

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

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

No. 3KO-18-\_\_\_\_\_CR  
(Judy R Ashouwak)

6 JUDY R ASHOUWAK

7 DOB: 11/25/1961

8 APSIN ID: 0918015

9 DMV NO.: 0918015 AK

ATN: 115745625

10 Defendant.

11  
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.  
15 The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: NONE

16 Count I - AS 47.05.210(a)(1) (C Felony)  
17 Medical Assistance Fraud  
18 Judy R Ashouwak - 001

19 THE OFFICE OF SPECIAL PROSECUTIONS CHARGES:

20 COUNT I

21 That in the Third Judicial District, State of Alaska, on or about July 14, 2015  
22 through June 8, 2018, at or near Old Harbor and/or Kodiak, JUDY R ASHOUWAK  
23 knowingly submitted or authorized the submission of a claim to a medical assistance  
24 agency for property, services, or a benefit with reckless disregard that the claimant is not  
25 entitled to the property, services, or benefit.

26 All of which is a Class C Felony offense being contrary to and in violation of  
27 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

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2 The undersigned swears under oath this Information is based upon a review of  
3 MFCU Investigator Bartz's report submitted to date.

4 The Alaska Medicaid Fraud Control Unit received a referral from DHSS dated  
5 March 30, 2018, that stated that three critical incident reports were received regarding  
6 elderly Medicaid recipient, L.A., of Old Harbor, Alaska. L.A. had been approved for and  
7 was receiving in home personal care with the defendant assigned as his Personal Care  
8 Attendant (hereinafter "PCA").

9 The referral explained that on November 8, 2017, a neighbor, checked on L.A. at  
10 his home in Old Harbor and believed him to be abandoned. Due to this, he was flown to  
11 Kodiak, Alaska to stay with another relative. On November 10, 2017, the PCA provider  
12 agency, Alaska Consumer Direct Personal Care, filed a missing person report for the  
13 recipient. The reports state that the recipient was located in Kodiak on November 14,  
14 2017 and he was flown back to his home in Old Harbor, although witnesses believe that  
15 the recipient was actually found on November 13, 2018.

16 Judy Ashouwak had flown to Anchorage, Alaska during the time period of  
17 November 8, 2017 to November 14, 2017 for personal medical appointments, yet she  
18 submitted billing and timesheets seeking payment for services during those dates where  
19 the recipient was in alone and she was in Anchorage. The timesheets and billing appear to  
20 be standardized, with the same amount of hours and times for each day and very little  
21 variation.

22 Investigator Bartz requested and was granted search warrants for flight records  
23 for Judy Ashouwak and L.A. from Alaska Airlines, Ravn Alaska and Island Air Service.  
24 The flight records requested were between the dates of July 1, 2015, when Judy became  
25 the recipient's PCA, until June 11, 2018. All three airlines complied and submitted the  
26 requested records. Investigator Bartz also requested and received Judy's timesheets from  
27 Christine Morton, the Program Coordinator at the Kodiak Consumer Direct office.  
Investigator Bartz compared the flight records with Judy's timesheets and discovered  
numerous occurrences where Judy traveled without the recipient, yet she continued to bill

1 for services. There were also several instances where L.A. traveled without Judy, or they  
2 both traveled together without receiving prior authorization to bill for PCA services away  
3 from the recipient's home. Prior authorization is required by 7AAC125.050 in order to  
4 receive reimbursement for services outside the home.

5 L.A.'s son, L.W.A., was his attorney-in-fact pursuant to an executed power of  
6 attorney. L.W.A. signed Judy's PCA timesheets on behalf of L.A., indicating that in-  
7 home PCA services were being provided, even while he was out of town with the PCA  
8 without L.A. The PCA acknowledged that she had submitted some billings while she was  
9 out of town, claiming that her daughter was still providing the reported services. L.W.A.  
10 admitted to signing the timesheets, though he claimed no knowledge of the fraud.  
11 Medicaid was billed approximately \$1,673.35 for PCA services while the PCA was away  
12 from the recipient, the recipient was away from the PCA, or both were traveling without  
13 prior approval.

14 A summary of the travel and billing is as follows:

- 15 • 7/14/15 — 7/15/15: Judy traveled to Kodiak, AK (\$68.30 billed)
- 16 • 9/1/15 — 9/17/15: L.A. traveled to Anchorage, AK (\$122.94 billed)
- 17 • 4/25/16 — 4/26/16: Judy traveled to Kodiak, AK (\$27.32 billed)
- 18 • 5/11/16: L.A. traveled from Anchorage, AK to Valdez, AK — no return flight  
19 information (\$27.32 billed for 5/11/16)
- 20 • 5/23/16 — 5/26/16: Judy traveled to Anchorage, AK (\$81.96 billed)
- 21 • 6/10/16 — 6/15/16: Judy traveled to Kodiak AK (\$109.28 billed)
- 22 • 6/16/16 — 6/19/16: L.A. traveled to Kodiak, AK (\$27.32 billed)
- 23 • 7/30/16 — 7/30/16: Judy & L.A. traveled to Kodiak, AK and back to Old  
24 Harbor, AK. Judy did not receive permission to bill for these services away from  
25 the recipient's home (\$40.98 billed)
- 26 • 8/8/16: L.A. traveled to Kodiak, AK — no return flight information
- 27 • 8/24/16 — 8/25/16: Judy traveled to Kodiak, AK (\$27.32 billed)
- 10/30/16 — 11/2/16: Judy traveled to Anchorage, AK (\$81.96 billed)

- 1 • 12/7/16 —12/10/16: Judy & L.A. traveled to Anchorage, AK without permission
- 2 to bill for PCA services outside of the home (\$81.96 billed)
- 3 • 12/27/16: L.A. traveled to Valdez, AK — no return flight information; however,
- 4 he did have a one-way flight from Kodiak, AK to Old Harbor, AK on 1/10/17
- 5 (\$27.32 billed for 12/27/16)
- 6 • 3/15/17 — 3/18/17: Judy & L.A. traveled to Anchorage, AK without permission
- 7 to bill for PCA services outside of the home (\$81.96 billed)
- 8 • 3/28/17 - 4/1/17: Judy traveled to Anchorage, AK (\$150.26 billed)
- 9 • 9/5/17 - 9/6/17: Judy traveled to Kodiak, AK (\$54.64 billed)
- 10 • 10/27/17: Judy traveled to Kodiak, AK — no return flight information
- 11 • 11/1/17 - 11/3/17: Judy traveled to Kodiak, AK (\$54.64 billed)
- 12 • 11/8/17 — 11/14/17: Judy traveled to Anchorage, AK, and L.A. traveled to
- 13 Kodiak, AK — allowable services began again on 11/14/17 (\$177.58 billed)
- 14 • 12/20/17 — 12/24/17: Judy & L.A. traveled to Kodiak, AK without permission
- 15 to bill for PCA services outside of the home (\$109.28 billed)
- 16 • 2/13/18: Judy traveled from Kodiak, AK to Old Harbor, AK — no flight
- 17 information available showing her flight from Old Harbor, AK to Kodiak, AK
- 18 • 2/28/18 — 3/7/18: Judy traveled to Anchorage, AK (\$109.28 billed)
- 19 • 3/23/18 — 3/27/18: L.A. traveled to Kodiak, AK (\$68.30 billed)
- 20 • 5/12/18: Judy traveled to Kodiak, AK — no return flight information
- 21 • 5/25/18 — 5/27/18: Judy traveled to Kodiak, AK (\$95.62 billed)
- 22 • 6/8/18 — 6/8/18: Judy traveled to Kodiak, AK (\$47.81 billed)

23 Total amount billed either while PCA and recipient were not in the same location or  
24 while travelling together without prior authorization as required: \$1,673.35

25 The undersigned respectfully requests a summons for the defendant's  
26 appearance.

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BAIL INFORMATION

Per the Alaska Public System Information Network, the defendant has the following convictions in Alaska: NONE

Dated at Kodiak, Alaska, this \_\_\_\_ day of September, 2018.

JAHNA LINDEMUTH  
ATTORNEY GENERAL

By: \_\_\_\_\_  
John C. Cagle  
Assistant Attorney General  
Alaska Bar No. 1102009