

# Massachusetts man and woman charged with defrauding PCA program, sex-related crimes

Attorney General Maura Healey announced today that two individuals have been charged with falsely billing MassHealth's Personal Care Attendant (PCA) program for services that were allegedly never provided. One defendant was also charged with various sex-related crimes against PCAs who were working for him.

Eric Melendez, age 43, of Plymouth, was indicted on the charges of Medicaid False Claims, Larceny Over \$1,200, Indecent Assault and Battery on a Person Fourteen or Older (2 counts), Attempted Indecent Assault and Battery on a Person Fourteen or Older (2 counts), Engaging in Sexual Conduct for a Fee (2 counts) and Dissemination or Possession of Obscene Matter. Angelica Pierni, age 32, of Plymouth, was also indicted today by a Statewide Grand Jury on the charges of Medicaid False Claims and Larceny over \$1,200. Melendez and Pierni will be arraigned in Plymouth Superior Court at a later date.

The MassHealth PCA program helps people with chronic or long-term disabilities live independently in the community by providing medically necessary physical assistance with personal care needs. Through the consumer-driven MassHealth PCA program, eligible MassHealth members employ PCAs to assist them with their activities of daily living. These services are paid for by MassHealth through a fiscal intermediary.

The AG's Office alleges that Melendez employed several PCAs to provide him with personal care assistance. Between May 2016 and September 2022, Melendez allegedly submitted false timesheets for the PCAs, including Pierni, indicating hours

that could not have been worked because the PCA was working at another job, were more hours than the PCA actually worked, or were hours that were billed after the PCA quit working for Melendez. According to the AG's investigation, Melendez also engaged in a scheme in which he instructed some PCAs to open a joint bank account with him upon hire, giving him access to the proceeds of their paychecks. He then submitted timesheets reflecting more hours than the PCA had actually worked and paid the PCA for their actual hours using a mobile payment application like Venmo or Cash App, keeping the balance for himself. Melendez's false timesheets allegedly caused MassHealth to pay nearly \$200,000 for services that were not actually provided.

According to the AG's Office, Pierni worked as Melendez's PCA and assisted him in running his program, including filling out timesheets for other PCAs who worked for him and faxing some of the fraudulent timesheets to obtain payment. The AG's investigation also revealed that Pierni and Melendez submitted false timesheets reflecting hours that could not have been worked as Pierni was working for another employer at the time, causing MassHealth to pay out nearly \$53,000 in false claims.

As a result of its investigation, the AG's Office also alleges several instances of inappropriate sexual conduct by Melendez towards his employed PCAs, including touching or attempting to touch their breasts or buttocks, offering to compensate PCAs additional money in exchange for sexual favors, and tricking one PCA into viewing a live video feed of him engaging in a sex act with another person.

The AG's investigation and indictments follow years of efforts by AG Healey's Medicaid Fraud Division to combat fraud and misconduct in the PCA program. In addition to securing indictments against seven individuals in a coordinated criminal sweep of fraud and abuse in the state's PCA program in October 2020, the Division indicted a New Bedford man in July 2021 who allegedly defrauded the program by falsely

billing for services he did not receive. In March 2022, four individuals were charged with a scheme to falsely bill the PCA program for services that conflicted with outside employment. Most recently, in June and September 2022, a Medford man and Lowell man were found guilty and sentenced to jail in separate cases for defrauding MassHealth for PCA services not rendered.

This case is being investigated and prosecuted by Assistant Attorney General Scott Grannemann, Digital Analyst Investigator Fatima Tanveer, and Investigator Vanessa Asiatidis, all of the AG's Medicaid Fraud Division. Victim Witness Advocate Lia Panetta of the AG's Victim Services Division provided substantial assistance with the investigation, as did MassHealth, Tempus Unlimited, and ARC of the South Shore.

The Massachusetts Medicaid Fraud Division receives 75 percent of its funding from the U.S. Department of Health and Human Services under a grant award totaling \$5,542,963 for Federal fiscal year 2023. The remaining 25 percent, totaling \$1,847,641 for FY 2023, is funded by the Commonwealth of Massachusetts."-Massachusetts Department of Justice.