bathing, dressing, toileting, personal hygiene, light meal prep, main meal prep and
housekeeping. The Alaska Medicaid program paid Rubiela Martin a total of \$6,891.06

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for proving PCA services to Medicaid recipient E.L. that Rubiela Martin was unable to provide due to E.L. being in a different country at the time.

BAIL INFORMATION

Rubiela Martin is currently residing in Panama with E.L. The state is asking for a nominal bench warrant.

Dated at Anchorage, Alaska, this 21st day of December, 2016.

JAHNA LINDEMUTH
ATTORNEY GENERAL

By: _____

Alfred A. Peterson
Assistant Attorney General
Alaska Bar No. 0601002 Assistant
Attorney General
Alaska Bar No. 0601002