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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	No.
	)	
Plaintiff,	)	<u>COUNT 1:</u>
	)	CONSPIRACY TO COMMIT HEALTH
vs.	)	CARE FRAUD
	)	Vio. of 18 U.S.C. § 1349
JULIO DE LA CRUZ, JUANA SORIANO	)	
PASCUAL, PRISCILLA MORALES,	)	<u>COUNT 2-8:</u>
FRANCISCO CIRIACO PAREDES and	)	HEALTH CARE FRAUD
TAUNIS SOTO JIMENEZ,	)	Vio. of 18 U.S.C. § 1347
	)	
Defendants.	)	CRIMINAL FORFEITURE ALLEGATION
	)	Vio of 18 U.S.C. § 982(a)(7)

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INDICTMENT

The Grand Jury charges that:

**COUNT 1**  
**CONSPIRACY TO COMMIT HEALTHCARE FRAUD**  
**(18 U.S.C. § 1349)**

**Introductory Allegations**

At all times materials to this Indictment:

**The Medicaid Program**

1. The Medicaid Program (“Medicaid”) is a health insurance program funded by the State of Alaska and the federal government that provides health care and long term care for low-income Alaskans. It targets benefits to low-income children, pregnant women, families, the elderly, the permanently disabled, and the blind. Medicaid is administered by the Department of Public Assistance, (“DPA”), a state agency under the Alaska Department of Health and Social Services (“DHSS”);

2. Medicaid is a “health care benefit program” as defined by Title 18, United States Code, Section 24(b);

3. Individuals who receive Medicaid benefits are referred to as “recipients.” Each recipient of the Medicaid program is provided with a unique recipient identification number;

4. Medicaid pays for personal care assistant (“PCA”) services to recipients requiring home based healthcare services that allow Medicaid recipients to remain in their home instead of living in a skilled care setting. PCAs help recipients with activities of daily living (“ADLs”). Activities of daily living include dressing, bathing, grooming and toileting. In addition, Medicaid also provides services to help eligible recipients with instrumental ADLs, such as grocery shopping, personal laundry, and housekeeping;

5. Recipients receive PCA services through either an agency-based PCA program or a consumer-driven PCA program. Under an agency-based PCA program, the Medicaid recipient receives services through an agency that oversees, manages, and supervises care. A consumer-driven PCA program allows recipients to manage their care by selecting, scheduling and supervising their own PCA;

6. Each recipient must apply to DHSS for PCA services, and DHSS determines which ADLs tasks are covered and the number of hours of services provided to each recipient;

7. Medicaid will only authorize and pay for PCA services provided by an agency meeting certification criteria set by state law;

8. Medicaid authorized PCA services may only be provided by a PCA who: (1) is at least 18 years old, (2) meets all requirements of the position, including education and training, (3) is individually enrolled with DHSS as a PCA, (4) passes a criminal history check, (5) has not been denied a health care license, (6) and is able to assist the recipient with the ADL tasks;

9. PCAs are responsible for maintaining a contemporaneous service record of Medicaid billing for each recipient for whom the PCA provides services. The record must include, among other things, (1) documentation of the services performed, (2) a time sheet recording the date, time and length of each visit, and (3) the signature or legal mark of the recipient or the recipient's legal representative on each time sheet verifying that services were provided as reported by the PCA; and

10. In order for recipients to receive PCA services under the Medicaid program, recipients or their legal representatives must be capable and willing to supervise the personal care assistant, among other responsibilities.

### **The Conspirators**

11. Defendant JULIO DE LA CRUZ is the father of S.D. and T.D., who were both Medicaid recipients who received PCA services from Agency A. JULIO DE LA CRUZ's father, F.S., stepfather, F.C., were also Medicaid recipients who received PCA services from Agency A. JULIO DE LA CRUZ signed numerous PCA timesheets as a representative for recipients S.D., T.D., F.S. and F.C. for services that were not received by S.D., T.D., F.S. or F.C.;

12. Defendant JUANA SORIANO PASCUAL was enrolled in Medicaid as a PCA and employed with Agency A from approximately January 2012 to October 2013. She was paid to provide PCA services for Medicaid recipients F.S. and F.C. JUANA SORIANO PASCUAL signed and was paid for timesheets submitted to Agency A for PCA services that she did not render;

13. Defendant PRISCILLA MORALES worked for Agency A as both an office employee, and as a Medicaid enrolled PCA since 2011. She was paid by Medicaid to provide services to Medicaid recipients F.S., S.D., and T.D. PRISCILLA MORALES signed and was paid for timesheets submitted to Agency A for PCA services that she did not render;

14. Defendant FRANCISCO CIRIACO PAREDES worked as a Medicaid enrolled PCA for Agency A between August 2011 and January 2012 and paid to provide

services for Medicaid recipients F.S. and F.C. FRANCISCO CIRIACO PAREDES signed and was paid for timesheets submitted to Agency A for services he did not render;

15. Defendant TAUNIS SOTO JIMENEZ worked as a Medicaid enrolled PCA for Agency A from approximately May 2011 through January 2013. She was paid to provide services for Medicaid recipients S.D. and T.D. She signed and was paid for timesheets submitted to Agency A for PCA services that she did not render; and

16. Agency A is a PCA agency based in Anchorage, Alaska, that provides PCA services throughout the State of Alaska, both as an agency-based PCA program and as a consumer-driven PCA program.

#### **The Object of the Conspiracy**

17. Beginning on or about August 15, 2011, and continuing through on or about March 6, 2014, within the District of Alaska and elsewhere, defendants JULIO DE LA CRUZ, JUANA SORIANO PASCUAL, PRISCILLA MORALES, FRANCISCO CIRIACO PAREDES, and TAUNIS SOTO JIMENEZ together with others known and unknown to the Grand Jury, knowingly and willfully combined, conspired, and agreed to commit healthcare fraud, in violation of 18 U.S.C. § 1347.

#### **The Manner and Means of the Conspiracy**

18. The object of the conspiracy was carried out, and to be carried out, in substance, as follows:

19. Defendants JUANA SORIANO PASCUAL, PRISCILLA MORALES, FRANCISCO CIRIACO PAREDES, and TAUNIS SOTO JIMENEZ while they were enrolled in Medicaid and employed by Agency A as PCAs to provide PCA services to

family members of JULIO DE LA CRUZ, were paid for timesheets submitted to Agency A for PCA services they knew were not rendered;

20. Defendants JUANA SORIANO PASCUAL, PRISCILLA MORALES, FRANCISCO CIRIACO PAREDES, and TAUNIS SOTO JIMENEZ signed timesheets reporting PCA services performed in Alaska when either the recipient or the PCA signing the timesheet was outside the United States;

21. Defendant JULIO DE LA CRUZ countersigned PCA timesheets on behalf of his recipient family members when the family members, or their PCAs, were outside the United States and did not receive the reported PCA services;

22. As a result of the false and fraudulent timesheets submitted to Agency A, Medicaid made payment for PCA services that were not rendered equal to approximately \$67,000.

### **Overt Acts**

23. In furtherance of the conspiracy and to attain its object, the following overt acts, among others, were committed in the District of Alaska, and elsewhere:

24. On or about March 20, 2012, JUANA SORIANO PASCUAL and JULIO DE LA CRUZ signed a PCA timesheet for 30.25 hours of PCA services provided to F.S. in Alaska between March 11, 2012, and March 17, 2012, when F.S. was in the Dominican Republic;

25. On or about March 16, 2013, PRISCILLA MORALES and JULIO DE LA CRUZ both signed a PCA timesheet for 30.25 hours of PCA services provided to F.S. in

Alaska between March 10, 2013, and March 16, 2013, when F.S. was in the Dominican Republic;

26. On or about December 3, 2011, FRANCISCO CIRIACO PAREDES and JULIO DE LA CRUZ both signed a PCA timesheet for 14 hours of PCA services provided to F.C. in Alaska between November 27, 2011, and December 3, 2011, when F.C. was in the Dominican Republic; and

27. On or about January 5, 2013, TAUNIS SOTO JIMENEZ and JULIO DE LA CRUZ both signed a PCA timesheet for 26 hours of PCA services provided to S.D. in Alaska between December 30, 2012, and January 5, 2013, when TAUNIS SOTO JIMENEZ was in the Dominican Republic.

28. As a result of the actions of the conspirators, Medicaid paid approximately \$67,000 to Agency A for services that were not rendered by JUANA SORIANO PASCUAL, PRISCILLA MORALES, FRANCISCO CIRIACO PAREDES, and TAUNIS SOTO JIMENEZ.

All of which is in violation of Title 18, United States Code, Section 1349.

**COUNTS 2 – 8**  
**HEALTHCARE FRAUD**  
**(18 U.S.C. § 1374)**

29. The Grand Jury incorporates by reference and re-alleges paragraphs 1 through 28 of this Indictment as though set forth in their entirety here;

**The Scheme to Defraud**

30. Beginning on or about August 15, 2011, and continuing through on or about March 6, 2014, in Anchorage County, within the District of Alaska and elsewhere,

the defendants referenced below together with others known and unknown to the Grand Jury, knowingly, willfully, and with intent to defraud, executed, and attempted to execute, a scheme and artifice: (a) to defraud a healthcare benefit program, namely Medicaid, as to material matters in connection with the delivery of and payment for healthcare benefits and services; and (b) to obtain money from Medicaid by means of material false and fraudulent pretenses and representations and the concealment of material facts in connection with the delivery of and payment for healthcare benefits and services.

#### **Means to Accomplish the Scheme to Defraud**

31. The fraudulent scheme operated, in substance, as described in paragraphs 18 through 22 of this Indictment, which are hereby incorporated by reference as if set forth in their entirety here.

#### **Execution of the Scheme to Defraud**

32. The scheme to defraud took place over a period of several years during which PCAs submitted numerous timesheets for services not rendered that were countersigned by JULIO DE LA CRUZ. The fraud was executed every time a PCA knowingly signed a timesheet reporting services not rendered, as set forth in more detail below;

33. On or about the dates set forth below in the District of Alaska and elsewhere the defendants referenced below, together with persons known and unknown to the Grand Jury, for the purpose of executing and attempting to execute the fraudulent



scheme described above, knowingly and willfully caused to be submitted to Medicaid for payment the following false and fraudulent claims purportedly for PCA services:

Count	Defendants	Recipient	Claim numbers	Dates of claim	Amount claimed
2	J. SORIANO PASCUAL and J. DE LA CRUZ	F.S.	12081384001420010 12081384001420020 12081384001420030 12081384001420040 12081384001420050 12081384001420060 12081384001420070	3/11/12 through 3/17/12	\$688.49
3	J. SORIANO PASCUAL and J. DE LA CRUZ	F.C.	12136384075190010 12136384075190020 12136384075190030 12136384075190040 12136384075190050 12136384075190060 12136384075190070	5/6/12 through 5/12/12	\$466.58
4	P. MORALES and J. DE LA CRUZ	F.S.	13113384085170010 13113384085170020 13113384085170030 13113384085170040 13113384085170050 13113384085170060 13113384085170070	3/10/13 through 3/16/13	\$705.43
5	P. MORALES and J. DE LA CRUZ	S.D.	14107300040081280	3/01/14 through 3/06/14	\$1198.96
6	F. CIRIACO PAREDES and J. DE LA CRUZ	F.C.	11340384012420010 11340384012420020 11340384012420030 11340384012420040 11340384012420050 11340384012420060 11340384012420070	11/27/11 through 12/03/11	\$318.64
7	T. SOTO JIMENEZ and J. DE LA CRUZ	T.D.	12010384015020010 12010384015020020 12010384015020030 12010384015020040 12010384015020050 12010384015020060 12010384015020070	12/18/11 through 12/24/11	\$386.92

8	T. SOTO JIMENEZ and J. DE LA CRUZ	S.D.	12010384014990080 12010384014990090 12010384014990100 12010384014990110 12010384014990120 12010384014990130 12010384014990140	12/25/11 through 12/31/11	\$591.76
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All of which is in violation of Title 18, United States Code, Section 1347.

### **CRIMINAL FORFEITURE ALLEGATION**

The Grand Jury further finds probable cause that:

The allegations contained in Counts One through Five of this Indictment are hereby re-alleged and incorporated herein by reference for the purpose of alleging forfeiture pursuant to 18 U.S.C. § 982(a)(7).

As a result of the offenses alleged in Counts One through Five of this Indictment,

JULIO DE LA CRUZ,  
JUANA SORIANO PASCUAL,  
PRISCILLA MORALES,  
FRANCISCO CIRIACO PAREDES, and  
TAUNIS SOTO JIMENEZ

shall jointly and severely forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(7), any and all property, real and personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense.

In the event that any property subject to forfeiture under 18 U.S.C. § 982(a)(7), as a result of any act or omission of or by the defendants:

- a. cannot be located upon exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third party;
- c. has been placed beyond jurisdiction of this Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1), to seek forfeiture of any other property belonging to JULIO DE LA CRUZ, JUANA SORIANO PASCUAL, PRISCILLA MORALES, FRANCISCO CIRIACO PAREDES, and TAUNIS SOTO JIMENEZ, up to an amount equivalent to the value of the property forfeitable under Title 18, United States Code, Section 982(a)(7).

A TRUE BILL.

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GRAND JURY FOREPERSON

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United States of America  
Assistant U.S. Attorney

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MATTHEW GREENLEY  
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Special Assistant U.S. Attorney

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United States Attorney

DATE: \_\_\_\_\_