

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

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 HYON NAM KIM,)
 aka: HYON NAM CHOI,)
 aka: HYON N CHOI,)
 aka: HYON N KIM,)
 DOB: 8/8/1962)
 APSIN ID: 6594748)
 DMV NO. 6594748 AK)
 ATN: 107-504-757)
)
 Defendant.)
)

Case No. 3AN-13- CR.

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)(7) Misd B
Medical Assistance Fraud
Hyon Nam Kim - 001

Count II - AS 47.05.210(a)(7) Misd B
Medical Assistance Fraud
Hyon Nam Kim - 002

Count III - AS 47.05.210(a)(1) Misd A
Medical Assistance Fraud
Hyon Nam Kim - 003

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about September 1, 2012 to November 11, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, HYON NAM KIM, violated a provision or a regulation of AS 47.07 or AS 47.08, specifically, Kim accepted payment from Krone for Medicaid reimbursable services in violation of 7AAC 125.120(d)(1).

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.

Count II

That on or about the 2nd day of November, 2012, at or near Anchorage in the Third Judicial District, State of Alaska, HYON NAM KIM, violated a provision or a regulation of AS 47.07 or AS 47.08, specifically, Kim solicited Hayes as a client in violation of 7AAC 125.120(d)(2).

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.

Count III

That on or about September 23, 2012 to November 13, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, HYON NAM KIM, 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 property, services, or benefit.

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

Probable Cause:

The undersigned states this Information is based upon a review of investigative reports submitted to date.

October 16, 2012, Eric Tolbert with Department of Health and Social Services (DHSS) conducted a home visit with 98 year old Medicaid recipient Dorothy "Dolly" Krone after receiving a report of harm. Krone, who had an Alzheimer's diagnosis, was living alone in senior housing and appeared to be in an unsafe situation due to the level of care required. Krone was receiving the services of a personal care assistant (PCA) paid for by Medicaid, but in Tolbert's opinion needed 24 hour care. Tolbert determined that he needed to conduct a follow-up visit with his supervisor Tammy Hunter.

On November 1, 2012, Hunter and Tolbert conducted a follow-up visit to Krone's apartment. PCA Hyon Kim was present at the time. Hunter immediately recognized Kim from a 2010 case in which there was an allegation of financial exploitation of a vulnerable adult with Alzheimer's. Hunter asked to look at Krone's checkbook and noticed several checks written out to cash for various amounts. Kim informed Hunter that Krone was paying her cash for PCA services provided outside the allotted number of hours because she needed additional assistance. Alaska Administrative Code 7AAC 125.120(d)(1) provides that a personal care assistant may not accept payment in any form from a recipient for any Medicaid-reimbursable service. Hunter explained to Kim that she was not allowed to accept payment from Medicaid recipients for reimbursable services.

In November 2012, DHSS Adult Protective Services specialist Esther Hayes conducted home visits for two other recipients that were receiving PCA services from Kim. Zena Fleming told Hayes that Kim attempted to solicit her for private pay services. Kim explained to Fleming that she needed to earn extra money as one of her clients had been hospitalized. In addition to prohibiting a PCA from accepting payment for reimbursable service, Alaska Administrative Code 7AAC 125.120(d)(2) provides that a personal care assistant may not solicit clients for personal care services.

Medicaid Fraud Investigator Margo Mandel reviewed Kim's timesheets from PCA agency Consume Care Network from September 23, 2012 through November 17, 2012. Kim was caring for four different recipients during this time. Analysis of the

timesheets shows that Kim was billing Medicaid via Consumer Care Network for 12-18 hours per day of PCA services. Additionally she was billing Krone from 1-2 hours per day for additional services and working at Panda Restaurant up to three hours per day.

A spreadsheet analysis of Kim's documented time shows that she billed Medicaid a total of \$134.09 for hours she allegedly worked while she was actually working at Panda Restaurant. There were also five instances in which Kim submitted timesheets to Medicaid for hours that she personally billed Krone totaling \$110.77. Kim also double billed Medicaid for six hours of services allegedly provided to two different clients simultaneously for a total of \$139.93. In total, Kim billed Medicaid \$384.78 for services she did not provide.

Bail Information:

CASE NO.	DATE	CHARGE	POS ID	FEL	DISPOSITION
3AN-00-10816	1/2/01	LICENSEE SELL ALCHOL TO MINOR	Y	N	CONVICTION SET-ASIDE

Dated at Anchorage, Alaska, this ____ day of February, 2013.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: _____
A. Andrew Peterson
Assistant Attorney General
Alaska Bar No. 0601002

SUBSCRIBED AND SWORN TO before me this ____ day of
February 2013, at Anchorage, Alaska.

Notary Public in and for Alaska
My Commission Expires: End of Hire