



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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HILO CARE HOME OPERATOR FACES JAIL TERM AFTER GUILTY VERDICT

State Attorney General, Earl I. Anzai, says elder abuse, especially by paid professionals, will not be tolerated, and Anzai vows continued prosecution of provider neglect. Anzai's statements come after a guilty verdict lodged by Hilo family Court Judge Barbara Takase against veteran Big Island care home operator Francilla Malaka (58-years-old) on Friday, August 9, 2002.

Malaka failed to get timely medical attention for 86 year-old Torao Nishimoto after he suffered a fractured hip while in Malaka's care. On January 19, 2001, Nishimoto lost consciousness at Malaka's home and was rushed via ambulance to Hilo Medical Center where he died in the emergency room. The Department of the Attorney General, Medicaid Investigations Division charged Malaka with Endangering the Welfare of an Incompetent Person, a misdemeanor, for Malaka's failure to obtain timely medical assistance for Nishimoto.

Last Friday, Judge Takase found Malaka guilty as charged after a non-jury trial. The evidence adduced at trial indicated that Nishimoto had extensive bruising in his groin area, small bedsores on his lower back, and that he had contracted pneumonia as a consequence of the hip fracture. The medical examiner determined that the hip fracture was between 1 and 3 days old. Nishimoto died from pneumonia.

Malaka faces up to one year in jail and a \$2,000.00 (two thousand dollar) fine when she is sentenced on October 1, 2002, in Hilo.

Anzai encourages those with information about elder abuse or neglect to contact the Medicaid Investigations Division at (808) 586-1058.