

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

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6
7 BETTY JOANNE FOX

8 DOB: 11/22/1945

9 APSIN ID: 5004680

DMV NO.: 5004680 AK

ATN: 115745805

10 TARA COLLEEN NUNLEY

11 DOB: 08/19/1979

12 APSIN ID: 6775184

13 DMV NO.: 6775184

ATN: 115745814

14 Defendants.

15 No. 3KN-19-_____CR (Betty Joanne Fox)

16 No. (Tara Colleen Nunley)

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)(5)

Medical Assistance Fraud

22 Betty Joanne Fox - 001, Tara Colleen Nunley - 001

23 THE ATTORNEY GENERAL CHARGES:

24 COUNT I

25 That in the Third Judicial District, State of Alaska, on or about October 2017, at or
26 near Kenai, BETTY JOANNE FOX and TARA COLLEEN NUNLEY, as principal and/or
27 accomplice, knowingly made a false entry or falsely altered a medical assistance record.

1 All of which is a Misdemeanor class A offense being contrary to and in violation of
2 47.05.210(a)(5) and against the peace and dignity of the State of Alaska.

3 The undersigned swears under oath this Information is based upon a review of
4 police report 0635378 submitted to date.

5 This case arose after a tip from PCA agency Consumer Direct of Kenai to the Medicaid
6 Fraud Control Unit (MFCU).

7 PCAs are enrolled in Medicaid as home-based healthcare providers. The Alaska
8 Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients, which
9 will allow Medicaid recipients to stay in their home rather than be placed in an assisted living
10 home type setting. Medicaid recipients are evaluated for medical needs by an employee of the
11 Department of Health and Social Services. The DHSS evaluator decides on an appropriate
12 number of hours for the recipient to receive home healthcare based on the recipient's needs. The
13 Medicaid recipient is then authorized to hire a PCA through a PCA agency to provide those
14 home based healthcare services. The PCA fills out a timesheet for the work done over the course
15 of specific day or week and both the PCA and the recipient (or guardian) signs the timesheet.
16 The PCA then submits the timesheet to a PCA agency. The PCA agency in turn bills Medicaid.
17 Medicaid pays approximately \$24 an hour to the agency and the agency must pay the PCA at
18 least half of that amount.
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21 This case arose after MFCU Investigators were looking into PCA fraud involving Betty
22 "Joanne" Fox and one of her previous PCAs. Fox's PCA at the time of the events relevant to this
23 case was Tara Nunley. Together, the two women worked together to dupe the Department of
24 Health and Social Services into securing approval for Fox to have approximately 40 hours of
25 PCA and respite services per week. Nunley and Fox then filled out fraudulent timesheets so that
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1 Nunley could get paid for a 40 hr/week job while only really performing nominal amounts of
2 PCA work for Fox.

3 In this case, Inv. McLeod began conducting surveillance on Fox's residence in Sept. 2017
4 in the course of investigating fraud in the other case involving Fox's previous PCA. Inv.
5 McLeod captured the arrival and departure times of all persons going to and from Fox's
6 residence for the time period of approximately Oct. 2nd, 2017 to Nov. 2nd, 2017. Inv. McLeod
7 also conducted surveillance of Fox on Dec. 22, 2017. Inv. McLeod observed a pattern where
8 Nunley would be at Fox's residence for only a short period of time, or not at all, on any
9 particular day during the month of surveillance. Inv. McLeod collected Nunley's timesheets for
10 that time period, which all bear both women's signatures. Each of the timesheets also have a
11 fraud warning disclaimer adjacent to the signature block, which warns "false information or
12 misrepresentation constitutes Medicaid fraud."
13

14 Inv. McLeod compared the surveillance with the timesheets signed by Fox and Nunley.
15 Inv. McLeod observed that the timesheets consistently misstated the times that Nunley was at
16 Fox's residence. For example, on Oct. 5th, 2017 Nunley and Fox wrote on the timesheet that
17 Nunley was at Fox's house doing PCA work from 9am-3pm. However Inv. McLeod observed
18 that Nunley was actually at Fox's house from 11:40-11:42am and then again from 2:53-2:54pm.
19 Similarly, on Oct. 8th, 2017 Nunley and Fox wrote on the timesheet that Nunley was at Fox's
20 house doing PCA work from 10am-2pm. However Inv. McLeod observed that Nunley did not
21 go to Fox's house at all that day. This pattern was consistent throughout the month of
22 surveillance.
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25 Inv. McLeod also conducted surveillance of Fox on Dec. 22nd, 2017. On that day, Inv.
26 McLeod observed Fox to leave her residence in a cab, go to the Kenai Walmart, walk around
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1 Walmart conducting normal shopping, and then go to Bingo where she participated in a full
2 evening's events in a manner consistent with being in fine physical health. Inv. McLeod did not
3 observe Fox to be acting consistently with needing full time assistance with any activities of
4 daily life.

5 In Nunley's words, Fox did not need any PCA work done for her, and did not have any
6 PCA work done for her, other than Nunley acting like a taxi driving Fox around town when Fox
7 wanted to go to Bingo or the bar. Nunley stated that her husband was out of work and she
8 needed the money. Nunley stated Fox was worried she would lose her Medicaid if the two
9 women did not use all the hours. Inv. McLeod interviewed Fox. Inv. McLeod asked Fox if
10 Nunley was "basically a taxi," to which Fox responded "pretty much, yes." Fox stated she uses
11 her Medicaid-provided cab vouchers to pay for the taxi cab to and from Bingo.
12

13 Nunley and Fox committed the crime of Medical Assistance Fraud, AS § 47.05.210(a)(5)
14 by making a series of false entries in Nunley's timesheets.
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16 BAIL INFORMATION

17 Per the Alaska Public Safety Information Network, the defendant has the
18 following convictions in Alaska: No relevant criminal history for either defendant. The
19 State requests summonses.

20 Dated at Kenai, Alaska, this ____ day of January, 2019.

21 KEVIN G. CLARKSON
22 ATTORNEY GENERAL

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