

October 1, 2012

To - Oklahoma Senate and House of Representatives Veterans Affairs  
Interim Study Committees

From - Mike Simmons, Veteran, NVC Resident, 405/366-8033

Subject - SUMMARY of Written Testimony and Background Presented  
To Senator Frank Simpson Plus New Information

### **THE BOTTOM LINE**

The Oklahoma Legislature should return the 7 veterans centers and the Oklahoma Department of Veterans Affairs to DHS oversight with all surveys and official complaint investigations done by the DHS.

### **MY BACKGROUND**

- . I have lived at the Norman Veterans Center for 7 ¾ years.
- . I am a Vietnam-era, disabled U.S. Marine.
- . I was diagnosed with multiple sclerosis in 1993. I am a triplegic with 80% use of my left arm and the use of just my left thumb and index finger.
- . I owned and operated my own business for 20 years.
- . I was a board member for the American Lung Association, the National Kidney Foundation, the National Multiple Sclerosis Society, the Mid America Chapter of the Paralyzed Veterans of America and more.
- . I've been an advocate for veterans and people with disabilities.
- . Former Oklahoma Governor Frank Keating named me as Disabled Oklahoman of the Year.
- . I have defended our country and tried to make a difference in our society.
- . I have crusaded for my fellow residents and the direct care staff for years.

### **THE PAST THAT DIRECTLY RELATES TO PRESENT DAY**

In 2008 and 2009, Norman Lamb, previous Cabinet Secretary of Veterans Affairs, Phillip Driskill, past O.D.V.A. Executive Director, Martha Spear, O.D.V.A. Executive Director, Bob Weeks and Thomas Walters, previous N.V.C Administrators, tried unsuccessfully to have me evicted from the N.V.C. several times for talking to the media about staffing problems and negligent treatment at the Norman Veterans Center. Martha Spear abandoned me for over 4 months at the Dallas V.A. Medical Center. It took my attorney, Billy Coyle, Jr., having to go to the Oklahoma Supreme Court to force the O.D.V.A. to return me to my home at the Norman Veterans Center. I've tried to live at the N.V.C for the past 33 months despite chronic

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understaffing and a hostile environment perpetuated by Christy Howell, N.V.C. Administrator, and Mary Clifton, N.V.C. Director Of Nursing.

First, let me say that the Norman Veterans Center has many fine employees throughout the facility. I have always been supportive of the good employees there. To my knowledge, I am the only resident to have had an Opinion Editorial published in the Oklahoman asking the legislature to give those employees a 10% raise. The legislature gave them a 5% raise. That was six years ago. Chronic understaffing has taken its toll on residents and employees alike. Despite these problems, the N.V.C. is my home and I want to continue living here.

Second, it is very embarrassing to speak publicly about such private things. Nonetheless, I will surrender privacy in addressing you.

I was brutalized by the O.D.V.A. and N.V.C. leadership and their friends. I was subjected to the full force of "The O.D.V.A. Machine" to make me an example of what happens to the veteran if you or your family "talks publicly". As a favor to the O.D.V.A. leadership, the previous director of the V.A. Medical Center, David Woods, sent Matt Fox, a V.A.M.C. social worker, to coerce me into moving from the N.V.C. When that didn't work, Fox "shopped" me to several out-of-state facilities without my permission. This was a violation of my H.I.P.P.A. privacy rights. Remember the name Matt Fox because he plays a role to this very day.

The O.D.V.A. and N.V.C. leadership changed when Driskill and Weeks departed, but the mauling of me continued with Martha Spears as the new Executive Director of the O.D.V.A., and Thomas Walters as the Interim Administrator of the N.V.C. Five people were left in place, four of whom that would play a major role in the current problems at the Norman Veterans Center - Norman Lamb, a career politician and the defacto ruler of the O.D.V.A., who departed when a new governor was elected; Martha Spear, a career bureaucrat in the O.D.V.A.; Christy Howell, Assistant N.V.C. Administrator, who would become the N.V.C. Administrator; Michelle Kirby Sexton, Administration Program Officer and a certified investigator; and Mary Clifton, a N.V.C. R.N. Supervisor who would become N.V.C. Director of Nursing. Phillip Driskill, Bob Weeks and Michelle Kirby Sexton ALL came out of the Claremore Veterans Center.

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The "Culture of Fear" cultivated by the O.D.V.A. and N.V.C. administration, continues to this day. Veterans and their families are afraid to speak up because they fear reprisals from the staff and the N.V.C. administration - even though the Veterans Rights document item 3 says : "You shall not fear reprisals for speaking out." But the systemic problems at the N.V.C. are even worse than that.

**CURRENT PROBLEMS AT THE NORMAN VETERANS CENTER**

I learned the hard way at the Norman Veterans Center that it doesn't exist unless it's in writing. But even putting it in writing won't insure a good outcome when N.V.C. nursing and administration are involved in complaints.

From December 2010 through August 12, 2012 , I have filed 15 Formal Grievances and additional related memos to N.V.C. nursing and administration. These grievances are a legal, veterans' right. Two complaints were NEVER responded to despite a 10 day response requirement. In the remaining 11 grievances, I was interviewed by a N.V.C. administration investigator ONLY ONCE and that person was not Sexton - despite some of my complaints and rebuttals stating that I HAD AUDIO RECORDED THE INCIDENT. Michelle Kirby-Sexton is the "certified" investigator" at the N.V.C., who is biased and hasn't participated correctly in the investigative process. The entire process is terribly flawed and evokes administration responses designed to COVER N.V.C.'s POSTERIOR.

In one example, in February, 2012, I had my penis painfully abused by an N.V.C. LPN while catheterizing me. She was upset with having to float to F-1 covering 50 beds by herself. Contrary to recent testimony this abuse WAS NOT reported to or investigated by the DHS.

There is no real authority to appeal grievances. The OMBUDSMAN'S Office has no impact over any of the veterans homes or resulting complaints. They, like DHS/APS can only "make suggestions".

Two weeks ago N.V.C. had its annual V.A. inspection by a private contractor, Aschelon. A half dozen veterans were hand-picked by N.V.C. Administration and Social Services department to attend a survey meeting.

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where Aschelon told them their contract was up for renewal and then suppressed any discussion about N.V.C. problems. Matt Fox, V.A..M.C. OKC social worker, was with the half dozen contractors Tuesday through Friday. He attempted to attend my interview, but I refused him entry. In a recent Journal Record article, Fox is named as a source for leaking V.A. Inspection dates to Oklahoma Veterans Centers. Evidentially, Fox has a relationship with this vendor.

I presented similar testimony the previous year, but didn't know Aschelon was a private vendor. Recent testimony by a N.V.C. administrator said N.V.C. had no deficiencies for last year's inspection. I was amazed. I thought surely my testimony would bring serious problems to light. This year, anticipating that I could appeal my complaints to the V.A., I tried to present the exact same testimony that I presented to the Senator Simpson to the private contractor doing V.A. inspections. I gave them a total of 142 pages of documents and 4 names to contact. Among the information was the 5/4/12 Journal Record article that became the basis for these legislative investigations. Both Aschelon employees said N.V.C. administration DIDN'T disclose any existence of the news stories. The information was ignored. Not one of the people I listed was contacted. After Aschelon left the building that Friday, the word was circulated that N.V.C. passed with flying colors.

In conclusion, legislators, please put the O.D.V.A. and its 7 veterans centers back under the D.H.S. Survey and Oversight process, which is definitely a step in the right direction.

Respectfully Submitted,

**MIKE SIMMONS**  
N.V.C. Resident Veteran