

TO: Representative Richard Morrissette

TOTAL PAGES FAXED: 10

FAX: 962-7624

FROM: Susan Simmons  
949-0761

RE: Violation of veteran resident HIPAA Rights

DATE: 9-27-12

Representative Morrissette,

Enclosed please find the 2 pages (documents A1 & A2) that my brother, Mike Simmons, Vietnam veteran currently residing in the Norman Veterans Center (NVC), asked me to fax to you. Document A2 clearly shows Matt Fox's signature as Mike's "Authorized Representative", which is illegal and violates Fox's social work license. Document A1, in the Comments section, states that Matt Fox is to be called prior to the facility's phone screening visit with Mike's family. We have not found out the reason for those instructions. But, at this point, I can tell you with certainty that it is doubtlessly nefarious.

I have also included documents I sent to Matt Fox on 9-01-08 & 9-04-08 after I had tried repeatedly to reach him by phone. Document B3 & B4 is a letter I faxed to Fox, notifying him of Mike's and my desire to have adequate family representation in attendance whenever Mike met with NVC administration or other entities of the VA system. This document also explains to Fox that, due to Mike's Multiple Sclerosis (MS), he was greatly fatigued further by this visit, placing him in dire distress and vulnerable to another MS attack. Fox is notified not to see Mike again without his family representative present, so that Mike's rights will not be further violated.

Document B5 is an email I sent to Fox on 9-04-08 after he again visited Mike unannounced on 9-03-08. Mike had been quite ill all that afternoon (a fact that was told to Fox by Mike and his hall nurse) with respiratory problems and MS complications/symptoms. I again told Fox to stop violating Mike's resident rights. I also told him again that I was awaiting his reply to these 2 communications, which I know he received, as I called to his office to make sure they had arrived. Fox has never responded to me at all.

The first notion we got that Mike was being shopped around outside of Oklahoma, occurred around the end of April, 2009, when the Northwest LA. War Veterans Home in Bosier City, LA. surprised me by calling with requests for more information on Mike. Carla Terrell, social worker there, told me they had received the faxed application on Mike in Feb., 2009 from Matt Fox. This application packet had an unsigned "Authorized Representative" form. We obtained a copy of the 55 page packet that this LA. facility had received. Needless to say, this facility denied him admission.

Page 2

When Mike received his eviction letter of April/May, 2009 stating he would be transferred to Courtyard Gardens in Wichita Falls, TX., then State Rep. Wallace Collins called the Director of Nursing (DON) there. He states that the DON told him that she was not told, in Mike's application packet, that he has MS (his primary diagnosis) or that he had drug-resistant E. Coli urinary tract infection (UTI), which the NVC had given to Mike in August of 2008. The DON also said that Mike would not be admitted to their facility.

Rep. Collins then contacted Martha Spear at the ODVA. When questioned, Spear told Rep. Collins that "HIPAA Rights do not apply on the federal level" (she evidently told the VAMC-OKC to send out all the out of state application packets on Mike) so, therefore, according to her, Mike's HIPAA Rights had not been violated.

I beg to differ. The federal VA website, as well as the ODVA website and Mike's NVC Resident Handbook, contain much information about veteran/patient/resident rights which includes HIPAA and the Privacy Rule. Nowhere do these federal regulations/laws state that "HIPAA Rights do not apply on the federal level." It is evident that Spear will make up anything she wants to justify illegal actions on her part. Her action is typical of the ODVA & NVC in their continuous attempts to cover up for their illegal activities, as well as their cumulative attempts to bring the full force of the ODVA against us for revealing some resident care concerns and staffing problems.

In addition, the following facts negate Spear's statement too. One day in Jan., 2009, when the ice/snow covered the streets and a severe travel advisory was issued to stay off those streets, Matt Fox and his supervisor drove all the way from Okla. City to Norman on the treacherous streets. They rushed in to see Mike at 5pm to try and get Mike to sign a blank release of medical information form. I had been talking with Mike on the phone when they ran into Mike's room. They really pressured Mike to sign their form, which he did not do. They refused 3 times to even tell Mike who had sent them. They did finally admit that their boss had sent them. Mike politely asked them 4 times to please make an appointment so that his family representative could be there too for the meeting. They refused to do this even though Fox has known since August of 2008 through the fax & email I sent to him, that Mike & I were insisting on his resident right to have adequate family representation at such meetings.

Wanting to obtain more information about the VAMC-OKC actions in shopping Mike out of state, I called the DON of Courtyard Gardens in Wichita, TX., beginning 5-01-09 before I finally spoke with her on 5-15-09. Document C6 is an accurate transcript of the phone conversation I had with Sherry Long, RN, DON.

I would like to point out that the VAMC-OKC, namely Matt Fox and his supervisor, knew since March, 2009, that Mike had not been accepted to Courtyard Gardens, despite their continued attempts to force this facility to take him. Yet, the ODVA persisted in their attempts to transfer Mike there after his eviction notice the end of April, first part of May,

Page 3

2009. The ODVA already knew, before they gave Mike his eviction notice, that Mike was not accepted in Texas. Were they going to dump Mike off, abandoning him there?

I also want you to note the answer Fox finally gave when Long persisted in asking them the real reason for them wanting Mike out of Oklahoma..."Mike caused an investigation to occur due to his complaints". This is tantamount to blatant retaliation & retribution against Mike, a common occurrence in this VA system.

I wanted to find out more information about Courtyard Gardens, so I consulted the computer. Per Texas Rating System, this facility scored only 63 of 100 possible points for their overall rating on their most recent survey, with 14 individual complaints separately investigated. The Potential Disadvantage Score for this facility was the "utmost undesirable classification" of residents developing behavior problems; depression; treatment with antipsychotic, antianxiety &/or sleep meds; bed sores. This facility is in the region servicing veteran medical needs ONLY at VAMC-OKC, a 150 mile one way trip. The van at this facility providing transport to VAMC-OKC was NOT wheelchair accessible, making it impossible for Mike to get medical care-a life threatening situation for him. There was no local, approved repair service available for Mike's complex electric wheelchair when it malfunctioned. Overall, this facility to which the ODVA & NVC tried extremely hard to get Mike referred, was not a safe or suitable, much less appropriate, place for Mike to be transferred (a right of Mike's guaranteed in the Involuntary Eviction section of his Resident Handbook, and per NVC & ODVA policy).

I worry and wonder just how many other poor unaware veterans that the ODVA, NVC and VAMC-OKC have done this same thing to in the past as well as the present. It seems that these entities just violate whatever laws and boundaries they want...lie, deceive, misdirect, manipulate. They have thrown the full weight of this apparently corrupt system at Mike so that, no matter what they have to do, they will get rid of him!

It also seems that David Woods, the previous Director of the VAMC-OKC, did not just violate the rights of his own federal employees. He also made a habit of violating the rights of veteran residents, like my brother Mike. Just think; they let him "retire" with all of his retirement benefits instead of bringing all his activities to light which would have forced them to really do something about him. Now he is free to work in any other government or private position if he so chooses so that he can continue his illegal activities. Additionally, since Woods, Norman Lamb, Philip Driskill and Martha Spear are all such good friends, I imagine he gave his consent to the violation of Mike's HIPAA rights by ordering & allowing Matt Fox to shop Mike out of state. After all, I have heard from an extremely reliable source that Spear had actually called Woods to tell him to get Mike located out of state as soon as possible.

Page 4

I am a retired, 33 year professional registered nurse with extensive knowledge base and experience in long term care facility nursing both on the floor and in administration. In my experience, I have observed the same illegal tactics used by the NVC, ODVA and VAMC-OKC over the past 4 years against my brother Mike.

It is also painfully apparent that these entities of the VA system have been corrupt and self-serving for a long time, protecting their salaries, bonuses, positions and retirement at the expense of the direct care staff and instead of caring for & about our defenseless veterans. I began advocating at the NVC for my brother, the other veterans and the direct care staff over 4 years ago. I will not stop. It had become evident to me very quickly that there was NO ONE who was capable or even willing to advocate for my brother at the NVC, then the ODVA and finally the VAMC-OKC.

I am asking you to properly investigate the ODVA, NVC and the other state veterans centers. Our veterans there are suffering and in dire need of your advocacy as well. I am asking you, for all their sakes, to expose and correct the illegal activities and inappropriate agency relationships that have existed for a very long time. One of the best ways to accomplish this would be to place the 7 state veteran centers back under the DHS Survey Process, so that proper, independent oversight can again be established and maintained.

These issues involving Matt Fox, VAMC-OKC, ODVA and NVC are just the very tip of the iceberg that Mike and I have had to deal with over the past 4+ years. My statement of testimony will soon follow this communication to you.

Thank you sincerely for all your efforts and interest.



Susan Simmons

A1



Serving America's Heroes

**FAX**  
(facsimile) from:

**Department of Veteran's Affairs  
Medical Center**

**Matt Fox, Social Worker  
Home & Community Based Care Programs  
Geriatrics & Extended Care Section  
Social Work Service  
VAMC Oklahoma City, OK**

**Phone: 405.456.2602  
Fax: 405.466.5195 1538**

**To:** Admission  
Coordinator

**Phone number:**

**Fax number:**

**Pages (including cover):**

**Regarding:** Admissions

**Comments:** Must call me prior to visit screening

This transmission is intended only for the use of the person or office to which it is addressed and may contain information that is privileged, confidential, or protected by law.

All others are hereby notified that receipt of this message does not waive any applicable privilege or exemption from disclosure and that any dissemination, distribution, or copying of this communication is prohibited.

If you have received this communication in error, please notify us immediately at 405.270.6498. Thank you.

1538

A2

I.W.V.H. Form - 202  
Revised 11/04

FEB 09 2009

**APPLICATION FOR ADMISSION TO LOUISIANA  
WAR VETERANS' HOME**  
(TO BE COMPLETED BY APPLICANT OR AUTHORIZED REPRESENTATIVE)

02/02/2009  
(DATE)

Michael R Simmons  
~~Matthew Fox~~  
Name of Applicant

06/01/1966 - 04/01/1969  
Dates of Military Service  
(Attach copy of Discharge/DD214)

2302420  
Serial #

1776 E Robinson  
Permanent Address

Marine Corps  
Branch of Service

447-44-3871  
Serial #

405-360-5600  
Home Telephone Number

Honorable  
Type of Discharge

447-44-3871  
VA Claim #

61  
Age

07/18/1947  
Date of Birth

447-44-3871  
Social Security #

Home Parish

**NEXT OF KIN OR AUTHORIZED REPRESENTATIVE**

	<u>NAME</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>	<u>TELEPHONE</u>
1.	<u>Susan Simmons</u>	<u>Sister</u>	<u>3143 NW 12th St</u>	<u>405-949-0761</u>
2.	<u>Meredith Simmons</u>	<u>Daughter</u>	<u>6620 NW 120th</u>	<u>405 7603-6020</u>
3.				

[Signature] - social worker  
Signature of Applicant/Authorized Representative

A DECISION REGARDING ADMISSION TO A STATE WAR VETERANS' HOME IS MADE WITHOUT REGARD TO RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, OR HANDICAP.

B3

Sept. 1, 2008

Matt Fox, MSW  
Social Worker-Geriatrics  
VA Medical Center  
Okla. City, Okla.

Dear Mr. Fox,

My brother, Mike Simmons, a resident of the Norman Veterans Center (NVC), has told me that you made an unannounced visit to him on Friday, Aug. 29, 2008. He told me that you had declined his request to audio tape this interview as it is against VA policy. I no longer want Mike to meet alone with administration there or other entities for interviews due to:

1. Mike's previous years of manipulation by Bob Weeks,
2. the negative attitude towards Mike that Weeks has allowed & at times even fostered with some of his staff,
3. the way that Mike's injuries & incidents have NOT been investigated/documentated, or contributing factors ever revealed so that measures could have been taken to prevent further injuries/incidents,
4. that their own incident reporting system was not being utilized, a convenient way to prevent a paper trail of too-numerous-to-count injuries, and,
5. the way that Mike & his family representatives had previously been denied the opportunity to participate in his care planning decisions & process as a whole.

Mike also told you that he preferred to meet you with myself in attendance as well, but, you chose to continue the interview anyway. As a result, you left my brother in a situation without adequate family representation which, I believe, is one of his resident rights. As you can see, I have a very strong desire to advocate for Mike, as no one at the NVC is doing this or is even capable of doing so since Weeks has bullied, threatened, manipulated or misled so many of his own administrative group & direct care staff.

Mike related to me that your interview began around 3:30pm. As Mike gets greatly fatigued in the afternoons due to his multiple sclerosis, it is inappropriate that this time of day was utilized. After 3 hours, Mike was so exhausted that he could hardly speak & was wheezing so much that he required another breathing treatment. I am certain that it was never your intention to prompt these complications, but, nevertheless, you did. I am aware that most people know very little about MS & that it is a greatly misunderstood disease. I do not mind at all if you need to ask me for additional information in order to help you better understand it. Mike felt that he really needed to talk with you while you were there & feared he might not otherwise get another chance to do so.

Mike & I have become so embroiled with not only the NVC, but also the ODVA, in the guise of Secretary Norman Lamb, as well. Lamb has done a number of unethical, illegal & deceitful manipulations, all done in an attempt to block a true investigation of all

B4

pg2  
our complaints. He & Phillip Driskill have directly lied to me & two state legislators in that 060408 meeting at the State Capitol. The so-called investigation by Gary Glover of June, 2008, was a complete SHAM &, disappointingly, did not look into any of our complaints. Hopefully, you can begin to see how our skepticism in this shameful fiasco has grown to encompass the entire situation. If I seem protective of Mike, it is rightly so. I have seen little evidence that many others are interested in protecting him.

While I very much appreciate your talking with Mike, it is of the utmost importance that you meet & speak with me as well. I will be most pleased to provide you with a copy of the 060408 State Capitol meeting minutes when you meet with Mike & I at the NVC. Please feel free to call me to arrange this meeting.

I am awaiting your reply.

Respectfully,

*Susan Simmons*

Susan Simmons  
3143 NW 12th St.  
Okla. City, Okla. 73107  
949-0761

B5



**Important Info**

Thursday, September 4, 2008 11:45 AM

"James Shearer" <jas.shearer@sbcglobal.net>  
matthew.fox@va.gov

I tried to send you a fax on 090208, but I think the operator gave me an incorrect #. Today I found out what I hope is the correct #-456-1538. A gentleman in your office said that my fax had arrived. It is a letter concerning my brother, Mike Simmons, a resident at the NVC.

Later last night-090308-you talked with Mike again, even though his nurse & Mike had told you that he was & had been quite ill all afternoon. You told Mike that you preferred to speak with him & not me. I am Mike's primary, his only advocate, at this point, & the keeper of all the facts, info, evidence, dates, circumstances of Mike's injuries, illnesses & incidents. Although I appreciate your intent, I DO NOT agree with your attempts to interview Mike when he is so greatly fatigued(as he was for the 3 hours you interviewed him on Friday, 082908) & also quite ill as he was last night.

I hope that you understand that Mike has a set amount of energy(only one of the reasons that he must have me advocating for him)due to his MS and also a very limited amount of breath when his respirations are so compromised, as they have been at both of the times that you chose to interview him. There are plenty of more times when he is much better able to even talk that you could utilize to interview him. I also expect that you will respect his resident right to have me present when you do. An alternative is for you to meet with just me, which is totally acceptable to us, unless, of course, you have been specifically instructed NOT to meet me & to continue to corner my brother without benefit of his legal family representative. Please let me know which of the above circumstances are applied to this situation involving Mike & myself, as I may need to take further measures to protect the health & well-being of my brother, as you seem totally unaware & unconcerned regarding him.

I am awaiting your reply to my letter of 090108 as well as this e-mail letter. I also most certainly look forward to speaking with you.

Sincerely,  
Susan Simmons  
949-0761

cle

051509-Friday, around 3:20pm.

Phone call to Sherry Long, DON, Courtyard Gardens, Wichita Falls, Tx. She relates the following info:

\*Administrator= Don McCaskell-owns Forrest Manor Nursing Center in Dewey, Ok. too.  
918-534-3355

\*She has been dealing with Mike's case since employed there March 4, 2009.

\*Said she called me back Friday, 050109, but line was busy.

\*Beds=60. Current Census=43. Semi-private rate=\$3500 mo.- "sounds about right".

\*Matt Fox + another SW @ VAMC-OKC have repeatedly called her since March, pressing for Mike's admission there.

\*She originally thought their NH could help him; ie. meet his care needs.

\*Since she has found out more about Mike's case, she came to realize they cannot meet his medical needs there.

\*She has reported repeatedly "for quite some time" to Matt Fox & VAMC-OKC that Mike's admission there was denied, "but they just won't listen", repeatedly calling her back in an attempt at continuing Mike's transfer process.

\*Said, "We will not & cannot accept Mike. We will NEVER be a party to separating Mike from his home state."

\*Said, "I feel this is a dump job by Oklahoma &, now, I don't think very much of Okla."

\*States she asked Matt Fox & other SW repeatedly what the real reason was for them wanting Mike out of the state. They "beat around the bush a lot" before they finally admitted-"Mike caused an investigation to occur due to his complaints."

\*Said she has referred them (Fox & other SW) to NH in Dewey, Okla. numerous times, but "they won't listen".

\*Reports this issue (Mike's case) has dominated her work load & been too much of a focus for her over the past several weeks. She doesn't want anything else to do with it. That they have NH standards of the state of Texas to meet & uphold.

I apologized for all of this; reminded her that not all Oklahomans are like the ODVA, NVC & VAMC-OKC; thanked her for her help.

Susan Simmons

September 27, 2012

Unemployment Service Center  
PO Box 52006  
Oklahoma City, OK 73152  
FAX # 405-962-7524

Re: J & J Auto Sales Inc OESC Acct #012019130

To Whom It May Concern:

This letter is in response to your "Notice of Application for Unemployment Compensation" dated 9/18/12. Mr. Randy L. White has filed a claim #991575304.

J & J Auto Sales Inc. disputes this claim for the following reasons:

1. Mr. White is not an employee of J & J Auto Sales
2. Mr. White did perform contract labor for J & J Auto Sales
3. J & J Auto Sales has filed form 1099 for the work performed by Mr. White, copy attached.
4. Mr. White also does contract work for other used car lots in the area (Country Wholesale and Hill Country Cars).
5. Mr. White uses his own equipment to perform detail work. He brings his steam cleaner and buffer to each establishment that he details for.
6. Not all work is performed on the car lot. He does some work at his home.
7. We believe this is the industry standard for detail work.

We do not believe that Mr. White qualifies to file for unemployment compensation against our OESC account.

Sincerely,



Shawn Bruton  
J & J Auto Sales, Inc.

CORRECTED (if checked)

PAYER'S name, street address, city, state, ZIP code, and telephone no. J & J Auto Sales, Inc. P. O. Box 1616 Lone Grove OK 73443 580-657-4450		1 Rents \$	OMB No. 1545-0115 <b>2011</b> Form 1099-MISC	<b>Miscellaneous Income</b>
		2 Royalties \$	3 Other income \$	
PAYER'S federal identification number 73-1126012	RECIPIENT'S identification number 498-72-0237	4 Federal income tax withheld \$	5 Fishing boat proceeds \$	<b>Copy B For Recipient</b>
RECIPIENT'S name Randy White Street address (including apt. no.) 265 Whipperwill City, state, and ZIP code ARDMORE OK 73401		6 Medical and health care payments \$	7 Nonemployee compensation \$ 16800.00	
Account number (see instructions)		8 Substitute payments in lieu of dividends or interest \$	9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
		10 Crop insurance proceeds \$	11	
		12	13 Excess golden parachute payments \$	
		14 Gross proceeds paid to an attorney \$	15a Section 408A deferrals \$	
		15b Section 408A income \$	16 State tax withheld \$	17 State/Payer's state no.
		18 State income \$		

Form 1099-MISC  
00A

(keep for your records)

Department of the Treasury - Internal Revenue Service