

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

STATE OF ALASKA,

Plaintiff,

vs.

JOHN D. ZIPPERER, JR.

DOB: 04/22/1970

APSIN ID: 7647492

DMV NO.: 7403716 AK

ATN: 115745346

JOHN D. ZIPPERER, JR. MD LLC

ATN: 115745355

Defendants.

No. 3AN-19-12375CR (John D. Zipperer, Jr.)

No. 3AN-19-12377CR (John D. Zipperer, Jr. MD LLC)

INDICTMENT

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: NONE

Count I - AS 47.05.210(a)(1)Fel B

Medical Assistance Fraud

John D. Zipperer Jr. - 001, John D. Zipperer, Jr. MD LLC - 001

Count II - AS 47.05.210(a)(1)Fel B

Medical Assistance Fraud

John D. Zipperer Jr. - 002, John D. Zipperer, Jr. MD LLC - 002

Count III - AS 47.05.210(a)(1)Fel B

Medical Assistance Fraud

John D. Zipperer Jr. - 003, John D. Zipperer, Jr. MD LLC - 003

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Count IV - AS 47.05.210(a)(1)Fel B
Medical Assistance Fraud
John D. Zipperer Jr. – 004, John D. Zipperer, Jr. MD LLC - 004

Count V - AS 11.46.600(a)(2)
Scheme To Defraud
John D. Zipperer Jr. - 005, John D. Zipperer, Jr. MD LLC - 005

Count VI - AS 11.46.600(a)(2)
Scheme To Defraud
John D. Zipperer Jr. - 006, John D. Zipperer, Jr. MD LLC - 006

Count VII - AS 11.46.120
Theft In The First Degree
John D. Zipperer Jr. – 007, John D. Zipperer, Jr. MD LLC - 007

Count VIII - AS 47.05.210(a)(4)
Medical Assistance Fraud
John D. Zipperer Jr. – 008, John D. Zipperer, Jr. MD LLC - 008

Count IX - AS 11.56.790(a)(1)
Compounding
John D. Zipperer Jr. - 009, John D. Zipperer, Jr. MD LLC – 009

Count X - AS 47.05.210(a)(7)
Medical Assistance Fraud
John D. Zipperer Jr. - 010, John D. Zipperer, Jr. MD LLC - 010

THE GRAND JURY CHARGES:

COUNT I:

That in the Third Judicial District, State of Alaska, on or about August 1, 2013 -
September 30, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D.
ZIPPERER JR MD LLC, as principal and accomplice, knowingly submitted or
authorized the submission of a claim to a medical assistance agency for property,
services, or a benefit with reckless disregard that the claimant is not entitled to the

1 property, services, or benefit, and the value of the property, services, or benefit is over
2 \$25,000, to wit: submitting claims for medically unnecessary urinalysis testing pursuant
3 to a blanket testing policy in the absence of any patient specific justification.

4 All of which is a Class B Felony offense being contrary to and in violation of
5 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.
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8 COUNT II:

9 That in the Third Judicial District, State of Alaska, on or about August 1, 2013 -
10 September 30, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D.
11 ZIPPERER JR MD LLC, as principal and accomplice, knowingly submitted or
12 authorized the submission of a claim to a medical assistance agency for property,
13 services, or a benefit with reckless disregard that the claimant is not entitled to the
14 property, services, or benefit, and the value of the property, services, or benefit is over
15 \$25,000, to wit: submitting claims for unutilized phase two testing at his Tennessee lab
16 that unbundled and duplicated phase one testing.
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18 All of which is a Class B Felony offense being contrary to and in violation of
19 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.
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23 COUNT III:

24 That in the Third Judicial District, State of Alaska, on or about August 1, 2013 -
25 September 30, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D.
26 ZIPPERER JR MD LLC, as principal and accomplice, knowingly submitted or
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1 authorized the submission of a claim to a medical assistance agency for property,
2 services, or a benefit with reckless disregard that the claimant is not entitled to the
3 property, services, or benefit, and the value of the property, services, or benefit is over
4 \$25,000, to wit: submitting claims for phase three testing where the individual
5 confirmation tests were not tailored to individual patients or individual phase one / phase
6 two results.
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8 All of which is a Class B Felony offense being contrary to and in violation of
9 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.
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12 COUNT IV:

13 That in the Third Judicial District, State of Alaska,
14 on or about August 2013 - October 2013, at or near Anchorage, JOHN D. ZIPPERER JR,
15 and JOHN D. ZIPPERER JR MD LLC, as principal and accomplice, knowingly
16 submitted or authorized the submission of a claim to a medical assistance agency for
17 property, services, or a benefit with reckless disregard that the claimant is not entitled to
18 the property, services, or benefit, and the value of the property, services, or benefit is over
19 \$25,000, to wit: submitting claims for urinalysis testing on samples stored in
20 fridges/freezers and sent to Tennessee for testing in an untimely manner, such that the
21 treatment value diminished.
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24 All of which is a Class B Felony offense being contrary to and in violation of
25 47.05.210(a)(1) and against the peace and dignity of the State of Alaska.
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COUNT V:

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2 That in the Third Judicial District, State of Alaska, on or about August 1, 2013 -
3 September 30, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D.
4 ZIPPERER JR MD LLC, as principal and accomplice, engaged in conduct constituting a
5 scheme to defraud one or more persons of \$10,000 or to obtain \$10,000 or more from one
6 or more persons by false or fraudulent pretense, representation, or promise and obtained
7 property or services in accordance with the scheme, to wit: conduct same or similar to
8 Counts 1-4 related to the Alaska Medicaid system.
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10 All of which is a Felony class B offense being contrary to and in violation of
11 11.46.600(a)(2) and against the peace and dignity of the State of Alaska.
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COUNT VI:

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14 That in the Third Judicial District, State of Alaska, on or about August 1, 2013 -
15 September 30, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D.
16 ZIPPERER JR MD LLC, as principal and accomplice, engaged in conduct constituting a
17 scheme to defraud one or more persons of \$10,000 or to obtain \$10,000 or more from one
18 or more persons by false or fraudulent pretense, representation, or promise and obtained
19 property or services in accordance with the scheme, to wit: conduct same or similar to
20 Counts 1-4, but directed at non-Medicaid insurance companies.
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22 All of which is a Felony class B offense being contrary to and in violation of
23 11.46.600(a)(2) and against the peace and dignity of the State of Alaska.
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COUNT VII:

That in the Third Judicial District, State of Alaska, on or about August 1, 2013 - September 30, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D. ZIPPERER JR MD LLC, as principal and accomplice, committed the crime of theft, as defined in 11.46.100, and the value of the property or services was \$25,000 or more, to wit: conduct same or similar as described in counts 1-6.

All of which is a class B Felony offense being contrary to and in violation of AS 11.46.120 and against the peace and dignity of the State of Alaska.

COUNT VIII:

That in the Third Judicial District, State of Alaska, on or about March 2019 - December 2019, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D. ZIPPERER JR MD LLC, as principal and accomplice, failed to produce medical assistance records to a person authorized to request the records.

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

COUNT IX:

That in the Third Judicial District, State of Alaska, on or about June, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D. ZIPPERER JR MD LLC, as principal and accomplice, conferred, offered to confer, or agreed to confer a benefit on another in consideration of that other person's concealing an offense, refraining from

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initiating or aiding in the prosecution of an offense or withholding evidence of an offense.

All of which is a Misdemeanor class A offense being contrary to and in violation of 11.56.790(a)(1) and against the peace and dignity of the State of Alaska.

COUNT X

That in the Third Judicial District, State of Alaska, on or about August 1, 2013 - September 30, 2015, at or near Anchorage, JOHN D. ZIPPERER JR, and JOHN D. ZIPPERER JR MD LLC, as principal and accomplice, violated a provision or a regulation of AS 47.07 or AS 47.08, to wit: violating 7 AAC 105.100 and 7 AAC 105.110 by knowingly submitting claims for medically unnecessary urinalysis testing.

All of which is a class B misdemeanor offense being contrary to and in violation of AS 47.05.210(a)(7) and against the peace and dignity of the State of Alaska.

DATED this ____ day of August, 2020 at Anchorage, Alaska.

A true bill

Grand Jury Foreperson

James J. Fayette
Medicaid Fraud Control Unit Director
Alaska Bar No. 9106035

Department of Law, Criminal Division, Medicaid Fraud Control Unit

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WITNESSES EXAMINED BEFORE THE GRAND JURY:

Kathryn L Bell

Toni Frances Bolen

Zachariah W. Chambers, Dr.

Michael Darren

Kevin Hinrichs

Douglas W Jones

Andrea M Trescot

Pamela Bowers

Mary Bixby

Margaret Summers

Scott Schneckenber

Indictment

State v. John D. Zipperer, Jr., 3AN-19-12375CR

John D. Zipperer, Jr. MD LLC, 3AN-19-12377 CR

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