

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

STATE OF ALASKA,

Plaintiff,

vs.

SAN S VANG

DOB: 02/02/1970

APSIN ID: 7867742

DMV NO.: 7471429 AK

ATN: 108218205

PA YIA VANG

DOB: 01/02/1981

APSIN ID: 7864525

DMV NO.: 7471133 AK

ATN: 112163364

Defendants.

No. 3AN-20-_____ CR (San S Vang)

No. 3AN-20-_____ CR (Pa Yia Vang)

3AN-19-465/1754/1755/1756SW

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: NONE

Count I - AS 47.05.210(a)(1)

Medical Assistance Fraud

San S Vang – 001, Pa Yia Vang - 001

Count II - AS 47.05.210(a)(2)

Medical Assistance Fraud

San S Vang – 002, Pa Yia Vang - 002

Count III - AS 11.46.130(a)(1)

Theft in the Second Degree

San S Vang – 003, Pa Yia Vang - 003

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Count IV - AS 11.31.100/11.46.130(a)(1)
Attempted Theft in the Second Degree
San S Vang – 004, Pa Yia Vang - 003

THE ATTORNEY GENERAL CHARGES:

COUNT I

That on or about November 2, 2015 through November 20, 2018, at or near Anchorage, in the Third Judicial District, State of Alaska, SAN S. VANG and PA YIA VANG, 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 November 2, 2015 through November 20, 2018, at or near Anchorage, in the Third Judicial District, State of Alaska, SAN S. VANG and PA YIA VANG, knowingly prepared or assisted another person to prepare a claim for submission 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 AS47.05.210(a)(2) and against the peace and dignity of the State of Alaska.

COUNT III

That on or about November 2, 2015 through November 20, 2018, at or near Anchorage, in the Third Judicial District, State of Alaska, SAN S. VANG and PA YIA VANG, committed the crime of theft and the value of the property or services, adjusted for inflation as provided in AS 11.46.982, was \$750 or more but less than \$25,000.

1 All of which is a class C felony offense being contrary to and in violation of AS
2 11.46.130(a)(1) and against the peace and dignity of the State of Alaska.

3
4 **COUNT IV**

5 That on or about November 2, 2015 through November 20, 2018, at or near
6 Anchorage, in the Third Judicial District, State of Alaska, SAN S. VANG and PA YIA
7 VANG, with the intent to commit the following crime took a substantial step towards
8 committing the crime of theft and the value of the property or services, adjusted for
inflation as provided in AS 11.46.982, was \$750 or more but less than \$25,000.

9 All of which is a class A misdemeanor offense being contrary to and in violation
10 of AS 11.31.100/11.46.130(a)(1) and against the peace and dignity of the State of Alaska.

11
12 The undersigned swears under oath this Information is based upon a review of
13 Medicaid Fraud Control Unit investigative report #0694085 submitted to date.

14
15 The Alaska Medicaid Fraud Control Unit (MFCU) is a criminal prosecution
16 component within the Attorney General's Office in the Criminal Division of the Alaska
17 Department of Law. This unit investigates various types of fraud committed under the
18 Alaska Medicaid program which is administered by the Alaska Department of Health and
19 Social Services (DHSS). In November 2018, the Program Integrity Unit at DHSS
20 referred the instant matter to the Alaska MFCU. This case involves fraudulent travel
21 billing by a personal care attendant (PCA or PCA provider) that resulted in Medicaid
22 payments for services that were never provided. PCA providers are typically employees
23 of PCA agencies (private entities) that are contracted to provide services to Medicaid
24 recipients. The PCA agency will bill the Alaska Medicaid Program for the services
25 rendered by the PCA provider after services are provided to the recipient. In situations
26 where the work was never performed Medicaid may receive fraudulent claims for
27 payment.

1 The Alaska Medicaid Program pays PCA agencies to provide services of daily
2 living to senior or disabled Medicaid recipients, which will allow Medicaid recipients to
3 stay in their home rather than be placed in an assisted living home type setting or other
4 long-term care facility. Medicaid recipients are evaluated for medical needs by an
5 employee of the Department of Health and Social Services. The DHSS evaluator decides
6 on an appropriate number of hours and the types of services for the recipient to receive
7 home healthcare based on the recipient's individualized needs. The Medicaid recipient is
8 then authorized to hire a PCA provider through a PCA agency to provide those home- or
9 community-based based healthcare services. The PCA provider, as an employee of the
10 PCA agency, fills out a timesheet for the work done over the course of specific day or
11 week and both the PCA provider and the recipient (or guardian/power of attorney) signs
12 the timesheet. On the timesheet, the PCA provider lists the specific activities they did
13 that day, such as "dressing," "bathing," "exercise," etc. along with an associated number
14 of hours that activity took to complete. The PCA provider then submits the timesheet to
15 the PCA agency. The PCA agency in turn bills Medicaid for the work reflected on the
16 PCA provider's timesheet under a particular code. Medicaid pays the PCA agency and
17 the agency must pay the PCA provider at least half of the amount it receives.

18 MFCU Investigator Jeanette Bartz was assigned to this case. Her investigation
19 revealed that a PCA named SAN S. VANG and his wife PA YIA VANG submitted false
20 time sheets on behalf of the recipient Chong Lao (SAN VANG's mother) over a three
21 year period. SAN VANG was employed by a PCA agency called U-Care Services at the
22 time. Investigator Bartz determined that SAN VANG submitted false time sheets for 831
23 hours of PCA services to U-Care Services, and Medicaid was billed for and paid
24 \$19,207.00 to U-Care Services. Of this amount U-Care Services paid SAN VANG
25 approximately \$13,702.10 for the false claims he submitted. It does not appear that U-
26 Care Services was aware that the time sheets submitted by the VANGs were fraudulent.

27 Investigator Bartz obtained the time sheets from U-Care Services, and served
search warrants on several airline companies for travel records for periods of time which
demonstrate that either the recipient Chong Lao was out of state in North Carolina while

1 the VANGs remained in Alaska, or that Chong Lao remained in Alaska while the
2 VANGs went on vacation in Hawaii and Las Vegas.

3 VANG's brother and his sister-in law Ka Lee lived in North Carolina and Chong
4 Lao would travel there for months at a time to visit them. During these times Ka Lee
5 would have to take care of Chong Lao. Ka Lee informed investigators that the VANGs
6 did not accompany Chong Lao for any portion of these trips and she never received any
7 money for taking care of Chong Lao from the VANGs.

8 The investigation revealed that between November 2, 2105 and January 5, 2016
9 Chong Lao travelled to Charlotte, NC on Delta Airlines and returned on United Airlines
10 while the VANGs remained in Alaska. Yet during this period VANG completed
11 fraudulent time sheets, which his wife PA YIA VANG signed as if she were the recipient,
12 claiming they had provided more than 308 hours of personal care services to Chong Lao,
13 resulting in a total claim of \$7,313.80 which was ultimately paid by Medicaid. Even if
14 Chong Lao had not been thousands of miles away from the VANGs for this time period
15 PA YIA VANG did not have power of attorney to sign for Chong Lao.

16 Between July 21, 2016 and October 15, 2016 Chong Lao travelled to Charlotte,
17 NC, on United Airlines and returned on Delta Airlines while the VANGs remained in
18 Alaska. For this period the VANGs submitted fraudulent time sheets claiming they had
19 provided more than 282 hours of personal care services to Chong Lao, resulting in a total
20 claim of \$6,710.00 which was ultimately paid by Medicaid.

21 Between August 4, 2017 and September 30, 2017 Chong Lao travelled to
22 Charlotte, NC, on Alaska Airlines and returned to Anchorage on Delta Airlines while the
23 VANGs remained in Alaska. For this period the VANGs submitted fraudulent time
24 sheets claiming they had provided more than 189 hours of personal care services to
25 Chong Lao, resulting in a total claim \$4,495.70 which was ultimately paid by Medicaid.

26 Between September 7, 2018 and September 12, 2018 the VANGs travelled from
27 Anchorage to Honolulu, Hawaii and back on Alaska Airlines while Chong Lao remained
in Alaska. For this period the VANGs submitted fraudulent time sheets claiming they

1 had provided more than 14 hours of personal care services to Chong Lao, resulting in a
2 total claim of \$343.75 which was ultimately paid by Medicaid.

3 Between November 16, 2018 and November 21, 2018 the VANGs travelled to
4 Las Vegas, NV on Delta Airlines and returned on Alaska Airlines while Chong Lao
5 remained in Alaska. For this period the VANGs submitted fraudulent time sheets
6 claiming they had provided more than 14 hours of personal care services to Chong Lao,
7 resulting in a total claim of \$343.75 which was ultimately paid by Medicaid.

8 On December 26, 2018 Chong Lao flew to Charlotte, NC, on Delta airlines to
9 take up permanent residency there and the VANGs remained in Alaska. For the period
10 December 26, 2018 to December 31, 2018 the VANGs submitted fraudulent time sheets
11 claiming they had provided more than 22 hours of personal care services to Chong Lao.
12 These claims were denied by Medicaid and no payment was made.

13 For all of these time frames the VANGs could not possibly have provided these
14 PCA services when the recipient was thousands of miles away for the duration of the
15 period covered by the fraudulent time sheets.

16 On February 8, 2019 Inv. Bartz interviewed Ka Lee, the initial reporter in this
17 case. Ka Lee confirmed that Chong Lao visited her and her husband in North Carolina
18 on several occasions and that SAN VANG never visited Chong Lao during these periods
19 and that neither she nor her husband were paid any money while Chong Lao was visiting
20 them.

21 On July 16, 2019 Inv. Bartz conducted a recorded interview with SAN VANG.
22 VANG admitted that he understood how to fill out time sheets and that he knew that he
23 was not to turn in time sheets if he or the recipient were travelling out of state. This is
24 confirmed in his personnel file training documents that were obtained from U-Care
25 Services which VANG signed in 2014. VANG admitted he did not travel with his
26 mother but still turned in time sheets and received payment while she was away. He
27 stated that he used the money to pay bills and buy food and that he did not think this was
a problem because his brother was taking care of his mother while she was away. VANG
stated that he did not send any money to his brother. VANG admitted to billing for PCA

1 services while he and his wife travelled to Hawaii and Las Vegas in 2018 and that he had
2 one of his kids take care of his mother during these periods. A review of the time sheets
3 demonstrates that they were filled out with specificity indicating services such as bathing
4 and shopping and feeding as well as indications of glucose levels and notes as to the
5 recipient's general demeanor on each day service was supposedly provided. During his
6 interview with Inv. Bartz VANG stated that everything shown to him was true and that he
7 needed the money and he did not qualify for food stamps.

8 On July 16, 2018 Inv. Christie Loughton interviewed PA YIA VANG who
9 identified herself as SAN VANG's wife and Chong Lao's daughter-in-law. She
10 confirmed that Chong Lao needs help with laundry, meal prep, shopping, cleaning and
11 bathing. PA VANG claimed that she had authority to sign Chong Lao's time sheets
12 through the PCA agency, but that it is not her designated power of attorney. PA VANG
13 clarified that her husband is the primary PCA. She stated that they typically would sign
14 the time sheets every Monday and that her husband would fill them out first before he
15 would have her sign the sheet. At first PA VANG told Inv. Loughton that she never
16 signed any blank or prefilled time sheets but later admitted that she had prefilled and
17 signed a few during out of state vacations. She stated that Chong Lao would travel alone
18 to North Carolina and would stay with her (Chong Lao's) son Cher Vang while there.
19 She confirmed that she and her husband did not send any money to Cher Vang or his wife
20 Ka Lee and indicated that Chong Lao would be taken care of in NC because they were
21 family. PA YANG admitted that they had billed for PCA services while on vacation out
22 of state. PA YANG claimed that she did not understand it was an issue to bill for
23 services that they did not personally render to Chong Lao because they used the money to
24 help her.

25 While several of these individual claims standing alone would individually meet
26 the threshold dollar figure for a Theft in the Second Degree charge under AS 11.46.130,
27 count III listed herein contemplates a representative charged encompassing an aggregated

1 amount which includes the identifiable travel billing fraud in this case as set forth in AS
2 11.46.980(c).¹ Regarding counts I and II AS 47.05.210(b)(2) provides that a claim
3 submitted in violation of AS 47.05.210(a)(1) or (2) is a class C felony if the value of the
4 services or benefit is \$500.00 or more but less than \$25,000

5 The State requests that these co-defendants be issued a summons to court.

6 BAIL INFORMATION

7 Neither co-defendant has any prior criminal history in the State of Alaska.

8
9 Dated at Anchorage, Alaska, this 24th day of June, 2020.

10
11 KEVIN G. CLARKSON
12 ATTORNEY GENERAL

13
14 By: _____

15 Arne F. Soldwedel
16 Assistant Attorney General
17 Alaska Bar No. 0911078
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26 ¹ AS 11.46.980(c) Determination of Value, Aggregation of Amounts. In determining the degree or
27 classification of a crime under this chapter, amounts involved in criminal acts committed under one
course of conduct, whether from the same person or several persons, shall be aggregated.