

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

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6
7 KATHRYN JULIA THOMASON

8 DOB: 08/13/1966

9 APSIN ID: 7369488

DMV NO.: 7254362 AK

ATN: 115745688

10 ROBERT HAYES THOMASON

11 DOB: 11/05/1950

12 APSIN ID: 7352905

13 DMV NO.: 7244029 AK

ATN: 115745661

14 Defendants.

15 No. 3PA-18- CR (Kathryn Julia Thomason)

16 No. 3PA-18- CR (Robert Hayes Thomason)

17 INFORMATION

18 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)
19 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.
20 The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990:

21 Count I - AS 47.05.210(a)(1)

Medical Assistance Fraud

22 Kathryn Julia Thomason – 001, Robert Hayes Thomason – 001

23 Count II - AS 47.05.210(a)(5)

Medical Assistance Fraud

24 Kathryn Julia Thomason – 002, Robert Hayes Thomason – 002
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2 THE ATTORNEY GENERAL CHARGES:

3 COUNT I

4 That in the Third Judicial District, State of Alaska, on or about December 2017 to April
5 2018, at or near Wasilla, KATHRYN JULIA THOMASON and ROBERT HAYES
6 THOMASON, as principals and/or accomplices, knowingly submitted or authorized the
7 submission of a claim to a medical assistance agency for property, services, or a benefit with
8 reckless disregard that the claimant is not entitled to the property, services, or benefit, and the
9 value of the property, services, or benefit was greater than \$500.
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11 All of which is a Felony class C offense being contrary to and in violation of
12 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.

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14 COUNT II

15 That in the Third Judicial District, State of Alaska, on or about December 2017 to April
16 2018, at or near Wasilla, KATHRYN JULIA THOMASON and ROBERT HAYES
17 THOMASON, as principals and/or accomplices, knowingly made a false entry or falsely altered
18 a medical assistance record.
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20 All of which is a Misdemeanor class A offense being contrary to and in violation of
21 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.
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23 The undersigned swears under oath this Information is based upon a review of police
24 report 0678676 submitted to date.
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26 This case arose from a tip from the Department of Health and Social Services, Senior and
27 Disability Services (DHSS/SDS). DHSS/SDS reported to the Medicaid Fraud Control Unit

1 (MFCU) that DHSS and a care coordination agency were having issues with Kathryn and Robert
2 Thomason, who are parents of a disabled adult child, and suspected that the Thomasons may be
3 fraudulently claiming to perform work with the disabled adult child. Specifically, the tipsters
4 reported that it appeared Kathryn Thomason was claiming to perform, and getting paid to
5 perform, day habilitation (dayhab) services with the disabled adult child when in fact she was not
6 performing those services.

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8 Alaska Medicaid is a program administered by the Alaska Department of Health and
9 Social Services. DHSS administers several different types of Medicaid services to several
10 Alaskan residents, including Denali Kid Care, adults who fall under an income threshold, long-
11 term care, senior services, other disability services, and many other Alaskan residents. Some
12 long-term disability care recipients have their care managed by care coordinators. The
13 Department of Health and Social Services typically works in conjunction with a recipient's care
14 coordinator, family, and providers to approve the Medicaid recipient for a specific type and level
15 of care, detailed in a Plan of Care (POC) unique for each recipient. A POC provides several
16 specific schedules, treatment plans, and goals for each recipient, such as medical visits,
17 emergency contacts, self-sufficiency goals, medication schedules, vocational training, etc. For
18 those recipients represented in guardianship proceedings, the POC must also be approved by
19 their Office of Public Advocacy guardians. A POC must also be signed and approved by a
20 representative of a recipient, such as an OPA guardian or family guardian, and any other relevant
21 care coordinator or family member. Each recipient's POC must be reviewed and updated every
22 year by all appropriate parties.
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25 A typical POC for a typical long-term disabled recipient may include a requirement that a
26 recipient get dayhab services, or trips out into the community for the recipient to work on various
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1 social and self-sufficiency skills. A POC may allow a family member or a provider agency (such
2 as the Pioneer Home, or ARC of Anchorage) to do the dayhab services, or may approve a
3 different organization or individual to do dayhab trips with the recipient. An example of a
4 typical dayhab trip done by a provider may include a trip to the mall, a trip to the gym, or a trip
5 to the grocery store. The POC requires that the dayhab be either group or single trips into the
6 community, and the POC approves a maximum amount of time – typically three or four hours
7 per day – a provider can provide and bill for each dayhab trip in a day. A requirement of the
8 POC and of Medicaid is that the provider must follow the POC in order to lawfully bill Medicaid
9 for the approved dayhab services. Dayhab services were paid by Medicaid at approximately
10 \$10.71 per 15 minutes under CPT billing code T2021. Furthermore, Medicaid regulations
11 require dayhab services to be performed in a goal orientated manner, described in 7 AAC
12 130.260.
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14 In the present case, the disabled adult recipient was approved for up to 24 hours per week
15 of dayhab services and about 40 hours per week of in-home PCA services and another 10 hours
16 per week of respite services. The home healthcare agency Hearts and Hands of Care was
17 approved to provide these services, and they in turn hired Kathryn Thomason (the recipient’s
18 step-mother) to provide both the dayhab and PCA services, while Robert Thomason (the
19 recipient’s father) was the recipient’s “legal representative” with the agency. Kathryn Thomason
20 would write a daily log known as a PCA Timesheet, where she tracked PCA hours, and also a
21 daily log in a program called Therap, where she tracked dayhab hours. Hearts and Hands would
22 use Thomason’s written logs to bill Medicaid for the two services. The written logs contained a
23 detailed description of start time, end time, and specific activities performed as part of the
24 dayhab and PCA activities.
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1 In December of 2017, the recipient's care coordinator attempted to arrange a face-to-face
2 meeting with the care team, which is required by Medicaid regulation. The care coordinator
3 faced significant difficulties, however, after Robert and Kathryn Thomason refused to allow her
4 to meet with the recipient. In particular, the care coordinator reported that previous "face-to-
5 face" meetings were done when Robert and Kathryn would drive the recipient to the meeting but
6 not allow the coordinator to see the recipient except through the closed door's window, and
7 would not allow the recipient to talk to the coordinator. When the care coordinator offered to
8 meet the recipient while on a dayhab trip to check on him in a more convenient setting, the care
9 coordinator reported that Kathryn Thomason said that (paraphrase) "dayhab was done on the
10 weekends in Anchorage" and they could not meet. The care coordinator reported their problems
11 to SDS. The SDS staff who followed up on the complaint reported that Robert was becoming
12 increasingly aggressive, belligerently yelling and acting aggressive towards the care team and
13 state employees. The SDS staff observed that dayhab billing was inconsistent with the
14 Thomason's statement that dayhab was done on the weekends in Anchorage.

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17 On Dec. 18th, 2017 SDS staff conducted surveillance of Kathryn Thomason and the
18 recipient on their trip outside the home. SDS staff reported they conducted surveillance from
19 1:24 to 2:47pm. During that time, Thomason left the house with the recipient in the passenger
20 seat of the car. They went to the post office, Target, and the middle school. During each of
21 those stops, Thomason exited the vehicle and did her chores while leaving the recipient in the
22 car. After picking up the recipient's sister, the vehicle returned home. Thomason did not do a
23 Therap dayhab note for that day, however Thomason wrote in her PCA timesheet that she
24 worked with the recipient at home from 10:45 to 5pm uninterrupted, for 6.25 hours of PCA
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1 work. Medicaid was billed, and paid, \$152.50 for the PCA work during that day. Based upon
2 these observations, SDS referred the matter to the MFCU.

3 On March 19th, 2018 Investigator Don McLeod conducted surveillance of Kathryn
4 Thomason and the recipient on their trip outside the home. On that day Inv. McLeod was
5 watching Kathryn Thomason's house and driveway from 8:02am too 3:53pm and did not
6 observed her to leave the house, and therefore she could not have been doing dayhab (which is
7 defined as outside the home activities) from at least 8:02am to 3:53pm. However, on March 19th,
8 2018 Kathryn Thomason wrote in her dayhab Therap notes that she took the recipient out to the
9 post office, credit union, an herbal store, a pet store, and to the school to pickup another of the
10 Thomason children. Thomason wrote that she conducted these activities from 1pm-5pm for 4
11 total hours of day habilitation. Medicaid was billed for those dayhab services, and paid \$171.36
12 for those services. A PCA timesheet from that same time period (signed March 25th) claims 8
13 hours of PCA services on that day, from 10am to 1pm and then 5pm to 10pm, with a detailed list
14 of activities performed during those hours, such as "bathing," "walking exercise," etc. The
15 timesheet was signed by Kathryn Thomason as the provider, and Robert Thomason as the "legal
16 representative." The timesheet specifies that "Misrepresentations of the time worked or
17 activities actually performed can constitute fraud and be criminally prosecuted." Kathryn
18 Thomason could not have been performing dayhab from 1pm-3:53pm, however, because she did
19 not leave the house. Medicaid was billed, and paid, \$171.36 for dayhab on that day.
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22 On March 21st, 2018, Inv. McLeod again conducted surveillance of Kathryn Thomason
23 and the recipient, this time on their trip outside the home. At 11:41 the Thomason's blue Honda
24 departed the residence, occupied by Robert Thomason, Kathryn Thomason, and the recipient.
25 They went to credit union, the library, and post office. The recipient left the car only to go into
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1 the library, from 11:55am-12:13pm. At 12:47 the Honda returned to the residence. Surveillance
2 continued until 1:45pm, when Robert Thomason exited the residence to confront Inv. McLeod.
3 Inv. McLeod did not observe Kathryn Thomason leave the residence between 12:47 and 1:45.
4 Kathryn Thoamson filled out a Therap report stating that from 1:00pm to 5:00pm they went to
5 the post office, Fred Meyer, Pet Zoo, and school pickup, none of which was consistent with Inv.
6 McLeod's observations. Medicaid was billed, and paid, \$171.36 for the dayhab services on that
7 day.

8
9 On April 12th, 2018, Inv. McLeod conducted video surveillance of the Thomason vehicle.
10 That surveillance showed that Kathryn Thomason left the residence at 1:37pm, arrived at the
11 middle school to pick up a student at 2:15, left the school at 2:27, and arrived back home at
12 2:40pm. Kathryn Thomason repeated a nearly exact same schedule the next day, April 13th,
13 leaving at 1:21 and arriving back home at 2:50. Thomason's Therap notes state that she
14 conducted dayhab from 1pm to 4pm on each of those two days. Medicaid was billed, and paid,
15 \$128.52 on each of those two days. Subsequent video surveillance revealed several other days
16 within the month of April similar billing aberrancies, where Thomason either overbilled her time
17 out of the house or simply fabricated dayhab trips out into the community. For instance, on
18 April 29th, 2018, Inv. McLeod conducted video surveillance of the Thomason vehicle. The
19 surveillance showed that no cars entered or left the Thomason residence all day. Thomason's
20 Therap notes state that she conducted dayhab from 1pm to 4pm on that day. Medicaid was
21 billed, and paid, \$128.52 on that day.

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24 Each of the days with a dayhab Therap report also have a PCA timesheet entry. The PCA
25 timesheets are signed by Kathryn and Robert Thomason, with the warning that
26 "misrepresentations... can constitute fraud and be criminal prosecuted." The PCA timesheets
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1 record the time that Katheryn Thomason falsely claimed to be working dayhab – i.e. that she
2 worked PCA activities from 10am-1pm, and then dayhab from 1pm-5pm, and then PCA
3 activities from 5pm-10pm. Each of those timesheets that falsely record the dayhab times were
4 signed by Robert Thomason on the recipient’s behalf.

5 The Thomasons were claiming to provide, and Medicaid was paying as if they were
6 providing, dayhab services from Dec. 2017-April 2018, most if not all of which are false. The
7 value of the false claims aggregate to over \$500. The entries in the dayhab Therap notes as well
8 as the PCA timesheets showing the times dayhab wwas provided are false entries in medical
9 assistance records.
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12 BAIL INFORMATION

13 Per the Alaska Public Safety Information Network, the defendant has the
14 following convictions in Alaska:

15 No criminal history for either defendant.
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18 Dated at Anchorage, Alaska, this ____ day of November, 2018.

19 JAHNA LINDEMUTH
20 ATTORNEY GENERAL

21
22 By: _____
23 Eric Senta
24 Assistant Attorney General
25 Alaska Bar No. 1011091
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