

OFFICE OF THE LONG-TERM CARE OMBUDSMAN

EST. WITHIN THE PA DEPARTMENT OF AGING

March 29, 2022

Ms. Misty Dion, Chief Executive Officer
Roads to Freedom
24 East 3rd Street
Williamsport, PA 17701

Dear Ms. Dion,

This letter is a formal notice and request from the Pennsylvania State Long-Term Care Ombudsman to Roads to Freedom and all of its representatives to cease and desist efforts to contact Mr. David Italiano.

As the State Long-Term Care Ombudsman for Pennsylvania, under Title 45 § 1324.13 of the Federal Regulations I am authorized to engage in the following actions:

§ 1324.13 Functions and responsibilities of the State Long-Term Care Ombudsman.

The Ombudsman, as head of the Office, shall have responsibility for the leadership and management of the Office in coordination with the State agency, and, where applicable, any other agency carrying out the Ombudsman program, as follows.

(a) *Functions.* The Ombudsman shall, personally or through representatives of the Office—

(1) Identify, investigate, and resolve complaints that—

(i) Are made by, or on behalf of, residents; and

(ii) Relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of residents (including the welfare and rights of residents with respect to the appointment and activities of resident representatives)

Based on our records, interaction with Mr. Italiano, and his court-appointed guardian, I am very concerned with Roads to Freedom's actions toward Mr. Italiano and their effect on his health, safety, and welfare.

In my capacity as the State Long-Term Care Ombudsman, I am aware of some of the actions taken by your organization and/or its designees within the last 15 months. These actions,

known to me, reflect a pattern of unlawful, unethical, and reckless behavior and a disregard for Mr. Italiano's rights. As a consequence of what has been shared with me and made known to me by documentation and conversations with involved parties, I am very concerned with the following examples of interaction with Mr. Italiano:

- One of your members/employees was cited for contempt of court for attempting to unlawfully record Mr. Italiano's guardianship hearing. Neither the court nor Mr. Italiano was consulted about the attempted recording.
- The roles of the PA Department of Aging, the Huntington/Bedford/Fulton Area Agency on Aging, and the Office of the Long-Term Care Ombudsman have been misrepresented in public statements, in recorded interviews and in online media.
- On February 10, 2022, access to Mr. Italiano in his current home was acquired under false pretenses. To Mr. Italiano's detriment, he has been victimized through intentional misrepresentations by your organization in gaining access to him in his home. Most importantly, Mr. Italiano has communicated to the Ombudsman and the PA Department of Aging that your efforts are not sanctioned or welcomed by him.

Lastly, there has been a breach of confidentiality and dissemination of privileged and/or confidential information about Mr. Italiano. Mr. Italiano's confidential information has been posted multiple times to various internet sites; sent to individuals on the internet, who have never met Mr. Italiano and his confidential and protected status has been cited in correspondence to the commonwealth. I am very concerned with how and why Mr. Italiano's confidential, protected information was obtained and posted to social media. Please see the excerpt below (<https://mindfreedom.org/front-page/mindfreedom-issues-a-new-shield-alert-for-david-italiano-in-pennsylvania/>) as just one example:

Updated 3/5/22

3/4/22

David Italiano was found at last! He still urgently needs our support!

Staff members at Roads to Freedom Center for Independent Living (RTFCIL) after learning of David's whereabouts, made an unannounced visit to David's facility by entering through a side door and were able to have a private conversation with him. Sadly, this contact may be short-lived. When RTFCIL staff later called David to follow up, they were told by staff that "David is no longer living here."

We all know from personal experience how disempowering it is to be isolated in an institution, cut off from everything one holds dear. Let's write letters and send cards to David.

David Italiano

Shirley Home for the Aged

17050 Country View Lane

Shirleysburg, PA 17260.

Note: Be sure to include a stamped, self addressed envelope when you write!

After a careful review of the documentation concerning Mr. Italiano, my office was initially assured that Mr. Italiano was safe, secure, and generally doing well in his Huntington County home. However, my office later learned this was no longer true as a result of your organization's continued interactions with Mr. Italiano. These interactions are referred to earlier in this letter.

In the exercise of my duties as the Pennsylvania State Long-Term Care Ombudsman, I remain concerned about your organization's actions, including gaining access to Mr. Italiano through intentional misrepresentation of identity and his detrimental reliance on these actions.

Please be aware that Mr. Italiano and his guardian have clearly indicated to my office that he does not wish to have any further contact with your organization or its representatives. I hope you will respect Mr. Italiano's wishes and refrain from any further contact and/or disruptive behaviors.

As the Pennsylvania State Long-Term Care Ombudsman, in the interest of Mr. Italiano's safety, health, and welfare, and consistent with Mr. Italiano's expressed desires, I am requesting you cease and desist further interaction with Mr. Italiano.

Sincerely,

A handwritten signature in black ink that reads "Margaret D Barajas". The signature is written in a cursive, flowing style.

Margaret Barajas
Pennsylvania State Long-Term Care Ombudsman

cc: Robert Torres, Secretary of Aging
Connie Brode (Guardian), Director, Huntington/Bedford/Fulton Area Agency on Aging
David Italiano