

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

3 STATE OF ALASKA,
4 Plaintiff,

5 vs.

6 TINA MYERS
7 DOB: 03/18/1976
8 APSIN ID: 6737092
9 DMV NO.: 6737092 AK
ATN: 115745265
10 Defendant.

11 No. 3KN-17-_____ (Tina Myers)

12 INFORMATION

13 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)
14 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:

15 Count I - AS 47.05.210(a)(5)
16 Medical Assistance Fraud
17 Tina Myers - 001

18 THE OFFICE OF THE ATTORNEY GENERAL CHARGES:

19 **COUNT I:**

20 That in the Third Judicial District, State of Alaska, between December 2012 and
21 March 2016, at or near Soldotna, Alaska, TINA MYERS, knowingly made a false entry
or falsely altered a medical assistance record.

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

24
25 The undersigned swears under oath this Information is based upon a review of
26 Medicaid Fraud Unit Investigators investigation into the travel billing of Tina Myers and
27 the supporting documents collected during the investigation.

1 Tina Myers has been providing services as a personal care attendant (PCA) for
2 both of her parents for many years. In order to participate in the Medicaid program as a
3 PCA, Myers had to complete training and receive a certification to provide PCA services
4 to Medicaid recipients. *See* 7 ACC 130.220. Pursuant to 7 AAC 105.220(a)(1), as
5 enacted through Alaska Statute Title 47, any person who provides medical services to a
6 recipient or bills the state for their services agrees to “comply with all applicable federal
7 and state laws related to providing medical or medically related services to Medicaid
8 recipients in this state.” *See also* 7 ACC 105.210(b)(3)(requiring anyone seeking
9 enrollment with the state to provide Medicaid services to agree to follow all state and
10 federal applicable laws).

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

25 PCAs such as Myers are enrolled in Medicaid as home-based healthcare
26 providers. The Alaska Medicaid Program pays PCAs to provide services of daily living to
27 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

1 PCA to provide home-based healthcare services. The PCA provides the approved level of
2 services and then fills out a timesheet for the work done. If the PCA is working for a
3 service agency, the timesheet is initially submitted to the licensed agency. Then, the
4 agency will use that timesheet as the documented basis for the amount that is billed to
5 Medicaid for the services provided and maintain a copy of that timesheet in accordance
6 with the above-stated regulations. Medicaid then pays approximately \$24 an hour to the
7 agency for the service, and the agency is required to pay the PCA at least half of that
8 amount.

9 During the course of the investigation by MFCU investigators, the state learned
10 that on several occasions Myers billed for PCA services while she was actually out of the
11 state travelling. PCAs are only permitted to bill for services they personally perform, and
12 the billing and documentation must accurately reflect what services were personally
13 provided and when they were rendered by the PCA. Since Tina Myers was not
14 physically in the state when several of the claimed services were allegedly rendered, it
15 would have been impossible for her to have actually provided any of those services. This
16 is generally referred to as “travel fraud.” Specifically, in Myers’ case, the state learned
17 that Myers had frequently traveled to the lower 48 states with her husband from late 2012
18 through early 2016. For every period of verified travel, Myers later submitted timesheets
19 purporting that she had provided PCA services to both of her parents during the times she
20 was not physically present in Alaska. When confronted by MFCU investigators about
21 this, Myers ultimately admitted that she was overwhelmed and depressed over the last
22 several years due to providing care to her parents and husband, and she knew that her
23 documentation did not accurately reflect the work that she had performed.

24 The instances where Myers billed for services when she was actually travelling
25 outside of Alaska are reflected in the chart set forth below:

- 26 • 12/12/2012 Anchorage to Arizona- 12/19/2012 in Kenai
- 27 • 04/17/2013 Anchorage to Arizona-04/28/2013 in Kenai
- 05/18/2013 Anchorage to California-05/23/13 California to Anchorage
- 07/01/2013 Anchorage to California-07/06/2013 California to Anchorage

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- 11/21/2013 Anchorage to California-11/30/2013 in Seattle returning to Alaska
- 01/04/2014 Anchorage to California-still California on 01/09/2014
- 02/15/2014 Anchorage to California-02/21/2014 California to Anchorage
- 03/23/2014 Anchorage to California-03/26/2014 Still in California
- 05/04/2014 Anchorage to California
- 07/14/2014 Anchorage to California-07/22/2016 California to Anchorage
- 09/07/2014 Anchorage to California-09/14/2014 California to Anchorage
- 10/13/2014 Anchorage to California-10/18/2014 California to Anchorage
- 02/09/2015 Anchorage to California-02/16/2015 Seattle to Anchorage
- 07/07/2015 Kenai to Anchorage-07/15/2015 Anchorage to Kenai
- 02/24/2016 Anchorage to California-03/01/2016 California to Anchorage

The value of the Medicaid loss attributed to travel billing was approximately \$23,578.56.
This consolidated conduct is reflected in Count I of this Information.

BAIL INFORMATION

The defendant has no known prior convictions.

Dated at Anchorage, Alaska, this ____ day of February, 2017.

**JAHNA LINDEMUTH
ATTORNEY GENERAL**

By: _____
Paul J. Miovas
Assistant Attorney General
Alaska Bar No. 0808051