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FOR IMMEDIATE RELEASE

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ATTORNEY GENERAL MASTO ANNOUNCES SENTENCING IN LAS VEGAS PERSONAL CARE ASSISTANT FRAUD CASE

For Defendant's Claims to be True, Patients Would Have Been in Two Places Simultaneously

Las Vegas, NV – Nevada Attorney General Catherine Cortez Masto announced that Aurora Volero-Alvarez, 61, of Las Vegas, was sentenced yesterday in a Medicaid fraud case involving false reporting of personal care services.

"An anonymous tip led to this successful investigation and prosecution," said Masto. "Our thanks go out to that person. A whistleblower sent us a letter informing my office that Volero-Alvarez had claimed she had provided services to clients who were not actually present to receive services. Tips like this one help our office ensure the integrity of Medicaid and help us return money for use by Nevadans in need."

The investigation proved her patients were at other care facilities when Volero-Alvarez was claiming to have provided home bound services. Volero-Alvarez provided this false information to her employer and received payment as if she had actually performed the services. The fraud occurred from about December 2009 to February 2011.

Volero-Alvarez pled guilty to a misdemeanor offense of submission of false medicaid claims. Justice of the Peace Melanie Andress-Tobiasson sentenced her to 90 days jail, suspended; 40 hours of community service; a "stay out of trouble" provision; and ordered her to repay \$18,450 in restitution, penalties. Persons convicted of Medicaid fraud may also be administratively excluded from future Medicaid participation.

The Medicaid PCA program enables people to live independently in their own homes by providing personal assistance with basic services, including bathing, dressing, cleaning and meal preparation. Medicaid contracts with home care companies that in turn employ individuals to provide the actual day-to-day care.

The case was investigated and prosecuted by the MFCU, which investigates and prosecutes financial fraud by those providing healthcare services or goods to Medicaid

patients. The MFCU also investigates and prosecutes instances of elder abuse or neglect. Anyone wishing to report suspicions regarding any of these concerns may contact the MFCU at 775-684-1191 or 702-486-3187.

The case was prosecuted by Mark Kemberling, Chief Deputy Attorney General of the Medicaid Fraud Control Unit.

Read the criminal complaint by visiting: <http://bit.ly/VoleroComplaint>

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FILED

IN THE JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

v.

AURORA VOLERO-ALVAREZ,
I.D. No. 1430708

Defendant.

JUSTICE COURT
LAS VEGAS, NEVADA
BY JR DEPUTY

Case No.: 12F10701X

Dept. No.: 10

CRIMINAL COMPLAINT

The State of Nevada, by and through legal counsel, CATHERINE CORTEZ MASTO, Nevada Attorney General, and MARK KEMBERLING, Chief Deputy Attorney General, under penalty of perjury, and within his knowledge, information and belief, complains and charges AURORA VOLERO-ALVAREZ, an individual and responsible person, pursuant to NRS 422.530, at the times stated herein, with having committed the offenses of: SUBMITTING FALSE CLAIMS, a category D felony violation of NRS 422.540(1)(a) and NRS 422.540(2)(a), one (1) count; THEFT, a category C felony violation of NRS 205.0832(1)(c) and NRS 205.0835(3), one (1) count; and FAILURE TO MAINTAIN ADEQUATE RECORDS, a gross misdemeanor violation of NRS 422.570(1), one (1) count. Said offenses were committed in regard to the State of Nevada, Department of Health & Human Services, Health Care Financing and Policy Division – Nevada Medicaid (“Medicaid”) in the following manner in the County of Clark, State of Nevada, as follows:

COUNT ONE
SUBMITTING FALSE CLAIMS
NRS 422.540(1)(a) and NRS 422.540(2)(a)
Felony, Category D

Defendant, through a scheme or continuous course of conduct, intentionally caused claims to be made for payment from Medicaid that defendant knew were false, to wit:

On or about December 27, 2009 through February 7, 2011, defendant was employed as a personal care aide (PCA) by Addus Health Care (“Addus”), located at 2500 West Sahara Avenue, Suite 108-111, Las Vegas, Nevada. Addus assigned defendant to provide home

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1 care services to MH (Medicaid Recipient No. xxx238...) and RP (Medicaid Recipient No.
2 xxx086...). While so employed, defendant did knowingly create/write fictitious documentation,
3 including itemized services provided, and time and attendance documents concerning the
4 home care claimed to be provided to MH and RP. Defendant intentionally provided the
5 fraudulent documentation to Addus knowing it would be used to generate false bills/claims
6 submitted for reimbursement from Medicaid. The documentation was false; and MH and RP
7 also received care services at another location during dates and time periods defendant
8 purported to provide service for MH and RP, and defendant failed to provide all of the
9 itemized services (meals) on dates and times reported by defendant.

10 All of which was committed in the County of Clark, aggregating an amount in excess of
11 \$650.00, and constitutes a category D felony in violation of NRS 422.540(1)(a) and (2)(a).

12 **COUNT TWO**
13 **THEFT**
14 **NRS 205.0832(1)(c) and NRS 205.0835(3)**
15 **Felony, Category C**

16 Defendant did, without lawful authority and through a scheme or continuous course of
17 conduct, knowingly obtain personal property of another by a material misrepresentation with
18 the intent to deprive the person of the property, to wit:

19 On or about December 27, 2009 through February 7, 2011, defendant was employed
20 as a personal care aide (PCA) by Addus Health Care ("Addus"), located at 2500 West Sahara
21 Avenue, Suite 108-111, Las Vegas, Nevada. Addus assigned defendant to provide home
22 care services to MH (Medicaid Recipient No. xxx238...) and RP (Medicaid Recipient No.
23 xxx086...). While so employed, defendant did knowingly create/write fictitious documentation,
24 including itemized services provided, and time and attendance documents concerning the
25 home care claimed to be provided to MH and RP. Defendant intentionally provided the
26 fraudulent documentation to Addus knowing it would be used to generate false
27 paychecks/salary. The documentation was false; and MH and RP also received care services
28 at another location during dates and time periods defendant purported to provide service

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1 for MH and RP, and defendant failed to provide all of the itemized services (meals) on dates
2 and times reported by defendant.

3 Addus provided and defendant received payment/salary by defendant's communication
4 of these material misrepresentations aggregating in excess of \$650.00.

5 All of which was committed in the County of Clark, and constitutes a category C felony
6 violation of NRS 205.0832(1)(c) and 205.0835(3).

7 **COUNT THREE**
8 **FAILURE TO MAINTAIN ADEQUATE RECORDS**
9 **NRS 422.570(1)**
10 **Gross Misdemeanor**

11 Defendant, upon causing claims to be submitted or payment received pursuant to the
12 Nevada State Medicaid plan, did knowingly and intentionally fail to maintain such records as
13 are necessary to disclose fully the nature of the goods or services for which the claims were
14 submitted or payment was received for at least five years after the date on which payment
15 was received. The actions occurred as part of defendant's routine business practices/scheme
16 or continuous course of conduct, to wit:

17 On or about December 27, 2009 through February 7, 2011, defendant was employed
18 as a personal care aide (PCA) by Addus Health Care ("Addus"), located at 2500 West Sahara
19 Avenue, Suite 108-111, Las Vegas, Nevada. Addus assigned defendant to provide home
20 care services to MH (Medicaid Recipient No. xxx238...) and RP (Medicaid Recipient No.
21 xxx086...). Defendant subsequently created fictitious records; and in so doing knowingly
22 failed to maintain accurate documentation, including services provided, and time and
23 attendance documents concerning the home care purported to have been provided.
24 Defendant knew these records were used as a basis for claims submitted for reimbursement
25 from Medicaid.

26 All of which was committed in the County of Clark, and constitutes a gross
27 misdemeanor violation of NRS 422.570(1).

28 All of which is contrary to form, force and effect of the statutes in such cases and
provided against the peace and dignity of the State of Nevada.

1 Said Complainant therefore requests that a summons-in-lieu of arrest be issued for
2 Defendant AURORA VOLERO-ALVAREZ in order that defendant may be dealt with according
3 to the laws of the State of Nevada. Said Complainant makes this declaration subject to the
4 penalty of perjury.

5 Dated this 9th day of July, 2012.

6 CATHERINE CORTEZ MASTO
7 Attorney General

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9 By: Mark Kemberling
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