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

STATE OF ALASKA,

Plaintiff,

vs.

MERCEDES A BALDWIN

DOB: 10/28/1992

APSIN ID: 7204711

DMV NO.: 7204711 AK

ATN: 115745616

Defendant.

No. 3KN-18-\_\_\_\_\_ CR (Mercedes A Baldwin)

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)(5)

Medical Assistance Fraud

Mercedes A Baldwin - 001

Count II - AS 11.51.210(a)(1)

Endangering The Welfare Of A Vulnerable Adult In The Second Degree

Mercedes A Baldwin - 002

Count III - AS 47.24.010

Person Required To Report Reports Of Harm

Mercedes A Baldwin - 003

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1 THE OFFICE OF SPECIAL PROSECUTIONS CHARGES:

2 COUNT I

3 That in the Third Judicial District, State of Alaska, on or about February 17, 2017,  
4 at or near Soldotna, Alaska, MERCEDES A. BALDWIN knowingly made a false entry or falsely  
5 altered a medical assistance record.

6 All of which is a Class A Misdemeanor offense being contrary to and in violation of AS  
7 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

8 COUNT II

9 That in the Third Judicial District, State of Alaska, on or about February 17, 2017,  
10 at or near Soldotna, Alaska, MERCEDES A. BALDWIN failed, without lawful excuse, to  
11 provide support for a vulnerable adult, and the vulnerable adult was under the defendant's care  
12 by contract or authority of law.

13 All of which is a Class A Misdemeanor offense being contrary to and in violation of AS  
14 11.51.210(a)(1) and against the peace and dignity of the State of Alaska.

15 COUNT III

16 That in the Third Judicial District, State of Alaska, on or about February 17, 2017,  
17 at or near Soldotna, Alaska, MERCEDES A. BALDWIN, an employee of a personal care or  
18 home health aide program and/or a caregiver for a vulnerable adult, had reasonable cause, in the  
19 performance of her professional duties, to believe that the vulnerable adult suffered from undue  
20 influence, abandonment, exploitation, abuse, neglect or self-neglect, and did not, within 24 hours  
21 after first having cause for the belief, report the belief to the department's vulnerable adult  
22 centralized intake office.

23 All of which is a Class B Misdemeanor offense being contrary to and in violation of AS  
24 47.24.010(c) and against the peace and dignity of the State of Alaska.

25 The undersigned swears under oath this Information is based upon a review of  
26 police report 0663685 submitted to date.

1 Mercedes Baldwin provided services as a personal care attendant (“PCA”)  
2 through PCA agency Consumer Care from at least January 2014 through February 2017.  
3 In order to participate in the Medicaid program as a PCA and provide PCA services to  
4 Medicaid recipients, Baldwin had to complete training and receive a certification. *See* 7  
5 ACC 130.220. Pursuant to 7 AAC 105.220(a)(1), as enacted through Alaska Statute Title  
6  
7 47, any person who provides medical services to a recipient or who bills the state for his  
8 or her services agrees to “comply with all applicable federal and state laws related to  
9 providing medical or medically related services to Medicaid recipients in this state.” *See*  
10 *also* 7 ACC 105.210(b)(3)(requiring anyone seeking enrollment with the state to provide  
11 Medicaid services to agree to follow all state and federal applicable laws). Baldwin was  
12 certified to work as a Medicaid-based PCA through Consumer Care PCA agency.  
13

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

4           PCAs are enrolled in Medicaid as home-based health care providers. The Alaska  
5 Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients  
6 in order to allow Medicaid recipients to stay in their home rather than be placed in an  
7 assisted living home-type setting. The PCA provides the approved level of services and  
8 then contemporaneously fills out a timesheet for the work performed. The timesheet is  
9 initially submitted to the licensed agency—in Baldwin’s case, Consumer Care. The  
10 agency uses the timesheet provided by the PCA as the documented basis for the amount  
11 the agency bills to Medicaid for the services provided; the agency maintains a copy of  
12 that timesheet in accordance with the above-stated regulations. Typically, Medicaid pays  
13 approximately \$24 an hour to the agency for the service, and the agency is required to  
14 pay the PCA at least half of that amount.

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18           In the current case, MFCU received a report on February 17, 2017 of potential  
19 neglect or abuse of a vulnerable adult. The Office of Children’s Services (“OCS”) had  
20 visited a home and removed a child due to concerns over the condition and safety of the  
21 home. OCS reported to Adult Protective Services (“APS”) that there was an adult in the  
22 home, D.B., who was being provided home health care, and reported that they were  
23 concerned about the adult’s safety as well. On January 27, 2017, an APS investigator  
24 visited the home; she reported that the home was uninhabitable and in such poor  
25 condition that it was unhealthy. The house was exceptionally dirty, with garbage and  
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1 rotting materials piled up, had no running water due to bad pipes, no heat and the carpets  
2 were saturated with dog and cat feces and urine. D.B. had been living at the residence all  
3 winter; the APS investigator reported that D.B. was using an electric blanket and the oven  
4 to stay warm because there was no heat in the home in January.

5  
6 At the time of the APS investigator's visit, Baldwin was employed as a PCA for  
7 her mother, D.B., and had been since at least 2014. Based on an assessment conducted  
8 by an employee of the Department of Health and Social Services ("DHSS"), recipients of  
9 PCA services get an allotted number of hours' worth of service per week; those services  
10 can be provided in the form of a variety of approved tasks (i.e., bathing/dressing/  
11 grooming, toileting, meal preparation, housekeeping, laundry). Throughout much of  
12 2016, D.B. was allotted 45 hours of PCA services a week, with approved services to  
13 include bathing/dressing/grooming, housekeeping and laundry, amongst others. From at  
14 least February 2016 until November 14, 2016, Baldwin submitted timesheets claiming to  
15 have provided the maximum allowed amount of services, or 45 hours per week. On each  
16 of these timesheets Baldwin claimed to have done both housework and shopping one day  
17 a week and laundry two times a week. She also claimed to have helped daily with  
18 bathing/dressing/grooming. The timesheets appear to be nearly identical to one another  
19 from one week to the next, with a very similar pattern of activities claimed on various  
20 days.  
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24 On November 13, 2016, it appears that D.B.'s hours were reduced to 15.25 hours  
25 per week, and from then until February 18, 2017, Baldwin consistently submitted  
26 timesheets claiming to have provided D.B. with the full amount of the allotted time.  
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1 Baldwin continued to claim that she was doing weekly housekeeping, twice-weekly  
2 laundry, and weekly shopping. From timesheets submitted on February 18, 2017, it  
3 appears that D.B.'s allotted PCA services were increased, to 37.5 hours per week.  
4 Baldwin submitted a time sheet for the week of February 12 through 18, 2017 claiming to  
5 have provided 37.5 hours of service to D.B. that week; she claimed to have done  
6 housekeeping on February 14, 2017, shopping on February 15, and laundry on February  
7 16.

9           On September 29, 2017, MFCU investigators interviewed Baldwin. Upon contact  
10 with Baldwin, the investigators noticed a strong odor of methamphetamine and noted that  
11 her pupils were extremely dilated, despite being in a well-lit area. The officers also noted  
12 a strong odor of methamphetamine in Baldwin's home, despite the presence of a child in  
13 the home. During the interview, Baldwin stated that she filled out the timesheets as  
14 instructed by a former employee of Consumer Care, who she claimed told her to fill out  
15 the timesheets in the way she had been doing them. Baldwin claimed that this employee  
16 told her to fill out her timesheets in a way that would exhaust all the allowable hours and  
17 types of service, even if Baldwin had not performed the care or the type of service  
18 claimed. Baldwin agreed that due to the conditions of the home, she was not able to do  
19 the tasks as noted on the timesheets, such as giving in-home baths (due to the lack of  
20 running water in the home). Baldwin admitted to not filling out the timesheets based on  
21 the services provided, but continued to blame the former Consumer Care employee for  
22 telling her to do so.

1 On June 21, 2018, MFCU Investigator McLeod re-contacted Baldwin by phone.  
2 Baldwin stated that she carefully divided tasks performed for her mother as a PCA and  
3 other family/household housekeeping tasks. She claimed that she filled the allotted time  
4 by cleaning her mother's room, making sure her sheets were clean, that her oxygen was  
5 functioning, and that her mother's laundry was done. When asked how she could have  
6 been cleaning regularly, given that the house had been condemned, Baldwin stated that  
7 she regularly cleaned the house, but was unable to keep up with her mother and sister's  
8 hoarding, as well as the feces and urination from multiple animals. She stated she spent  
9 about an hour a day cleaning her mother's room; notably, she consistently noted on her  
10 timesheet that she performed housekeeping only one time per week. Baldwin claimed to  
11 work four or five hours every other day cleaning the rest of the house. She claimed to  
12 have removed approximately 800 pounds of garbage from the residence twice weekly.  
13 She could not explain where the garbage continued to come from, given her mother's  
14 poor health.

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18 Baldwin claimed that she filled out her timesheets, with her mother, on a daily  
19 basis and did not prefill them. She claimed her mother also kept detailed notes on the  
20 tasks Baldwin did. When confronted with the nearly-identical timesheets from week to  
21 week, she claimed her mother liked routine.

22  
23 Baldwin denied ever padding her hours, or filling them out merely to "exhaust"  
24 the allotted time, despite her initial statement. She said that she would sometimes work  
25 more than she filled out on her timesheet, stating that if her mom was given 3.45 hours,  
26 she would work 3.5 hours instead. Notably, the majority of Baldwin's timesheets consist  
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1 of whole hours, with the exception of a couple of months where D.B. was allotted either  
2 15.25 hours per week or 37.5 hours.

3 Baldwin denied telling anyone at the PCA agency about the condition of the house  
4 “because if they knew, then I would have been in jail, my mother would have been in an  
5 assisted living home.” She said she did not report to APS for that same reason.  
6

7 Baldwin’s statements on her PCA timesheets stating that she performed the  
8 listed services were false, which is a violation of 47.05.210(a)(5). By failing to notify the  
9 authorities of the conditions in which her mother was living, when she had a duty to do so  
10 as her mother’s PCA, she violated 11.51.210(a)(1) and 47.24.010.  
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13 Dated at Anchorage, Alaska, this \_\_\_\_ day of July, 2018.

14  
15 JAHNA LINDEMUTH  
16 ATTORNEY GENERAL

17 By: \_\_\_\_\_  
18 Eric Senta  
19 Assistant Attorney General  
20 Alaska Bar No. 1011091  
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