

1 IN THE DISTRICT COURT FOR THE STATE OF ALASKA
2 FOURTH JUDICIAL DISTRICT AT FAIRBANKS

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6
7 GINA L STANLEY
8 DOB: 11/01/1968
9 APSIN ID: 7163501
DMV NO.: 7124631 AK
ATN: 115745562

10 Defendant.

11
12 No. 4FA-18-_____ CR (Gina L. Stanley)

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 Gina L Stanley - 001

19 Count II - AS 47.05.210(a)(5)
20 Medical Assistance Fraud
21 Gina L Stanley - 002

22 THE ATTORNEY GENERAL CHARGES:

23 COUNT I

24 That in the Third Judicial District, State of Alaska, on or between April 1, 2017
25 and June 22, 2017, at or near Fairbanks, GINA L. STANLEY knowingly submitted or
26 authorized the submission of a claim to a medical assistance agency for property,
27

1 services, or a benefit with reckless disregard that the claimant was not entitled to the
2 property, services, or benefit.

3 All of which is a Class A Misdemeanor offense being contrary to and in
4 violation of AS 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

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6 **COUNT II**

7 That in the Third Judicial District, State of Alaska, on or between April 1, 2017
8 and June 10, 2017, at or near Fairbanks, GINA L. STANLEY, knowingly made a false
9 entry or falsely altered a medical assistance record.

10 All of which is a Class A Misdemeanor offense being contrary to and in
11 violation of AS 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 the investigative material developed to date by Medicaid Fraud Control Unit (“MFCU”)
14 investigators in investigation case number 0669858.

15 Gina Stanley provided services as a personal care attendant (“PCA”) from at
16 least April 2013 until June 2017. Between April 1, 2017 and June 2017 she was
17 providing PCA services for five separate patients through two different PCA agencies,
18 Access Alaska and ResCare. In order to participate in the Medicaid program as a PCA
19 and provide PCA services to Medicaid recipients, Stanley had to complete training and
20 receive a certification. *See* 7 ACC 130.220. Pursuant to 7 AAC 105.220(a)(1), as
21 enacted through Alaska Statute Title 47, any person who provides medical services to a
22 recipient or who bills the state for his or her services agrees to “comply with all
23 applicable federal and state laws related to providing medical or medically related
24 services to Medicaid recipients in this state.” *See also* 7 ACC 105.210(b)(3)(requiring
25 anyone seeking enrollment with the state to provide Medicaid services to agree to follow
26 all state and federal applicable laws). In April of 2017, Stanley had been previously
27 certified by the State to work as a Medicaid-based PCA through both ResCare and
Access Alaska PCA agencies.

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

14 PCAs are enrolled in Medicaid as home-based health care providers. The Alaska
15 Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients,
16 in order to allow Medicaid recipients to stay in their home rather than be placed in an
17 assisted living home-type setting. Medicaid recipients are evaluated for medical needs by
18 an employee of the Department of Health and Social Services (“DHSS”) and the recipient
19 is then authorized to hire a PCA to provide home-based healthcare services. The PCA
20 provides the approved level of services and then contemporaneously fills out a timesheet
21 for the work performed—including the date and time that the services were provided.
22 The timesheet is initially submitted to the licensed PCA agency—in Stanley’s case, either
23 Access Alaska or ResCare, depending on the patient. The agencies use the timesheet
24 provided by the PCA as the documented basis for the amount the agency bills to
25 Medicaid for the services provided; the agencies maintain a copy of that timesheet in
26 accordance with the above-stated regulations. Typically, Medicaid pays approximately
27 \$24 an hour to the agency for the service, and the agency is required to pay the PCA at
least half of that amount.

1 In the current case, PCA agency ResCare reported to MFCU investigators that
2 they believed Gina Stanley, a PCA who worked for ResCare, had submitted timesheets
3 for services that she had not provided. ResCare reported that Stanley had inadvertently
4 submitted a timesheet to ResCare that was actually from a different PCA agency, Access
5 Alaska. While a PCA is not prohibited from working for two different PCA agencies,
6 ResCare noted that the Access Alaska timesheet that Stanley inadvertently submitted to
7 them contained “overlapping” with services Stanley claimed to have provided to ResCare
8 patients in timesheets Stanley had previously submitted to ResCare. “Overlapping”
9 services occur when a PCA submits multiple timesheets for different patients wherein
10 s/he claims to have provided services to two or more patients on the same day, at the
11 same time. As PCA services are required to be individually-provided, and generally must
12 be provided in the recipient’s home, it is impossible for a PCA to validly provide PCA
13 services to multiple recipients at the same time. Based on this submission, ResCare and
14 Access Alaska compared timesheets previously submitted by Stanley and discovered
15 numerous instances of overlapping in Stanley’s timesheets; the agencies reported this to
16 MFCU.

16 During the course of the investigation, MFCU investigators received Gina
17 Stanley’s timesheets from both ResCare and Access Alaska during the time period in
18 question. These timesheets showed that on numerous occasions between April 1 and
19 June 20, 2017, Stanley submitted timesheets to ResCare and Access Alaska wherein the
20 time she claimed to have provided services to a patient at one agency overlapped with the
21 time she claimed to have provided services to a patient at the other agency. After a
22 review of the claims submitted to Medicaid for services allegedly provided by Stanley
23 during this time period, it was determined that Medicaid paid \$1,732.40 for overlapping
24 services that could not have been provided to two separate patients at the same time.

24 On February 15, 2018, MFCU Investigator Lance Anderson contacted Stanley
25 by phone. Stanley admitted she was having some financial problems during the time in
26 question. She initially stated she was not trying to manipulate Medicaid and was
27 unaware that she was doing anything wrong. When questioned about the numerous

1 instances of overlap billing—more than 30 between April 1 and June 22—she admitted
2 “it shouldn’t have been like that.” Investigator Anderson contacted Stanley again on May
3 10, 2018. During this call Stanley admitted to feeling remorse for what she had done,
4 and said that it could have been avoided if each of the recipients had fewer hours, or if
5 she could have worked later in the day.

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7 **BAIL INFORMATION**

8 Based on a review of APSIN, the defendant has no known prior convictions in
9 the State of Alaska.

10 Dated at Anchorage, Alaska, this 22nd day of May, 2018.

11
12 **JAHNA LINDEMUTH**
13 **ATTORNEY GENERAL**

14
15 By: _____

16 Jenna L. Gruenstein
17 Assistant Attorney General
18 Alaska Bar No. 0912086
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