Department of Law, Criminal Division
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IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA, Plaintiff, vs. BYUNG TAE KIM DOB: 12/16/1949 APSIN ID: 7096697 DMV NO.: 7050629 AK ATN: 114356934	Case No.
NAM KYU KIM DOB: 12/22/1979 APSIN ID: 7370706 DMV NO.: 7255035 AK ATN: 114356961	Case No.
SUNG KYU KIM DOB: 12/22/1979 APSIN ID: 7340520 DMV NO.: 7235115 AK ATN: 114356943	Case No.
DO MIN HONG DOB: 05/10/1956 APSIN ID: 7739153 DMV NO.: 7436249 AK ATN: 114356952 Defendants.	Case No.

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)
Medical Assistance Fraud
Byung Tae Kim - 001

Count II - AS 47.05.210(a)(1)
Medical Assistance Fraud
Byung Tae Kim - 002, Nam Kyu Kim - 002, Sung Kyu Kim - 002, Do Min Hong - 001

Count III - AS 47.05.210(a)(5)
Medical Assistance Fraud
Byung Tae Kim - 003, Nam Kyu Kim - 003, Sung Kyu Kim - 003, Do Min Hong - 002

Count IV - AS 11.56.205
Unsworn Falsification In The First Degree
Byung Tae Kim - 004

Count V - AS 11.46.130(a)(1)
Theft in the Second Degree
Byung Tae Kim - 005, Nam Kyu Kim - 004

THE ASSISTANT ATTORNEY GENERAL CHARGES:

COUNT I:

That in the Third Judicial District, State of Alaska, between 2010 and 2014, at or near Anchorage, BYUNG TAE 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; to wit: the approximate $155,414 in fraudulent travel billing regarding timesheets purported to be signed by Nam Kyu Kim, but actually signed by Byung Tae Kim.

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

COUNT II:

That in the Third Judicial District, State of Alaska, between 2010 and 2015, at or near Anchorage, BYUNG TAE KIM, NAM KYU KIM, SUNG KYU KIM, and DO MIN

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HONG, as principals and/or accomplices, 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; to wit: the approximate $19,898 in fraudulent travel billing that Byung Tae Kim committed regarding Bok Hee Kim's travel; and the approximate $16,482 in fraudulent travel billing that Sung Kyu Kim committed; and the approximate $1,390 that Do Min Hong and Byung Tae Kim committed as principal and/or accomplice; and the approximate $5,222 in fraudulent travel billing that Byung Tae Kim committed by signing timesheets falsely claiming that he provided PCA services while outside the United States.

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

COUNT III:

That in the Third Judicial District, State of Alaska, between 2010 and 2015, BYUNG TAE KIM, NAM KYU KIM, SUNG KYU KIM, and DO MIN HONG knowingly made a false entry or falsely altered a medical assistance record.

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

COUNT IV:

That in the Third Judicial District, State of Alaska, between 2011 and 2015, at or near Anchorage, BYUNG TAE KIM, intending to mislead a public servant in the performance of a duty, did falsely submit a written or recorded application for a permanent fund dividend; to wit: the fraudulent applications regarding Nam Kyu Kim.

All of which is a Felony class C offense being contrary to and in violation of 11.56.205 and against the peace and dignity of the State of Alaska.

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COUNT V:

That in the Third Judicial District, State of Alaska, between 2011 and 2015, at or near Anchorage, BYUNG TAE KIM and NAM KYU KIM, as principal and/or accomplice, committed the crime of theft and the value of the property or services was $750 or more; to wit: the funds they received due to the fraudulent PFD applications.

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

The undersigned swears under oath this Information is based upon a review of reports and other information submitted to date.

The Medicaid Fraud Control Unit (MFCU) is conducting a joint State and Federal investigation into fraudulent Medicaid billing by Personal Care Attendants (PCA) associated with PCA Agency C Care Services. This case was part of an agency referral from the Department of Health and Social Services (DHSS), Program Integrity Unit regarding PCA Agency C Care Services.

PCAs are enrolled in Medicaid as home based healthcare providers. The Alaska Medicaid Program pays PCAs to provide services of daily living to Medicaid recipients, which will allow Medicaid recipients to stay in their home rather than be placed in an assisted living home type setting. Medicaid recipients are evaluated for medical needs by an employee of the Department of Health and Social Services and the recipient is then authorized to hire a PCA to provide home based healthcare services. 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.

Prior to December 23, 2011, Alaska Medicaid would authorize payment for PCA services while travelling internationally if the travel was pre-approved. On December 23, 2011, the Department of Health sent out a notice to all Medicaid providers that federal law

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prohibits Medicaid expenditures for services outside of the United States. See 7AAC 125.060(c) and 42 C.F.R. sec. 431.52(b).

One type of Medicaid fraud investigated by MFCU is known as "travel billing." An offender commits travel billing fraud by submitting timesheets claiming to have provided PCA services that cannot possibly have been provided because the provider, or the recipient, or both, are traveling outside the United States at the time of the purported service.

In the course of the investigation into C Care, MFCU investigators discovered that Medicaid was billed for PCA services purportedly provided by **Bok Hee Kim** at the same times that Department of Homeland Security information showed that she was outside the United States in 2012 and 2013. There were timesheets claiming that that **Bok Hee Kim** provided PCA services during a total of 84 days when **Bok Hee Kim** was outside the United States. Currently, MFCU estimates the loss to Medicaid for **Bok Hee Kim's** travel billing is approximately $19,898.

MFCU Investigator Warren interviewed **Bok Hee Kim**. She said that her husband, **Byung Tae Kim**, submits the timesheets and handles family finances. She said that she provides PCA services along with **Byung Tae Kim**, and her sons, **Sung Kyu Kim** and **Nam Kyu Kim**.

On April 29, 2015, Investigator Warren spoke with **Byung Tae Kim** via an interpreter. **Byung Tae Kim** admitted that he had made a "mistake" by submitting timesheets that claimed his wife had provided PCA services while she was outside the United States. He admitted signing the timesheets for his wife, but also said that his wife signed the timesheets prior to departing the United States. **Byung Tae Kim** said that the Medicaid recipients needed the services, but said that he and his family asked the recipient to be "excused" before leaving them unattended. When the family was traveling together, **Byung Tae Kim** said that he "wasn't sure" how, or if, Medicaid services were provided to recipients. **Byung Tae Kim** admitted that he knew that timesheets should not be submitted while he or his wife was traveling. However, he added that he "never thought this would be part of such a big crime." He agreed that the money would have to be repaid. In addition to the fraudulent travel billing committed via timesheets purported to be signed by **Bok Hee Kim**, MFCU

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investigators identified a total of 34 days in which there were timesheets claiming that **Byung Tae Kim** had provided PCA services when he was outside the United States. The value of that travel billing was approximately $5,222.

On May 26, 2015, **Nam Kyu Kim** told Investigator Warren that he had not received payment for PCA work that timesheets claimed he had provided to Medicaid recipients in Alaska.

On May 28, 2015, **Byung Tae Kim** admitted that he had forged signatures of his son, **Nam Kyu Kim**, on timesheets that falsely claimed that Nam Kyu Kim had provided PCA services at the same time that **Nam Kyu Kim** was outside the United States during the approximate period of 2010 – 2014. Currently, MFCU estimates that the approximate value of this portion of the fraud is $155,414. **Byung Tae Kim** said that he had falsely completed his wife's and son's timesheets and stated that he would gladly go to jail for his family.

Byung Tae Kim also admitted that he had filed fraudulent Permanent Fund Dividend applications on behalf of **Nam Kyu Kim**, while **Nam Kyu Kim** was in South Korea. Alaska Department of Revenue Investigator Ellis discovered that there were PFD applications filed in the name of **Nam Kyu Kim** for the 2011-2015 dividends. According to Investigator Ellis, the handwriting on **Nam Kyu Kim's** 2011 to 2015 PFD applications was very similar to the handwriting on **Byung Tae Kim's** 2011 to 2015 PFD applications. Additionally, **Nam Kyu Kim's** 2011 PFD application was signed within a day of **Byung Tae Kim's** 2011 PFD application, and **Nam Kyu Kim's** 2012, 2013, 2014 and 2015 PFD applications were signed on the same day as **Byung Tae Kim's**. Investigator Ellis calculates the value of this presently-identified PFD fraud committed by **Byung Tae Kim** as being $4,836.

On June 2, 2015, **Nam Kyu Kim** admitted to Investigator Ellis that: he knew that he was ineligible to receive PFDs because of his absences from Alaska; he was aware that **Byung Tae Kim** had been applying for PFD's in his name; he knew that PFD funds had been directly deposited into his Wells Fargo bank account; and that he had used the funds to pay common daily expenses. He said that he was willing to repay the fraudulent-obtained money.

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One of **Byung Tae Kim's** sons is **Sung Kyu Kim**. MFCU investigator Warren compared information from the Department of Homeland Security regarding **Sung Kyu Kim's** arrivals and departures from the United States with timesheets submitted to C Care purporting to document **Sung Kyu Kim's** PCA services provided to Medicaid recipients. Investigator Warren identified a total of 96 days of travel billing committed by **Sung Kyu Kim**, resulting in an estimated loss to Medicaid of $16,482. During an interview on April 29, 2015, **Sung Kyu Kim** admitted to submitting timesheets for services that he did not provide while travelling abroad in the period 2012 – 2014. **Sung Kyu Kim** apologized for the trouble he caused.

In the course of the same investigation, Investigator Warren interviewed **Do Min Hong** on May 4, 2015. **Do Min Hong** said that **Byung Tae Kim** had offered him $200 in exchange for **Do Min Hong** falsely signing timesheets showing that **he** had provided PCA services. **Do Min Hong** admitted that he had agreed to do so, and that, on about April 20, 2015, he had watched **Byung Tae Kim** forge Medicaid recipients' signatures on the timesheets. **Do Min Hong** did, in fact, falsely sign the timesheets. He admitted knowing that what he had done was a crime. MFCU currently estimates that the total value of this fraudulent activity is approximately $1390.

Dated at Anchorage, Alaska, this 16th day of June, 2015.

CRAIG W. RICHARDS
ATTORNEY GENERAL

By: _____
Jonas M. Walker
Investigator
Alaska Bar No. 0712110

SUBSCRIBED AND SWORN TO before me this 16th day of June 2015 at Anchorage, Alaska.

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

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