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

STATE OF ALASKA,

Plaintiff,

vs.

LEA DEGUZMAN JOHNSON

DOB: 09/30/1971

APSIN ID: 6772577

DMV NO.: 6772577 AK

ATN:

Defendant.

No. (Lea Deguzman Johnson)

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)(1)Fel C
Medical Assistance Fraud
Lea Deguzman Johnson - 001

Count II - AS 47.05.210(a)(1)Fel C
Medical Assistance Fraud
Lea Deguzman Johnson - 002

THE DISTRICT ATTORNEY CHARGES:

COUNT I:

That in the Third Judicial District, State of Alaska, from January 2011 through July 14, 2014, at or near ,Anchorage, AK, LEA DEGUZMAN JOHNSON, knowingly submitted or authorized the submission of a claim to a medical assistance agency for property, services, or a

1 benefit with reckless disregard that the claimant was not entitled to the property, services, or
2 benefit. The approximate value of the loss being \$3,293.94.

3 All of which is a Felony class C offense being contrary to and in violation of 47.05.210(a)(1)Fel
4 C 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, from January 2011 through July
014, at or near ,Anchorage, AK, LEA DEGUZMAN JOHNSON, knowingly submitted or
authorized the submission of a claim to a medical assistance agency for property, services, or a
benefit with reckless disregard that the claimant was not entitled to the property, services, or
benefit. The approximate value of the loss being \$2,084.50.

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

The undersigned swears under oath this Information is based upon a review of
police report 0600096 submitted to date.

The undersigned swears under oath this Information is based upon a review of the
investigative material developed by Medicaid Fraud Control Unit (MFCU) investigators. This
investigation involved fraudulently billed services to Medicaid for care allegedly provided to
various recipients from 2011 through 2014. The investigation involving Ms. Johnson grew out
of a larger investigation involving two service providing agencies: Good faith Services and C
Care Services.

Lea Johnson was providing services as a personal care attendant (PCA) through C Care
Services from 2011 through 2014. In order to participate in the Medicaid program as a PCA,
Johnson had to complete training and receive a certification to provide PCA services to Medicaid
recipients. *See* 7 ACC 130.220. Pursuant to 7 AAC 105.220(a)(1), as enacted through Alaska
Statute Title 47, any person who provides medical services to a recipient or bills the state for
their services agrees to “comply with all applicable federal and state laws related to providing
medical or medically related services to Medicaid recipients in this state.” *See also* 7 ACC
105.210(b)(3)(requiring anyone seeking enrollment with the state to provide Medicaid services
to agree to follow all state and federal applicable laws). Johnson had been certified to work as a
Medicaid-based PCA through C Care Services PCA agency. It was through a recent

1 investigation of C Care’s practices that the following fraudulent billing was discovered.

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

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

26 During the course of the investigation by MFCU investigators, the state learned that on
27 several occasions Johnson billed for PCA services while she was actually out of the state
travelling. PCAs are only permitted to bill for services they personally performed and the billing
and documentation must accurately reflect what services were provided and when they were
rendered by the PCA. While investigating Johnson’s matter, MFCU investigators discovered
two general forms of fraud attributed to Johnson. First, there were instances where investigators

1 confirmed through flight records that Lea Johnson was personally travelling outside of the state
 2 during periods she billed for PCA services. Since she was not physically in the state when the
 3 claimed services were allegedly rendered, it would have been impossible for her to have actually
 4 provided any of those services. This is generally referred to as “travel fraud.” The instances
 5 where Johnson billed for services when she was actually travelling outside the state are reflected
 6 in the chart set forth below. The value of the Medicaid Loss attributed to travel billing was
 7 approximately \$3,293.94. This consolidated conduct is reflected in Count I of this Information.

Travel Dates	Travel Times	Comments
01/14-01/16/11	Departed Anchorage 2:30 AM, returned 11:25 PM	Johnson submitted PCA services timesheets for the week of 1/09-1/15/11 & 1/16-1/22/11 claiming she provided PCA services to recipient J.D. for 5.75 hours each day on 1/14, 1/15, & 1/16/11
4/17/11	Return to Anchorage 11:39 PM (don't have departure date; can only assess for the one day)	Johnson submitted PCA services timesheets for the week of 4/17-4/23/11 claiming she provided PCA services to recipients J.D. (5.75 hrs) & E.D. (4.25 hours) on 4/17/11. She also submitted timesheets for both recipients for the week of 4/10-4/16/11 but her AK departure date is unknown
06/18-06/28/11	Departed Anchorage 1:05 AM, returned 10:56 PM	Johnson submitted 2 PCA timesheets for the week of 6/12-6/18/11 claiming she provided PCA services to recipients N.C. (1 hr) & E.S. (1.75 hrs) on 6/18/11. She submitted respite and chore timesheets for the weeks of 6/19-6/25/11 and 6/26-7/02/11 claiming she provided services to recipient M.M. for 2 hrs/day
09/04-09/05/11	Departed Anchorage 8:00 AM, returned 2:25 PM	Johnson submitted a PCA timesheet for the week of 9/04-9/10/11 claiming she provided

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		PCA services to recipient M.M. (2 hrs) on 9/05/11.
09/16-09/19/11	Departed Anchorage 11:30 AM, returned 2:21 AM	Johnson submitted a PCA timesheet for the week of 9/11-9/17/11 claiming she provided PCA services to recipient C.D. (2 hrs) on 9/16/11.
01/16-01/18/12	Departed Anchorage 10:05 AM; returned 8:39 AM	Johnson submitted a PCA timesheet for the week of 1/15-1/21/12 claiming she provided PCA services to recipient E.S. for 1.25 hrs/day
02/12/12	Departed Anchorage 12:55 AM; (don't have return date; can only assess for the one day)	Johnson submitted PCA timesheets for the week of 2/12-2/18/12 claiming she provided PCA services to recipients E.S. (1.25 hrs) and A.O. (6.5 hrs) on 2/12/12.
12/02-12/04/12	Departed Anchorage 10:25 AM; returned 2:40 pm	Medicaid claims for recipient S.J. are billed for 12/02-04/12 under Lea Johnson's rendering ID.
02/15-02/18/13	Departed 2:20 PM; returned 10:35 AM	Medicaid claims for recipient S.J. were submitted and paid for 2/15-18/13 under Lea Johnson's rendering ID.
03/22-03/25/13	Departed Anchorage 2:30 AM; returned 11:58 PM	Johnson submitted PCA timesheets for the weeks of 3/17-3/23/13 & 3/24-3/30/13 claiming she provided PCA & chore services to recipients N.C. (9.5 hrs) & L.V. (7 hours).
04/12-04/16/13	Departed Anchorage 4:00 PM; returned 2:01 AM	Johnson submitted PCA timesheets for the weeks of 4/07-4/13/13 & 4/14-4/20/13 claiming she provided PCA & chore services to recipients N.C. (6.75 hrs) & L.V. (13.5 hours).
06/04-06/05/13	Departed Anchorage 10:00 AM; returned 1:25 PM	Johnson submitted a PCA timesheet for the week of 6/02-6/08/13 claiming she provided PCA services to recipient N.C. (6.75 hrs)
06/14-06/21/13	Departed Anchorage 1:40 AM;	Johnson submitted a PCA

1		returned 9:53 PM	timesheet for the week of 6/09-6/15/13 claiming she provided PCA services to recipient N.C. (4.25 hrs)
2			
3	08/16-08/19/13	Departed Anchorage 1:15 AM; returned 9:36 AM	Medicaid claims for recipient S.J. were submitted and paid for 8/18/13 under Lea Johnson's rendering ID.
4			
5	07/05-07/20/14	Departed 7:00 AM; returned 1:29 AM	Medicaid claims for recipient J.H. were submitted but not paid for 7/07-7/12/14 under Lea Johnson's rendering ID.
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The second form of fraud that was discovered by the MFCU investigators was a form of fraud commonly referred to as "overlap billing." This occurs when the provider submits billing for recipient services that directly conflicts with some other form of verified scheduling. This happens, for example, in the following ways: the provider may submit multiple claims for services provided to multiple recipients for the same timeframe despite the recipients not living together, or the provider may have a second job outside of performing PCA services and the PCA billing timeframe directly conflicts with the provider's verified second job schedule. In either event, the provider is claiming to have been working in two places at the same time – a claims that is logically impossible. In Johnson's case, she had a second job working for Alaska Airlines and the investigators obtained her work schedule for that position. When compared with her PCA billings, Johnson's Alaska Airline's work schedule revealed several conflicting timeframes which would constitute overlap billing. The value of the Medicaid Loss attributed to overlap billing was approximately \$2,084.50. This consolidated conduct is reflected in Count II of this Information.

BAIL INFORMATION

Dated at , Alaska, this ____ day of January, 2017.

**JAHNA LINDEMUTH
 ATTORNEY GENERAL**

By: _____
 Paul J. Miovas
 Assistant District Attorney

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