



DEPARTMENT OF THE ATTORNEY GENERAL

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CARE HOME OPERATOR PLEADS GUILTY TO MANSLAUGHTER

HONOLULU – Calling it a classic case of elderly neglect, Acting Attorney General Diane Taira announced today that a Waipahu caregiver has pleaded guilty to Manslaughter in a Honolulu Circuit Court. 36-year old Jennifer Polintan recklessly caused the death of 88-year old Nona Mosman in May of 2013.

Ms. Mosman was a client in Polintan's care home which was licensed as a Community Care Foster Family Home (CCFFH) in Waipahu. The State Department of Human Services (DHS) certifies these care homes to enable individuals needing 24-hour care in an intermediate care facility or a skilled nursing facility to remain in a home setting as part of a family. The state licensing rules for a CCFFH require that during extended absences the licensed caregiver must provide duly qualified individuals to act as substitute caregivers. The rules also require the licensed caregiver to follow a care plan as directed by the client's primary care physician and state contracted case management agency.

Ms. Mosman became non-ambulatory in late 2012 and was bedbound in early 2013. Once bedbound, Ms. Mosman became susceptible to bed sores and needed to be repositioned every two hours throughout the day. Ms. Mosman was completely dependant on Polintan for her activities of daily living, including eating, drinking, general hygiene, toileting, and basic self-maintenance.

An investigation conducted by Special Agent Derrick Kiyotoki of the Department of the Attorney General Medicaid Fraud Control Unit revealed that Polintan worked full time at Schofield Barracks and was absent from the home for 10 hours a day, Monday through Friday. During her extended absences, Polintan left Ms. Mosman in the care of individuals who were not duly qualified and who were incapable of carrying out the care plan. As a result of Polintan's neglect, Ms. Mosman's health declined rapidly, culminating in her death in May of 2013.

Acting Attorney General Taira acknowledges that providing care to elderly persons can be difficult and trying, but says that, "When someone makes a conscious decision to bring a dependent adult into their home under the guise of providing care, and is getting paid to provide that care, then it is inexcusable and can have tragic consequences when they fail to do so." Taira adds that while these cases are difficult to investigate and prosecute, "the Department is committed to protecting the safety of vulnerable members of our community who can't look out for themselves."

Polintan, who cooperated in the investigation and prosecution, will be sentenced on January 7, 2015, before First Circuit Judge Richard K. Perkins. The plea agreement provides that Polintan will serve one year in jail, and in addition will pay \$8,980 in restitution to Ms. Mosman's family, \$4,888.00 in restitution to the State of Hawaii, a \$600 fine, and court costs.

According to Deputy Attorney General Michael Parrish, who is prosecuting the case, "This type of case can go undetected without the vigilance of medical professionals and oversight agencies. Thankfully an akamai hospice nurse and social workers with the DHS Adult Protective Services branch brought the matter to our attention, and we were able to investigate and prosecute." Parrish encourages community members who suspect that dependent adults are being abused or neglected to contact DHS Adult Protective Services at 808-832-5115, or the AG Medicaid Fraud Control Unit at 808-586-1058.

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