

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

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

STATE OF ALASKA,

Plaintiff,

vs.

BRODY WILLIAM MCPHETERS

DOB: 06/23/1995

APSIN ID: 7578371

DMV NO.: 7373771 AK

ATN: 115745796

Defendant.

No. 3AN-18-\_\_\_\_\_ CR (Brody William McPheters)

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)  
Medical Assistance Fraud  
Brody William McPheters - 001

Count II - AS 11.71.040(a)(9)  
Fourth Degree Misconduct Involving A Controlled Substance  
Brody William McPheters - 002

Count III - AS 11.46.630(a)(1)  
Falsifying Business Records  
Brody William McPheters - 003

THE OFFICE OF SPECIAL PROSECUTIONS CHARGES:

COUNT I

That in the Third Judicial District, State of Alaska, on or about June 7<sup>th</sup> to July 5<sup>th</sup>, 2015, at or near Anchorage, BRODY WILLIAM MCPHETERS 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 is not entitled to the property, services, or  
2 benefit.

3 All of which is a Misdemeanor class A 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 COUNT II

6 That in the Third Judicial District, State of Alaska, on or about February 7<sup>th</sup> to March  
7 10<sup>th</sup>, 2015, at or near Anchorage, BRODY WILLIAM MCPHETERS obtained possession of a  
8 controlled substance, Oxycodone, Roxycodone, and/or Alprazolam, by misrepresentation, fraud,  
9 forgery, deception, or subterfuge, to wit: Prescriptions 0080172, 0077636, and 2270781.

10 All of which is a Felony class C offense being contrary to and in violation of 2015  
11 version of 11.71.040(a)(9) and against the peace and dignity of the State of Alaska.

12 COUNT III

13 That in the Third Judicial District, State of Alaska, on or about February 7<sup>th</sup> to March  
14 10<sup>th</sup>, 2015, at or near , BRODY WILLIAM MCPHETERS, with intent to defraud, made or  
15 caused to make a false entry in the business records of an enterprise, to wit: Prescriptions  
16 0080172, 0077636, and 2270781.

17 All of which is Felony Class C offense being contrary to and in violation of  
18 11.46.630(a)(1) and against the peace and dignity of the State of Alaska.

19 The undersigned swears under oath this Information is based upon a review of police  
20 report 0657524 submitted to date:

21 This case arose from a PCA fraud tip given to the Medicaid Fraud Control Unit  
22 (MFCU). PCAs, or Personal Care Assistants, are enrolled in Medicaid as home- or community-  
23 based healthcare providers. The Alaska Medicaid Program pays PCA agencies to provide  
24 services of daily living to senior or disabled Medicaid recipients, which will allow Medicaid  
25 recipients to stay in their home rather than be placed in an assisted living home type setting or  
26 other long-term care facility. Medicaid recipients are evaluated for medical needs by an  
27

1 employee of the Department of Health and Social Services. The DHSS evaluator decides on an  
2 appropriate number of hours and the types of services for the recipient to receive home  
3 healthcare based on the recipient's individualized needs. The Medicaid recipient is then  
4 authorized to hire a PCA provider through a PCA agency to provide those home- or community-  
5 based based healthcare services. The PCA provider, as an employee of the PCA agency, fills out  
6 a timesheet for the work done over the course of specific day or week and both the PCA provider  
7 and the recipient (or guardian/power of attorney) signs the timesheet. The PCA provider then  
8 submits the timesheet to the PCA agency. The PCA agency in turn bills Medicaid for the work  
9 reflected on the PCA provider's timesheet under a particular code – typically code T1019.  
10 Medicaid pays approximately \$24 an hour to the PCA agency and the agency must pay the PCA  
11 provider at least half of that amount.

12  
13           On July 19<sup>th</sup>, 2016 the Alaska MFCU received a complaint from Hearts and Hands of  
14 Care, Inc. (HHCI) a PCA agency. A Medicaid recipient's father had complained to HHCI that  
15 PCA Brody McPheters was filing fraudulent timesheets with HHCI and getting paid for work he  
16 had not done on behalf of the Medicaid recipient. MFCU Investigator Brian Williams was  
17 assigned the case in September 2017. Inv. Williams interviewed the original complainant, who  
18 stated that while McPheters was working with his (the complainant's) son, McPheters  
19 fraudulently filled out timesheets stating that he worked more hours than he actually did. The  
20 complainant knew this because McPheters did not work with the complainant's son during the  
21 weekend, yet McPheters had filled out four timesheets showing that he worked a total of 21  
22 hours on the weekends from June 7<sup>th</sup> to July 5<sup>th</sup>, 2015. Medicaid was billed, and paid, just over  
23 \$500 for the 21 hours written on the fraudulent timesheets.  
24  
25  
26  
27

1 Pursuant to standard procedure for PCA fraud cases, the MFCU requested and obtained  
2 McPheters' personnel file from HHCI. The personnel file indicated that McPheters had been  
3 fired on July 24<sup>th</sup>, 2015. The personnel file also included a second complaint, this one from Dr.  
4 Tara Lathrop, a relative of one of McPheters' clients. Dr. Lathrop had accused McPheters of  
5 stealing her prescription pad from her residence and using it to fill controlled substance  
6 prescriptions in his name. At the time the pad went missing, McPheters had been hired to  
7 provide respite care for Dr. Lathrop's relative through HHCI, and had been providing those  
8 services at Dr. Lathrop's house. Dr. Lathrop discovered that several prescriptions had been  
9 written out to McPheters using her prescription pad and her business partner's, Dr. Kristen  
10 Iagulli (a/k/a Dr. Kristen Lee), prescription pad despite neither of them seeing McPheters as a  
11 patient and neither of them writing prescriptions to him, and also neither of them writing  
12 prescriptions for the types or quantities of drugs listed on the pads.

14 Inv. Williams obtained several business records from Anchorage area pharmacies. The  
15 following three prescriptions were filled by the pharmacies and the controlled substances were  
16 possessed by McPheters:

18 Inv. Williams obtained prescription records showing prescription number 0077636 for  
19 Alprazolam 2MG and 120 count which was filled on Feb. 17<sup>th</sup>, 2015 at Walgreens. Dr. Lathrop  
20 was listed as the prescriber and McPheters was listed as the recipient. Dr. Lathrop told Inv.  
21 Williams that she did not write that prescription, nor was it in her handwriting, and there were  
22 several aberrancies that were inconsistent with her normal method of writing prescriptions. Dr.  
23 Lathrop also relayed to Inv. Williams that at least twice McPheters had tried to pick up  
24 prescriptions written to other people under suspicious circumstances.  
25  
26  
27

1           Inv. Williams also found prescription number 2270781 for Oxycodone 30MG and 120  
2 count which was filled on Feb. 18<sup>th</sup>, 2017 at Carrs. Dr. Iagulli was listed as the prescriber for  
3 that prescription and McPheters was listed as the recipient. Dr. Iagulli stated that she had never  
4 seen McPheters as a patient nor had prescribed him medication. Dr. Lathrop described that dose  
5 of Oxycodone as more consistent with the dose for a dying cancer patient.

6           Inv. Williams spoke with Dr. Robinson regarding prescription number 0080172 for  
7 Roxycodone 30MG and 30 count which was filled on March 10<sup>th</sup>, 2015 filled at Walgreens. Dr.  
8 Robinson was listed as the prescriber and McPheters was listed as the recipient. Dr. Robinson  
9 stated that he had never seen McPheters nor prescribed him Roxycodone, nor had he ever  
10 prescribed that high a dose of Roxycodone. Dr. Robinson did state that McPheters had seen  
11 another doctor at his practice in that timeframe and that his prescription pad had possibly been  
12 stolen.

13           Inv. Williams obtained photocopies of the prescriptions from Carrs and Walgreens. On  
14 the two Walgreens prescriptions, a Walgreens pharmacy tech had written McPheters' Alaska  
15 Driver's License or Identification number in the margin of the prescription. According to the  
16 Walgreens pharmacy manager, a pharmacy tech would routinely check the identification of the  
17 person dropping off a hand written prescription and write the identification number on the actual  
18 prescription. Attendant to the Carrs prescription was the hand-written signature that a customer  
19 would sign on the electronic signature machine commonly seen at Carrs checkout areas. That  
20 hand-written signature is consistent with McPheters' signature on his driver's license. Inv.  
21 Williams also compared the handwriting of the three prescriptions to the handwriting on  
22 McPheters' HHCI application, and observed that the handwriting was consistent. Inv. Williams  
23  
24  
25  
26  
27

