

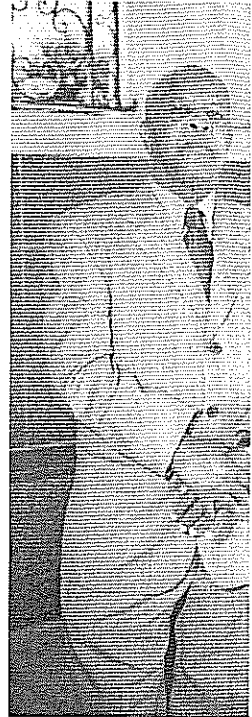
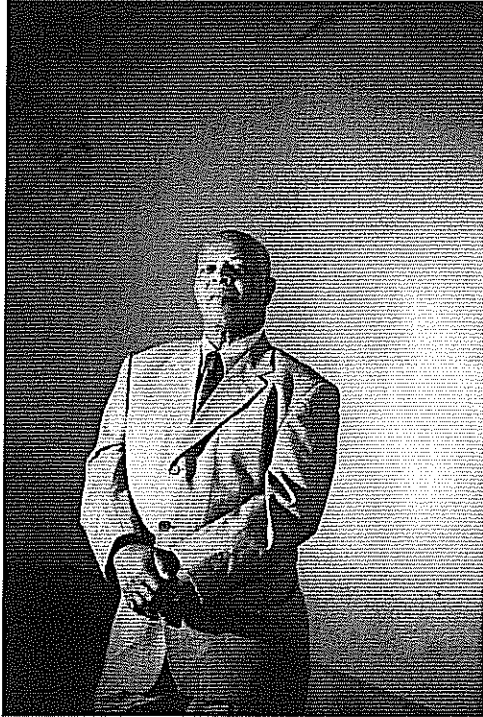
Death of a patient: State blames nursing home

HIGHLIGHTS

James 'Lobo' Populus died at Verdugo Valley nursing home in L.A. suburbs last year

Facility charged with involuntary manslaughter, two nurses with felony abuse

The facility is owned by Shlomo Rechnitz, subject of Bee investigation



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BY MARJIE LUNDSTROM
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PASADENA — Carl Populus was told in 1991 that his younger brother, James, would almost certainly die after an arsonist set fire to a South Los Angeles apartment building, burning the man over 95 percent of his body.

James “Lobo” Populus, 35, survived the flames but was left severely disfigured and susceptible to pneumonia, because of smoke damage to the lungs.

“I talked my brother out of death,” recalled Carl Populus.

A suspect was arrested later the same day.

Today, 24 years after the devastating blaze, California’s attorney general is holding others criminally responsible for what ultimately happened to James Populus, who died last year at age 58 after allegedly receiving “grossly negligent” care at a controversial skilled nursing facility operated by the state’s largest nursing home owner: Shlomo Rechnitz of Los Angeles.

California Attorney General Kamala Harris announced last month that her office had filed involuntary manslaughter charges against Verdugo Valley Skilled Nursing & Wellness Centre LLC in suburban Los Angeles. Two registered nurses on staff also were charged with felony abuse.

The charges were in line with a 2012 pledge by Harris that she would aggressively step up criminal prosecutions of nursing home operators and staff, although her promise did not materialize for two more years.

Rechnitz has not been charged individually in the case. Public officials in neighboring South Pasadena continue to press Harris’ office for criminal charges against another nursing home owned until recently by Rechnitz – a facility the local police chief denounced as a “cesspool” and a “community menace” while under Rechnitz’s watch.

On Thursday, at a pivotal court hearing in Pasadena, the stakes of the Verdugo Valley case were evident as eight attorneys pressed into the fourth-floor courtroom wielding overstuffed roller-bags and document boxes stacked on hand carts. New legal issues delayed the preliminary hearing until December, but the case illustrates the complexity of elder-abuse prosecutions – and the ferocity with which the battles are waged.

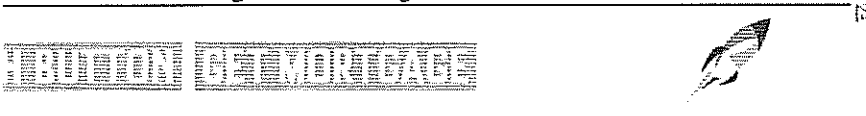
“To hold the nurses and the facility accountable for his death, in our view, is pretty outrageous,” said Los Angeles attorney Mark S. Hardiman, who represents the nursing home.

Hardiman was joined in the courtroom Thursday by five more attorneys for the defense, compared with two for the prosecution. In addition to charging the facility, the state has accused the director of nursing, Alexiuse San Mateo, 53, of felony dependent-adult abuse causing death. Consuelo Policarpio, a 41-year-old supervising nurse, has been charged with dependent-adult abuse causing great body injury.

This is not the first time Harris’ office has brought criminal charges against Verdugo Valley Skilled Nursing & Wellness Centre, a 138-bed facility near Glendale that Rechnitz bought in 2007 – one of his earliest acquisitions. Since then, the 44-year-old entrepreneur has amassed a for-profit chain of about 80 skilled nursing facilities throughout California, many of them acquired through bankruptcy court.

A Bee investigation of Rechnitz’s holdings revealed Verdugo Valley as one of his most problematic facilities, earning the federal government’s lowest one-star rating. Officials logged 42 federal health deficiencies at the facility during the most current inspection cycle, according to data from the Centers for Medicare and Medicaid Services. Only three of the state’s roughly 1,200 nursing homes had more health deficiencies during that period.

In 2011, Harris’ office announced it would pursue felony charges of abuse and neglect against the facility and a former administrator in connection with a resident’s suicide. Charles Morrill, 34, had made three attempts on his life at the facility before killing himself in 2009 by pulling the pin on a hand-held fire extinguisher and firing it down his throat.



ed, requiring the facility to undergo three years of independent
has had “a long-standing issue with this facility, and they’re back

to tap the same well.

“There’s no more evidence this time than before,” he said.

Hardiman said James Populus had been homeless when he was admitted to the facility, and that the “record is replete” with evidence of the quality care and attention he received over 14 months.

“We looked after him,” the attorney said. “We looked after a difficult patient.”

The 19-page declaration by the attorney general’s investigator paints an altogether different picture, indicating the facility had allowed a burn victim to languish, failing to treat his complex health needs – or even to be seen regularly by a doctor.

Government documents indicate that Populus, who had Medi-Cal benefits, was admitted to Verdugo Valley in June 2013. According to his brother, he had fallen and broken his hip at a bus stop and eventually wound up at Verdugo.

His condition became grave the following year. The state’s investigator describes how Carl Populus – a frequent visitor – urged staff to find a lung specialist for his brother’s worsening respiratory problems, a complication for burn victims. When his condition declined in August 2014, the state alleges the nursing home staff failed to document the changes, delayed in calling 911 and falsified entries in the medical records.

After 14 months in Verdugo Valley, Populus died on Aug. 30, 2014, at a nearby hospital of multiple system failure due to sepsis, with infections throughout his body. A medical expert who reviewed the case determined that Populus “died prematurely and needlessly ... due to the woefully substandard monitoring, assessments, care, and treatment he received while a resident at Verdugo Valley.”

Carl Populus, 66, has filed a wrongful death lawsuit against the facility.

At Verdugo Valley, Populus observed, “there was a lot of stuff going on. It just didn’t seem professional at all, and in the end they proved themselves not to be professional.

66
THERE WAS JUST CONCERN ABOUT THE CASH, NOT THE PATIENT.
Carl Populus, about the facility where his brother died

“... There was just concern about the cash, not the patient,” he said.

Seven years older than his brother, Carl said in an interview in Pasadena that he had moved to California from Alabama in 1974, then brought “Lobo” back with him two years later. After the fire, Populus said, his brother suffered from depression as he struggled to deal with his altered appearance and physical limitations.

Populus said last week he was furious the defense would appear to blame the victim, explaining that his disabled brother had choices in life – and always knew he had a home he could go to. “He always had a place,” he said.

Harris did not respond to specific questions from The Sacramento Bee about the case, but the action comes during a uptick of elder-abuse prosecutions by the attorney general’s Bureau of Medi-Cal Fraud and Elder Abuse.

In 2012, Harris’ office told The Bee the bureau would begin aggressively building more criminal cases statewide, pursuing charges against nursing home administrators and employees where deep, systemic problems are suspected.

In reality, criminal elder-abuse complaints filed by the bureau in the first three years of Harris’ tenure as attorney general were lower than all 10 previous years under her predecessors, Bill Lockyer and Jerry Brown, according to department data dating to 2001.

37%

Increase in criminal complaints filed fiscal 2014-15 against nursing homes.

That trend was reversed in fiscal 2014-15, with criminal complaints filed by the bureau up 37 percent, from 59 to 94. Criminal complaints for Medi-Cal fraud also shot up under Harris that year, nearly double the previous year.

A department spokeswoman said that budget cuts hampered Harris’ 2012 initiative, and that referrals from other agencies have gone steadily down. However, in announcing the recent Verdugo Valley action, the attorney general stated that the bureau’s attorneys and agents were “working tirelessly to ensure these individual are held accountable.”

California Justice Department attorneys have said building criminal elder-abuse cases is expensive and time-consuming, with voluminous medical records that must be reviewed. Key witnesses often are feeble or already dead. And, they said, where large corporations are involved, the prosecution can be outnumbered and legally outmaneuvered.

Molly Davies runs Los Angeles County’s ombudsman program, which investigates complaints regarding long-term care facilities. She said she believes the state has built “a very solid case” and that Verdugo Valley is “one of the poorest performing facilities” in L.A. County. In September 2014, four days after Populus’ death, her office filed a written complaint with the Department of Justice against the facility, alleging medical neglect and other failures.

Nurse supervisor Connie Policarpio was arrested on Sept. 18, 2014, on charges of dependent-adult abuse for her alleged delay in calling 911 and making false entries in medical records.

But Davies said the aftermath of the nurse’s arrest shocked her staff. Davies said that during an unannounced visit, Rachel Tate, the assigned ombudsman, discovered that Verdugo Valley staff – including the administrator and director of nursing – were holding a party in the resident dining room to celebrate Policarpio’s release from jail.

A company spokeswoman said the party was a “show of support” for the nurse, who had not been charged with a crime at that point and “no one believed she had done anything wrong.”

Davies said the partiers wore silk-screened shirts emblazoned with the nurse’s booking information and the phrase, “Team Connie.”

“I don’t know that there are words to describe how reprehensible that is,” said Davies.

Both nurses, who appeared in court last week, continue to work in nursing in the Los Angeles area, according to their attorneys.

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