

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

STATE OF ALASKA,)
)
 Plaintiff,)
)
 vs.)
)
 DULCE GUEVARRA DIZON,)
 DOB: 11/7/1966)
 APSIN ID: 6359368)
 DMV NO. 6359368 AK)
 ATN: 114-356-043)
)
 Defendant.)
)
 _____)
 Case No. 3AN-13- CR.
 3AN-13-459 SW

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)(1)Fel C
Medical Assistance Fraud
Dulce G. Dizon - 001

Count II - AS 47.05.210(a)(1)Misd A
Medical Assistance Fraud
Dulce G. Dizon - 002

Count III - AS 47.05.210(a)(5) Misd A
Medical Assistance Fraud
Dulce G. Dizon - 003

THE OFFICE OF SPECIAL PROSECUTIONS AND APPEALS CHARGES:

Count I

That on or about February 7, 2011 through February 27, 2011, at or near Anchorage in the Third Judicial District, State of Alaska, DULCE G. DIZON, 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 C felony 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.

Count II

That on or about September 28, 2012 through January 25, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, DULCE G. DIZON, 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.

Count III

That on or about February 7, 2011 through January 25, 2013, at or near Anchorage in the Third Judicial District, State of Alaska, DULCE G. DIZON, knowingly made a false entry or falsely altered a medical assistance record.

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

Probable Cause Statement:

The undersigned swears under oath this Information is based upon a review of the investigative report submitted to date.

On February 26, 2013, the Medicaid Fraud Control Unit (MFCU) received a fraud referral from Lynne Keilman-Cruz, RN of the Division of Senior and Disability

Services (DSDS) with the Department of Health and Social Services (DHSS). The referral provided that on January 18, 2013, DHSS employees made a presentation to the residents of Chugach Manor and Chugach View apartments located in Anchorage, which are low income housing facilities operated by Alaska Housing Finance Corporation. After the presentation a 91 year old resident approached Keilman-Cruz and reported that she had been solicited for and pressured to accept personal care attendant (PCA) services by a Good Faith Services, LLC (Good Faith) employee. The resident reported that she only agreed to services on three days per week and that the PCA stopped coming to her apartment after the resident returned from an out-of-state vacation.

Good Faith is a personal care agency that provides PCA, transportation and care coordination services to eligible Medicaid beneficiaries. PCAs are health care providers that the Alaska Medicaid Program pays to provide home based healthcare services which will allow Medicaid recipients to stay in their home rather than be placed in a nursing home type setting. Medicaid recipients are evaluated for their healthcare needs and the state issues a personal care service level authorization letter. A PCA is then hired by the recipient to provide the services identified in the service authorization letter to the recipient in the recipient's home. Recipients are reassessed on an annual basis with respect to their individual needs. The PCA fills out a timesheet for the work done and submits it to a PCA agency that in turn bills Medicaid. Medicaid pays approximately \$24 an hour to the agency and the agency must pay the PCA at least half of that amount.

The MFCU executed a search warrant on the business premises of Good Faith on March 19, 2013. During the search, investigators discovered stacks of PCA timesheets with notes indicating that an adjustment was necessary. Good Faith employee Brian Pentecostes explained that the "adjustment" note reflected that Good Faith was adjusting previously submitted PCA timesheets to reflect an increase in PCA hours authorized by new service level authorization letters. Brian Pentecostes stated that once Good Faith received a copy of a Medicaid recipient's yearly service level

authorization letter authorizing an increase in hours, that the recipient's client managers would have the PCA and recipient complete a new timesheet for the time period already billed. The newly created timesheet reflect the new service level authorization level as opposed to the time periods already billed.

New timesheets for PCA Dulce Dizon were found on Brian Pentecostes' desk for service dates September 29, 2012 through January 25, 2013 for recipient Beverly Finnesand. Beverly Finnesand was originally approved for 3.5 hours per day of PCA services. An assessment was conducted on September 27, 2012 and a new service level authorization letter was sent out on February 1, 2013 authorizing up to 4.5 hours from September 27, 2012 through September 26, 2013. A review of the original timesheets indicated that Dizon billed for service provided each Friday from 1:15 to 4:15 p.m. The new timesheets, however, indicated that Dizon provided PCA services to Finnesand each Friday from 1:30 to 6:00 p.m.

Dizon admitted that she was contacted by Good Faith employee Carmen Marcelo and informed that Finnesand's PCA hours were increased to 4.5 hours weekly. Marcelo asked Dizon to complete new timesheets indicating she was providing 4.5 hours of PCA services weekly for dates of service September 28, 2012 through January 25, 2013. Dizon admitted to creating the new timesheets, asking the recipient to sign the new timesheets and submitting the new timesheets to Good Faith for payment from Medicaid. Dizon attempted to claim that she had provided the hours of PCA services indicated in the new timesheets, but admitted to completing the new timesheets at Good Faith's request when confronted with the fact that the time reported overlapped with times she claimed to be caring for another recipient. Medicaid was retroactively back billed a total of \$489.72 for PCA services that were not provided by Dizon.

Investigators with MFCU also checked with Immigration and Customs Enforcement (ICE) for travel information on PCA Dizon and her Medicaid recipients. ICE reported that Dizon's Medicaid recipients Corazon Buystos Guevarra and Domingo Balingit Guevarra both traveled internationally from February 7, 2011 through February 27, 2011. Dizon did not travel with the recipients. A review of the timesheets

submitted by Dizon revealed that she claimed to be providing 37.25 total hours each week of PCA services to Corazon and Domingo Guerarra during the time that the recipients were traveling outside of the country.

The timesheets submitted by Dizon in February 2011 claim that she was helping both recipients with moving within their room, medical access, bathing, toilet use and light meal preparation. Medicaid regulations do not allow a PCA to bill Medicaid for home based healthcare services provided while traveling without prior approval from HSS. See 7AAC 125.050(c). Moreover, Medicaid will only cover related services that happen within the United States. See 42 C.F.R. § 431.52(b); see also Department of Health and Social Services, Senior and Disabilities Services, Policy and Procedure Manual, Section 3 Out-of-State Travel for Waiver Recipients, Procedures, A.1 (Ex. E, p. 4).

Dizon was interviewed regarding the PCA services she claimed to be providing Corazon and Domingo Guevarra when they were out of the country. She admitted knowing that both recipients were out of the country and that it was wrong to bill for services she did not provide. Medicaid records reflect that Dizon billed Medicaid for \$2,489.79 for PCA services that she did not provide.

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

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