

1 the Health Care Authority (HCA). From here forward in this certification, DSHS and HCA are
2 referred to as the "Agency". Medicaid is a medical care program authorized under RCW 74.09
3 and is administered through the Agency in Olympia, WA.

4 This case contains the following information on which the Certification for
5 Determination of Probable Cause is made.

6 **Case Background**

7 On January 9, 2015, MFCU Senior Investigator Tim Scott received a complaint from
8 Ms. Christine Odachowski, a Residential Care Services (RCS) Complaint Investigator with
9 DSHS. The initial complaint alleged sub-standard care for a client who had been placed in
10 Joportia Adult Family Home (AFH) located in Auburn, WA. The client, "T.B.", a male, age 69
11 had been admitted to the hospital on January 6, 2015 with multiple pressure ulcers including an
12 area which had bone exposed.

13 On February 18, 2015, I was assigned this case by Chief Investigator Rich La Monica.
14 I was provided the link to the current investigative folder which identified tasks completed at
15 intake by Investigator Scott.

16 Based on an initial review of the information, I developed an investigative plan which
17 identified the elements of the alleged offences, identified anticipated evidence requirements,
18 and outlined investigative steps. The objective of this investigation was to collect evidence
19 with a view to determine whether or not Joportia Adult Family Home or any care giver/s , did
20 engage in activities constituting a crime against a vulnerable adult, T.B. in violation of
21 RCW 9A.42, Criminal Mistreatment.

22 **Joportia Adult Family Home**

23 On December 29, 2005, Alfredo TIA and his wife Marlou Ocana received a license
24 from the State of Washington to operate an adult family home in accordance with Washington
25 Administrative Code (WAC) 388-76. This WAC outlines the adult family home minimum
26 licensing requirements. Per this WAC, an "Adult Family Home means a residential home in

1 which a person or an entity is licensed to *provide personal care, special care, room and board*
2 to more than one but not more than six adults who are not related by blood or marriage to a
3 licensed operator, resident manager, or caregiver, who resides in the home... the term adult
4 family home includes the person or entity that is licensed to operate an adult family home.”
5 They were licensed and approved for six beds, and their specialty was listed as Developmental
6 Disabilities, Dementia, and Mental Health. Marlou Ocana and Alfredo TIA were issued Adult
7 Family Home License #139402 to operate an adult family home. Their adult family home was
8 located at 29005 45th Ave S, Auburn, WA 98001, King County. While Marlou Ocana was
9 originally listed on the AFH license and later shown as a “provider” on DSHS care
10 assessments for T.B., TIA indicated to RCS investigators she left Washington State sometime
11 during 2013 and moved to the Philippines to take care of her elderly mother. During the most
12 current DSHS RCS investigations, Alfredo TIA is listed as a “provider” and told investigators
13 he also is considered “a resident manager and did provide resident care.”

14 **Victim/Resident “T.B.”**

15 In review of the DSHS maintained Comprehensive Assessment Reporting and
16 Evaluation (CARE) database, I learned T.B. is a 69 year old male who suffers from Multiple
17 Sclerosis, has had prostate surgery, bladder surgery and has frequent urinary tract infections.
18 As a result of those surgeries, he now uses a Suprapubic catheter. Based on T.B’s medical
19 needs and financial situation, he qualified for a wide range of Medicaid programs to meet his
20 specific needs, specifically the Community Options Placement Entry System (COPES). This
21 program is funded through Medicaid. COPES is a program that pays for personal care and
22 other services for people in their own homes. COPES also pays for care in adult family homes,
23 adult residential care facilities, and assisted living facilities. It is designed to help people who,
24 without COPES, would need to be in nursing homes.

25 On July 11, 2014, T.B. was admitted to Joportia AFH from Auburn Regional Medical
26 Center. He joined three other residents who were currently at the home. Alfredo TIA was the

1 owner of the AFH, provided care to the residents and acted as the manager who would hire
2 additional care-givers and housekeepers on a case by case basis.

3 DSHS nursing facility case worker Joan Marion, RN, performed the initial assessment
4 for T.B. before he entered Joportia AFH. During that assessment, she completed a full
5 examination and noted that there were no sores or areas of skin breakdown that would be
6 associated with “pressure ulcers” anywhere on his body. This DSHS care assessment was
7 provided to Alfredo TIA, and on page 12-14, it describes the precautions to take with bed
8 mobility as well as specific instructions for positioning in bed “to help prevent skin
9 breakdown.” The caregiver instructions on the CARE plan were specific: “Assist client to sit
10 up in bed, assist to roll over, assist with elevating legs/feet, keep sheets clean and smooth,
11 monitor pressure points daily, position pillows between legs, reposition at client’s request,
12 reposition per doctor’s orders, *reposition client every two hours*”. On page 21 of the CARE
13 plan TIA was required to report the following to appropriate persons: “If there are new or
14 worsening changes in the skins such as redness, swelling, a break in the skin, heat or pain or
15 the pressure points or if you are unsure of how to provide care”. TIA acknowledged receipt of
16 this document and signed the Service Summary/Current Significant Change form on July 1,
17 2014. The document was also signed by T.B.’s daughter “Beverly” and the social worker Joan
18 Marion.

19 **T.B. Hospital Admission**

20 On January 8, 2015 at 1115 hours, Jennifer Fletcher a social worker with Multi Care
21 Hospital Auburn called the DSHS Residential Care Services CRU hotline to report suspected
22 abuse of a client who had been in an AFH and who had been admitted into their facility on
23 January 6, 2015. The victim, T.B., had several pressure ulcers, “L buttocks was not stagable
24 and to the bone measuring 7.2X5 5X2.5cm, R buttocks decubitus ulcer measured 7.2X7
25 8x0.5cm, stage 3.” Jennifer also reported he also had some foot wounds but they haven’t been
26 assessed yet as they were dealing with the ulcers.

1 Dr. Abdul Siddiqui, who works in the Infectious Disease section, was asked by Dr.
2 Rajshree Shah for a consultation of T.B's condition. Based on a medical report received by
3 DSHS RCS investigators, Dr. Siddiqui made the following assessment/recommendations:
4 "multiple pressure ulcers involving the right ischium (part of the hip bone) with stage IV
5 ulcers. He has a left greater trochanter pressure ulcer with a large eschar (dead tissue). He has
6 other multiple ulcers. He needs surgical consultation for debridement in OR and cultures...His
7 overall prognosis is extremely poor, and it will be almost impossible to heal these ulcers, given
8 his overall bedbound condition and severe malnutrition. Consider discussion with the family
9 regarding comfort care."

10 On January 7, 2015, Kathrine H. Anderson, RN, who works in wound ostomy,
11 completed a consult for wounds present on admit on T.B. She noted the following six wound
12 areas:

- 13 ➤ Left side pressure ulcer, *unstageable*, 6 cm long, 6.8 cm wide, 3.5 cm deep.
- 14 ➤ Left hip pressure ulcer, *unstageable*, 7 cm long, 6.5 cm wide, unable to determine
15 depth.
- 16 ➤ Left buttock pressure ulcer, *deep tissue injury* with skin beginning to slough off. 6 cm
17 long, 4 cm wide, under .2 cm deep.
- 18 ➤ Right heel pressure ulcer, *at least stage III*, .6 cm long, 1.1 cm wide.
- 19 ➤ Right thigh pressure ulcer, *unstageable*, 1.5 cm long, 4.4 cm wide, unable to determine
20 depth.
- 21 ➤ Right medial leg pressure ulcer, *unstageable*, 3.5 cm long, 2.0 cm wide, unable to
22 determine depth.

23 In reviewing different medical websites on the internet, I located a diagram which
24 describes each state of a pressure ulcer which was taken from <http://bedsoreinstitute.com>:
25
26

SUSPECTED DEEP TISSUE INJURY

Purple or maroon localized area of discolored intact skin or blood-filled blister due to damage or underlying soft tissue from pressure and/or shear. The area may be preceded by tissue that is painful, firm, mushy, boggy, warmer or cooler as compared to adjacent tissue.



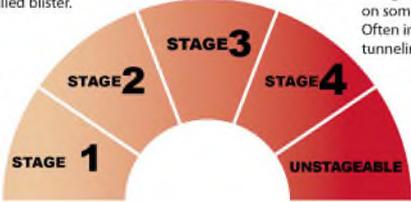
STAGE 1
Intact skin with non-blanchable redness of a localized area usually over a bony prominence. Darkly pigmented skin may not have visible blanching; its color may differ from the surrounding area.

STAGE 2
Partial thickness loss of dermis presenting as a shallow open ulcer with a red pink wound bed, without slough. May also present as an intact or open/ ruptured serum-filled blister.

STAGE 3
Full thickness tissue loss. Subcutaneous fat may be visible but bone, tendon or muscle are not exposed. Slough may be present but does not obscure the depth of tissue loss. May include undermining and tunneling.

STAGE 4
Full thickness tissue loss with exposed bone, tendon or muscle. Slough or eschar may be present on some parts of the wound bed. Often include undermining and tunneling.

UNSTAGEABLE
Full thickness tissue loss in which the base of the ulcer is covered by slough (yellow, tan, gray, green or brown) and/or eschar (tan, brown or black) in the wound bed.



The following information was obtained via the Mayo Clinic website located at:

<http://www.mayoclinic.org/diseases-conditions/bedsores/basics/prevention/con-20030848>

which noted the following important points:

- Bedsores are easier to prevent than to treat, but that doesn't mean the process is easy or uncomplicated. And wounds may still develop with consistent, appropriate preventive care.
- Your doctor and other members of the care team can help develop a good strategy, whether it's personal care with at-home assistance, professional care in a hospital or some other situation.
- Position changes are the key to preventing pressure sores. These changes need to be frequent, repositioning needs to avoid stress on the skin, and body positions need to minimize pressure on vulnerable areas. Other strategies include taking good care of your skin, maintaining good nutrition, quitting smoking and exercising daily.

The website indicated if a person was bedridden, that person should change their body position every two hours, use devices which can help themselves reposition (trapeze bar), try a specialized mattress, adjust the elevation of the bed or use cushions to protect bony areas. It also noted that protecting and monitoring the condition of the skin is important for preventing pressure sores and *identifying stage 1 sores early so that they can be treated before they worsen.*

On January 9, 2015, DSHS RCS Investigator Christine Odachowski, BSN/RN arrived at Joportia AFH to inspect the home as a result of the recent complaint. She reviewed pertinent

1 documents and completed several forms which identified residents, care-givers, other people
2 living in the home, a review of administrative records and interviews. The current care-givers
3 were listed as: Tim Oliver (live-in CG), George Valeroso & Lina Agpaoa.

4 **RCS Interview of Alfredo TIA**

5 Investigator Odachowski interviewed Alfredo TIA who indicated his wife Marlou
6 Ocana had not been in Washington for a couple of years and he didn't know when she would
7 be returning. TIA indicated this AFH was his primary residence, along with another care-giver,
8 Tim Oliver. Odachowski then asked about T.B. and the care that was provided. TIA said that
9 T.B. is "stubborn and won't let you touch him" but they try hard to work with him.

10 TIA told Odachowski that for several days between Christmas and New Year's he
11 became ill and did not provide any care to the residents. He said that George Valeroso was
12 T.B.'s main care-giver during this time and that he knew T.B. needed to be turned. *This*
13 *statement didn't match with what George Valeroso told me that he attempted to come back to*
14 *work late November, but TIA would not hire him. Tim Oliver also told me he saw Alfredo Tia*
15 *numerous times during the holidays and the statement that Alfredo was sick during the*
16 *holidays was "news to him". He also told us he didn't remember seeing George at the home in*
17 *December.* TIA told Odachowski that it was about "a month ago" (*early December*) when T.B.
18 developed a "red round area" on the right buttock about 2 inches in diameter and he tried to
19 turn him as much as T.B. would let him. He said that he didn't remember when the sore first
20 opened up but it was probably sometime before he became ill in late December. TIA told
21 Odachowski that he did stop by the AFH daily for at least an hour to check on the residents
22 during his illness but didn't have any direct contact with T.B. TIA said when he returned back
23 to the AFH he noticed T.B.'s sore was "open and bigger" and he smelled "different." He said
24 he then had him taken to the hospital. TIA also told RCS investigators he did not notify T.B.'s
25 case manager or physician about "*any changes in T.B.'s skin condition*". TIA also told RCS
26 investigators he did not turn T.B. every two hours, he didn't check on T.B. while he was ill

1 during the holidays and that he never checked with George, the caregiver he claims was
2 working in December. TIA claimed George did not turn T.B. as required and this led to a
3 worsening of T.B.'s skin sore. TIA also claimed George did not turn T.B. for at least 4-5 days.
4 While Lina Agpaoa and George Valeroso were listed as caregivers during the inspection, no
5 contact information was provided (address/phone numbers). TIA also said he didn't remember
6 getting any notices regarding the lapse of the AFH license and indicated he was going to give
7 the residents their "30 day notice" as he would close the home. He also responded to a question
8 by RCS Investigator Odachowski when she was continuing to question him concerning T.B.'s
9 sores, TIA said, "*it's all on me; it's my fault.*"

10 **RCS Interview of Tim Oliver**

11 While at the AFH, Investigator Odachowski spoke with Tim Oliver. He confirmed he
12 had started working in the healthcare field in 1997 and has worked for Alfredo TIA since he
13 purchased the AFH. He said he helped with the residents care (showers/dressing/other needs).
14 Oliver said that he (Oliver) didn't have a schedule but was "here when he needed me." When
15 asked about T.B. being in the hospital, Oliver said that he recently got out of the hospital as
16 well, as he had a total knee replacement on December 12th, 2014. Oliver said he didn't do any
17 care-giving services for the residents in the AFH since he couldn't get around and the doctor
18 had limited him on what he could actually do. When asked about seeing any sores on T.B.,
19 Oliver said that he did see one "awhile back, but it healed then opened up again." He said that
20 there were several occasions after T.B. came to the AFH that he tried to reposition T.B., but he
21 said T.B. didn't like him and would yell at him, so he would just assist Alfredo TIA on
22 occasion. When asked about the other care-giver by the name of George, Oliver said that he
23 really never spoke to him directly. He said he would call down from upstairs to "George" and
24 tell him if he needed any help just to call him. He said George would say, "I got it" so he never
25 did help him. He told Investigator Odachowski that he (Oliver) was at the AFH when Alfredo
26

1 TIA was sick but did not do any care-giving. Oliver said that Alfredo TIA asked him to take
2 T.B. to the hospital because of T.B.'s catheter wasn't working and a sore on his buttock.

3 **MFCU Interview of Tim Oliver**

4 On March 9, 2015, MFCU Investigator Tim Scott and I met with Tim Oliver at the
5 DSHS Community Service Office in Federal Way. I had already interviewed two other care-
6 givers who had worked at Joportia AFH, Nikki Valeroso and George Valeroso and I wanted to
7 ask some additional questions of Oliver. During our interview, Oliver confirmed that Marlou
8 Ocana, Alfredo's wife, moved back to the Philippines around two years ago. He said that he
9 has lived in the home rent free since the home was purchased by Alfredo TIA and Marlou
10 Ocana in 2004 or 2005. During 2014, Oliver said that he was employed as a care-giver with
11 JenCare and would often work the 11pm to 7am shift. He said he quit his job at JenCare during
12 the third week in November, 2014, as he was going in for knee replacement surgery. Oliver
13 confirmed that at times he would help the residents in the AFH, but was really only a part-time
14 care-giver. He also confirmed that he remembered T.B. coming into the AFH around the same
15 time as several other care-givers by the names of Nikki, George & Lina. Oliver also said that
16 he knew TIA was paying the care-givers under the table and not reporting wages to the
17 Department of Revenue or Labor & Industries. He also confirmed that he knew TIA and the
18 care-giver by the name of "Nikki" had an affair and that she stayed at the AFH full-time for
19 most of October. He said that the affair created some issues and in December, some people
20 from the sheriff's department stopped by with Nikki and her husband and there was some talk
21 about a no-contact order. Oliver said that he was very mad at TIA once he arrived at the
22 hospital with T.B. and saw T.B.'s injuries and called TIA from the hospital to complain to him.
23 He also said that TIA had not made any mortgage payments on the AFH home loan as well as
24 his other house. Oliver said TIA liked to play bingo and would often spend time at the
25 Muckleshoot Casino. When asked about TIA becoming ill in December 2014 and early
26 January 2015, he said that *he wasn't aware of it*. He said he was in the hospital for several days

1 in December for a knee replacement (December 12-20, 2014). Oliver said that when he got
2 back from the hospital, TIA told him “I was sick while you were gone.” He said all of the
3 residents, including TIA, had a Christmas and New Year’s Eve celebration. Oliver claimed that
4 a lady by the name of “Lina” and a man who goes by the name “June” provided care-giving
5 services to the residents during December 2014. Both of these names were not mentioned
6 when RCS investigators spoke with TIA and he had claimed “George” was the person who had
7 been working during December 2014 and providing care to T.B. A person by the name of
8 “Lina” was listed as a care-giver on the RCS investigators inspection report but no contact
9 information for her was given. He said on January 6, 2015, TIA asked him to take T.B. to the
10 hospital because “he had a little sore.” Once at the hospital and after the pants were removed
11 by hospital personnel, he was shocked to see the number of wounds along with the horrible
12 smell. Oliver said he called TIA from the hospital to chew him out for having him take T.B. to
13 the hospital when it should have been TIA. He also was mad at him since he lied to him about
14 the seriousness of T.B.’s injuries. Tim also said he knew TIA was behind on home mortgage
15 payments for the AFH as well as another home he owned and rented out to several students.

16 **MFCU Interview of Nikki Valeroso**

17 On February 25, 2015, I met and spoke with Normila “Nikki” Valeroso and her
18 husband Garry. Garry said his brother is George and George was the one who had worked at
19 Joportia AFH. I learned in speaking with Nikki & Garry that on August 24, 2014, George and
20 Nikki went to work at Joportia AFH. Nikki said that she would split the days of the week with
21 George, sometimes working three to four days a week. She said she split her work days during
22 September, and then George left to visit family out of country in October through the end of
23 November 2014. She then worked full time at the AFH and during October she worked and
24 lived there at the home for three weeks straight. She said that she was supposed to be paid
25 \$100 per day if she worked the 24 hour shift and would normally receive cash by the 5th of the
26 month. She said TIA paid both of them cash as he didn’t want to report the income to the state.

1 Nikki said that during October and November, she and TIA were the only care-givers at the
2 AFH. She said she quit working at the AFH the end of November around the same time
3 George came back from visiting family overseas. She quit after having a relationship with TIA
4 and later had to file a protection order against him. Nikki said that George attempted to go back
5 to work for TIA the end of November, but TIA wouldn't hire him because of her. She said Tim
6 Oliver was a full time resident who lived upstairs and had another job outside of the home. She
7 said he really only came back to the house to sleep and eat. Nikki said that she didn't have any
8 formal healthcare training but needed the work, so she would clean, cook and do the laundry.
9 Nikki said that when she started working at the AFH, she did notice a red spot or sore on
10 T.B.'s hip, but couldn't remember which side. She said that she accompanied T.B. to the
11 doctor on several occasions and did change his catheter bag for him. She said if the actual
12 catheter had to be adjusted or changed Alfredo TIA would have to do that.

13 Nikki said that when she went to work T.B. had a roommate whose name was "A.K."
14 She said "A.K." was bedridden and always seemed to be in pain. She said she was working the
15 day that "A.K." passed out and TIA had to call 911 so he could be transported to the hospital.
16 She later found out that he had passed away. I was able to confirm that resident "A.K." was
17 admitted to St. Francis Hospital in Federal Way on November 17, 2014, and passed away on
18 November 26, 2014. Dr. Ramona Ionita signed "A.K.'s" death certificate and listed the manner
19 of death as "natural" with the causes of multi-organ failure, septic shock and aspiration
20 pneumonia with the interval between onset and death as "days". A stroke was also listed but
21 indicated the interval between onset and death was "years". I'm in the process of obtaining
22 A.K.'s medical records for review.

23 **MFCU Interview of George Valeroso**

24 On March 4, 2015, I interviewed George Valeroso. He said that he and his sister-in-law
25 Nikki went to work at Joportia AFH starting the first week in September 2014. He said he
26 worked all of September then was gone the full month of October and most of November

1 visiting family overseas. He explained that he had experience in the home health-care field and
2 had the required training needed to work in an AFH. He said he was to be paid \$120 cash for
3 each 12 hour shift he worked. George said Alfredo TIA paid him cash and did not take out any
4 money for taxes or Social Security. He explained that he split days with Nikki during
5 September. He said he would cook, clean and take care of the resident's needs. He said he
6 remembered the first names of the residents; "T", "A", "J" & "J" and provided care to all of
7 them. George said he remembers reading a "delegation form" which showed all of the things
8 he was required to do when working with T.B. He said while he worked with T.B. in
9 September he would re-adjust/position him every three hours or assist him into the wheelchair.
10 He said T.B. would get mad if TIA or Tim Oliver attempted to move him because he said they
11 hurt him while moving. He said while he didn't give T.B. a full bath or shower, he did give
12 him a sponge bath on numerous occasions. George said that there seemed to be an issue of him
13 being paid on time by TIA and thought it was because TIA was spending a lot of time at the
14 casino. He said that when he returned from overseas he again called and spoke with TIA about
15 coming back to work. George said that TIA didn't want to hire him because of the "issues" he
16 had with Nikki and her no-contact order.

17 **MFCU Interview of Lina Agpaoa**

18 After several weeks of attempting to locate Lina Agpaoa, I was able to locate her at a
19 residence in Auburn. On March 24, 2015, MFCU Investigator Tim Scott and I interviewed
20 Lina. She said she does have experience in the healthcare field and did provide several
21 documents which supported her training. She said she learned about a potential job at Japortia
22 AFH through the owners of the home she stays at. She said she called Alfredo TIA and spoke
23 with him about working at the AFH. She said TIA agreed to pay her \$100 per 24 hour shift and
24 would pay her in cash. She said she took the job because she needed the money to pay for her
25 prescription medication. Lina said she was hired as a "housekeeper" only and only did
26 cleaning, washing of laundry and cooking food for the residents. She said that TIA told her he

1 was the one who would care for T.B. and the other residents could manage themselves. She
2 said at the same time she was hired, her friend Toefisto Abarrientos or “June” also went to
3 work at the same time. She said she started working on December 11, 2014, and would work
4 several days straight, then “June” would relieve her and work his several shifts in a row. Lina
5 said that during December, Tim Oliver didn’t help with any of the residents as he later had
6 surgery and had to use crutches to get around the house. She said TIA would spend the
7 majority of the day at another house and she would have to call him if she needed something.
8 Lina said that TIA owes her **\$1500** in unpaid wages and she does not know how to get in touch
9 with him. She later provided me with a calendar in which she noted the days she and “June”
10 worked. For the month of December 2014, Lina documented on the calendar she worked a
11 total of 14 days and “June” worked 7 days. For January 2015, Lina documented on the
12 calendar she worked a total of 15 days and “June” worked 5 days.

13 **MFCU Interview of Toefisto Abarrientos**

14 During the interview with Lina Agpaoa, I learned that Toefisto Abarrientos was a
15 friend of hers and also went to work with her at the same time for Alfredo TIA. On
16 March 25, 2015, at 1045 hours, he returned my call. He identified himself as Toefisto P.
17 Abarrientos, and I was able to confirm his DOB and SSN. I confirmed the information
18 provided with the Washington Department of Licensing and he provided me with an apartment
19 address in Sammamish, WA.

20 Toefisto told me he is friends with Lina and she had called him sometime during
21 December 2014 about a work opportunity at an adult family home. He said that he sometimes
22 goes by the name “June”. He said that a person by the name of Alfredo called him and offered
23 him a job. Toefisto said that his job was to do general house cleaning, cook food for the
24 residents and give medicine to those who needed it. He said he was told by Alfredo who
25 needed medicine and how often everyone was supposed to eat. Toefisto said that he was
26 supposed to be paid \$115 per day and his normal routine would be to work three days straight;

1 then Lina would take over for the next three days. When I asked him if he performed any
2 “healthcare related duties” like re-positioning of residents, dressing, showering, or changing
3 diapers he said no. When I asked him if he remembered T.B., he said he did; “he was the black
4 man that was in bed.” He told me he didn’t see T.B. much because Alfredo was the one who
5 would stop by the home in the morning to check in on him and change his diaper, but he never
6 physically witnessed it. Toefisto said that later in the evening Alfredo would return to check in
7 again and again assist T.B. I asked him if he ever assisted Alfredo with any of T.B.’s care and
8 he said he might have helped him one time but Alfredo was the one who would take care of
9 T.B. Toefisto said that he can’t remember exactly how many days he worked at Joportia but it
10 wasn’t very many when he came back to work after his three days off and T.B. was gone. He
11 said he remembers a person by the name of “Tim” who lived upstairs but he really didn’t have
12 much conversation with him. He said that around the first part of January 2015, Alfredo didn’t
13 call him to confirm a work schedule and he wouldn’t return his phone calls. He learned that, in
14 speaking with Lina, the home had been closed down and Alfredo was nowhere to be found. He
15 said Alfredo owes him around \$750 for unpaid wages.

16 **MFCU Interview of Kelly Brathwaite**

17 On April 15, 2015 I called and spoke with Kelly Brathwaite. She told me she visited
18 her dad at least 10 times during his stay at Joportia. She said her dad is bedridden due to
19 Multiple Sclerosis, has frequent urinary tract infections and suffers from memory loss. Kelly
20 told me that in early November 2014 she visited her dad and found him lying on his bed with
21 no sheets, just a plastic cover and he was only wearing his underwear. She also noticed that his
22 catheter bag was full and the liquid was “red”. She asked Alfredo TIA about this and he said he
23 had called the doctor and T.B. would be seen on Monday or Tuesday. I obtained Medicaid
24 billing information from IIU Analyst Sally Odiorne and learned T.B. had no reported doctors’
25 visits, hospitalizations or pharmacy purchases for the November 2014 time-frame.
26 Additionally, Alfredo TIA did not document any outpatient or in-home doctor visits for T.B.

1 on the appointment schedule maintained at the AFH for T.B. Kelly said she visited her dad in
2 early December. The next time she heard about her dad was when she received a phone call
3 from her sister Beverly and learned her dad was in the hospital and had surgery.

4 **Joportia AFH Closure Report**

5 In reviewing the Adult Family Home Summary Report received from DSHS, I noted
6 *nine* specific times since Joportia AFH opened they were investigated by DSHS for a variety of
7 AFH violations. Joportia AFH received four specific civil fines as a result of AFH violations:
8 March 12, 2010 - \$300, March 22, 2010 - \$100, April 10, 2013 - \$2000.

9 On January 22, 2015, DSHS Aging and Disability Services, Aging and Long-Term
10 Support Administration ordered a “Summary Suspension, Revocation of License and Stop
11 Placement Order Prohibiting Admissions” to Marlou Ocana & Alfredo TIA, Joportia Adult
12 Family Home. This order identified 13 specific violations of WAC 388 which Joportia AFH
13 had violated:

14 **WAC 388-76-10010(2)(d)-License-Valid and not transferable.**

15 **WAC 388-76-10025(1)(2)(3)(4)-License annual fee.**

16 *The licensee failed to pay their annual license fee for the past two years (2013 and 2014).*

17 **WAC 388-76-10020(1)-License-Ability to provide care and services.**

18 *The licensee failed to ensure that the care needs of vulnerable adults were met for one resident.*

19 **WAC 388-76-10225(2)(c)(f)-Reporting requirement.**

20 *The licensee failed to notify required persons for one resident which led to hospitalization and surgery. ****This is a repeat citation from December 8th, 2014*****

21 **WAC 388-76-10265(1)(d)- Tuberculosis-Testing-Required.**

22 *****This is a repeat citation from September 16th, 2014*****

23 **WAC 388-76-10355(7)(c)(d)-Negotiated care plan.**

24 *The licensee failed to ensure that special needs were included in the negotiated care plan (NCP) for one resident.*

25 **WAC 388-76-10380(4)-Negotiated care plan-Timing of reviews and revisions.**

26 *The licensee failed to ensure two resident negotiated care plans (NCP's) were updated within the required time period.*

WAC 388-76-10400(2)-Care and services.

The licensee failed to provide the necessary care and services for one resident.

1 **WAC 388-76-10670(2)-Prevention of abuse.**

2 *The licensee failed to provide protection from neglect for one resident.*

3 **WAC 388-76-107950(9)(d)-Safety and maintenance.**

4 *The licensee failed to ensure one resident's bedroom was free of bed bug infestation.*

5 In one section of the suspension notice, the Department indicated they "*had determined*
6 *that the licensee has demonstrated an inability to comply with regulations and has shown*
7 *limited ability to safely operate the home, placing residents at serious risk*".

8
9
10 **DSHS Social Service Payment System Information**

11 Joportia AFH provider contract allows the submission of monthly invoices by Adult
12 Family Home (AFH) providers to claim the care service hours they provide (worked) each
13 month by using the Social Services Payment System's (SSPS) Invoice Express (Invoice
14 Express) system or by returning hard copy invoices using the United States Postal Service.
15 SSPS is located in Thurston County, Washington. Invoice Express enables providers to submit
16 their monthly invoices by using a touch tone telephone and responding to that system's
17 prompts. When Marlou Portia Ocana dba/Joportia Adult Family Home was licensed they were
18 issued SSPS Provider Number: 633498 and it is by this number Marlou Ocana is identified in
19 the system allowing the processing of monthly claims.

20 During the course of this investigation I reviewed SSPS invoices surrounding the client
21 T.B. Starting in July 2014, T.B. was authorized COPEs AFH care at the rate of \$140 per day
22 paid directly to the AFH under authorization number: 4090125-01. Additionally, T.B. had to
23 pay an additional \$2155.11 per month to the AFH as part of his COPEs participation. In
24 December 2014, Joportia AFH received **\$9351.66** for the care of T.B (**\$4341.24 from SSPS,**
25 **\$4310.22 T.B. copay**). In considering the average monthly income TIA received from SSPS
26

1 alone for the care of up to four residents, TIA averaged \$9254 per month. This does not reflect
2 the additional money he received from the residents as part of their “co-pay”.

3 **Additional Hospitalization of T.B.**

4 I requested IIU Analyst Sally Odiorne check for any other hospitalizations of T.B.
5 while he was associated with Joportia AFH. She researched and then provided me with a
6 spreadsheet showing a hospitalization on August 10, 2014. The data showed T.B. was admitted
7 to Multicare Auburn Medical Center with a “bladder wall hemorrhage” and he was discharged
8 six days later.

9 I reviewed DSHS Service Episode Record (SER) notes during this time-frame and there
10 was no documented communication between Alfredo TIA and any other AFH staff to the case
11 manager. DSHS case managers use the SER notes to document case information, phone calls
12 and meetings specific to each client. Additionally, in checking the SSPS invoice for the month
13 of August 2014, I noted TIA claimed the entire 31 days and did not report a “bed hold” as
14 required. The bed hold is the reduced daily rate paid to the AFH for the time a resident is away
15 from the AFH. The resident’s daily rate is reduced by 30% for the first seven days in the
16 hospital, then for days eight through 20, the AFH is paid a flat rate of \$11-\$15 dollars per day.
17 The daily rate for T.B. in August was \$140.04 per day. Using that amount and considering the
18 five day hospital stay, TIA was paid an additional **\$700.20** he was not authorized to receive.

19 I requested prosecution documents from MFCU Analyst Hemminger for the time-frame
20 of December 2014. When I reviewed the interactive Voice Response (IVR’s) documents for
21 December 2014, I noted TIA called in the December invoice using the telephone number
22 (253) 347-5045. This phone number is the same as reported to RCS Investigators by TIA on
23 the AFH Summary Report. The IVR system captures specific data when TIA, in this case
24 called in to report hours associated with a specific DSHS invoice.

25 **Out of Country Travel by Alfredo TIA**

26

1 In speaking with Auburn PD Detective Buie Anderson, I learned that one of the renters
2 of TIA's home had filed a missing person's report since she was unable to contact TIA in order
3 to make a rental payment. Detective Anderson said TIA is listed in WACIC/NCIC as a missing
4 person. He also confirmed TIA had left the United States on February 4, 2015, departing on
5 Asiana Air flight# 271 from Seattle to Seoul, Korea, then on to Manila Philippines on
6 February 6, 2015. The flight information also shows a return trip scheduled for April 22, 2015
7 with an arrival in Seattle via Asiana Air flight# 272.

8 I am requesting the court consider the issuance a felony warrant for Alfredo TIA's
9 arrest based on the following information:

10 1. Alfredo TIA left the United States for the Philippines soon after the AFH was closed.
11 On March 21, 2015, I sent an email to Alfredo TIA requesting contact so I could speak with
12 him. On March 21, 2015, at 0734 hours, he responded, "*Mr. Fenn, This is Alfredo Tia, I'm*
13 *outside of the country right now visiting my daughter. If you have any question or inquiries*
14 *about joportia adult home, please send it at this email and I will be gladly to answer them. And*
15 *fyi, the joportia adult home is been closed and licenses been surrendered to dish as of end of*
16 *January of 2015...Thanks,Alfredo.* I have sent him several emails after this and he has failed to
17 respond to me.

18 2. Alfredo TIA left Washington State after DSHS closed Joportia AFH. He didn't tell
19 the renters of his second home he was leaving which prompted the renters to file a missing
20 person's report on him, as they could not get in touch with him to make the rent payments.

21 3. During interviews with Nikki & Garry Valeroso I learned Nikki had filed a no-
22 contact order against Alfredo TIA. While TIA did make the initial court appearance, Nikki and
23 Garry told me he did not make any other court appearances as directed.

24 4. Alfredo TIA was paying his employee's in cash and in several cases still owes
25 money to them. When TIA left Washington he owed close to \$1500 in unpaid wages to Lina
26 Agapao and Toefisto Abarrientos.

27 5. In interviews with Tim Oliver, he indicated to me that Alfredo TIA was many
28 months behind on mortgage payments on both homes. Oliver also said a realtor had spoken to
29 him (Oliver) about the potential sale of Joportia AFH.

30 6. On January 23, 2015, DSHS case manager Jennifer Farria arrived at Joportia AFH
31 around 10 minutes after RCS investigators arrived, to assist with the re-location of several
32 residents. Farria reported to me she saw Alfredo TIA drive away; "he wasn't present during the
33 whole closing process. So while we were waiting there with clients for the other providers to
34 come pick up clients...two providers had already come to get my clients". Farria said she had
35 to wait several hours at the AFH while a provider was located for the last remaining client.

1 Based on the foregoing, I believe that ALFREDO G. TIA (D.O.B. 10-28-1972 and
2 Social Security Number xxx-xx-1736) has, in King County, State of Washington, committed
3 the felony of Criminal Mistreatment Second Degree, RCW 9A.42.030.

4 I have been unable to confirm ALFREDO G. TIA'S Washington address since he left
5 the United States on February 4, 2015. His two last known Washington addresses are: 29005
6 45th Ave S., Auburn, WA, 98001 and 11208 SE 299th Pl, Auburn, WA, 98092.

7 These acts occurred in King County, Washington. I certify under penalty of perjury
8 under the laws of the state of Washington that the foregoing is true and correct.

9 DATED this 17th day of April 2015, at Olympia, Washington.

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11 _____
12 DAVID S. FENN, Investigator
13 Medicaid Fraud Control Unit
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