

INTERVIEW WITH:
Peggy Hall and John Jay Singleton
Thursday, September 17th 2020, 6:00 PM EST

RE: THE FAKE PANDEMIC & NURSING HOMES

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Review of Nursing Home Complaint Process

Legal, Liability and Rights Issues

Examples for Iowa, California and Florida

Proposal for the “private membership association”

a business model outside the state agencies jurisdiction

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EXAMPLE REMEDY FOR NURSING HOME ABUSE

Nursing homes are regulated under state statutes, so I'm going to use Florida as an example. The pertinent statutes are Statutes Public Health §400.022, et seq. and Social Welfare §429.28 (Resident Bill of Rights). Complaints are filed with the Florida Agency for Health Care Administration (AHCA) and the Department of Children and Families.

In Iowa, the pertinent law is the Nursing Home Reform Law of 1987. Complaints are filed with the Iowa Board of Nursing, and the Long-Term Care Ombudsman.

In California, the pertinent law is California Elder Abuse and Dependent Adult Civil Protection Act of 1990. Complaints are filed with the California Department of Aging, Department of Justice and the attorney general.

In all of these we copy the county attorney and the attorney general for the state.

If sending a letter to the board of trustees and chief counsel of the nursing home does not resolve the problem, you can then file a report or complaint with the responsible state agency. In Florida it would be the Florida Department of Children and Families and the Florida Agency for Health Care Administration (AHCA). You can call the Florida Abuse Hotline as well, but you really do need to create a written record of the dispute and file a written complaint with the agency.

The following rights are not granted by statute, but expressed as being the obligation of the nursing home facility (probably the same in every state):

The right to civil and religious liberties;

The right to private and uncensored communication;

Any medical, legal, or other caretaker/counselor has right to reasonable access to the resident;

The right to present grievances about staff and/or facilities;

The right to organize and participate in resident groups and the right to have the resident's family meet in the facility with the families of other residents;

The right to participate in social, religious, and community activities;

The right to examine results of the most recent facility inspection by a government agency and plan of correction;

The right to manage his or her own financial affairs;

The right to be fully informed (in writing and orally) of services available and related charges;

The right to be adequately informed of his or her medical condition and proposed treatment;

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The right to refuse medication or treatment and to be informed of the consequences of such decisions;

The right to receive adequate and appropriate health care and protective and support services;

The right to have privacy in treatment and in caring for personal needs;

The right to be treated courteously, fairly, and with the fullest measure of dignity;

The right to be free from mental and physical abuse, corporal punishment, extended involuntary seclusion, and from physical and chemical restraints;

The right to be transferred or discharged only for medical reasons or for the welfare of other residents (and 30 days notice)

The right to freedom of choice in selecting a personal physician;

The right to retain and use personal clothing and possessions as space permits;

The right to have copies of the rules and regulations of the facility;

The right to receive notice before the room of the resident in the facility is changed;

The right to be informed of the bed reservation policy for a hospitalization; and

The right to challenge a decision by the facility to discharge or transfer the resident (Medicaid/Medicare).

These conditions are also imposed upon nursing homes under Florida Statute §429.28 (Resident Bill of Rights)

(1) No resident of a facility shall be deprived of any civil or legal rights, benefits, or privileges guaranteed by law, the Constitution of the State of Florida, or the Constitution of the United States as a resident of a facility. Every resident of a facility shall have the right to:

(a) Live in a safe and decent living environment, free from abuse and neglect.

(b) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.

(c) Retain and use his or her own clothes and other personal property in his or her immediate living quarters, so as to maintain individuality and personal dignity, except when the facility can demonstrate that such would be unsafe, impractical, or an infringement upon the rights of other residents.

(d) Unrestricted private communication, including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of his or her choice, at any time between the hours of 9 a.m. and 9 p.m. at a minimum. Upon request, the facility shall make provisions to extend visiting hours for caregivers and out-of-town guests, and in other similar situations.

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(e) Freedom to participate in and benefit from community services and activities and to achieve the highest possible level of independence, autonomy, and interaction within the community.

(f) Manage his or her financial affairs unless the resident or, if applicable, the resident's representative, designee, surrogate, guardian, or attorney in fact authorizes the administrator of the facility to provide safekeeping for funds as provided in s. 429.27 .

(g) Share a room with his or her spouse if both are residents of the facility.

(h) Reasonable opportunity for regular exercise several times a week and to be outdoors at regular and frequent intervals except when prevented by inclement weather.

(i) Exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, nor any attendance at religious services, shall be imposed upon any resident.

(j) Access to adequate and appropriate health care consistent with established and recognized standards within the community.

(k) At least 45 days' notice of relocation or termination of residency from the facility unless, for medical reasons, the resident is certified by a physician to require an emergency relocation to a facility providing a more skilled level of care or the resident engages in a pattern of conduct that is harmful or offensive to other residents. In the case of a resident who has been adjudicated mentally incapacitated, the guardian shall be given at least 45 days' notice of a nonemergency relocation or residency termination. Reasons for relocation shall be set forth in writing. In order for a facility to terminate the residency of an individual without notice as provided herein, the facility shall show good cause in a court of competent jurisdiction.

(l) Present grievances and recommend changes in policies, procedures, and services to the staff of the facility, governing officials, or any other person without restraint, interference, coercion, discrimination, or reprisal. Each facility shall establish a grievance procedure to facilitate the residents' exercise of this right. This right includes access to ombudsman volunteers and advocates and the right to be a member of, to be active in, and to associate with advocacy or special interest groups.

(2) The administrator of a facility shall ensure that a written notice of the rights, obligations, and prohibitions set forth in this part is posted in a prominent place in each facility and read or explained to residents who cannot read. The notice must include the statewide toll-free telephone number and e-mail address of the State Long-Term Care Ombudsman Program and the telephone number of the local ombudsman council, the Elder Abuse Hotline operated by the Department of Children and Families, and, if applicable, Disability Rights

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Florida, where complaints may be lodged. The notice must state that a complaint made to the Office of State Long-Term Care Ombudsman or a local long-term care ombudsman council, the names and identities of the residents involved in the complaint, and the identity of complainants are kept confidential pursuant to s. 400.0077 and that retaliatory action cannot be taken against a resident for presenting grievances or for exercising any other resident right. The facility must ensure a resident's access to a telephone to call the State Long-Term Care Ombudsman Program or local ombudsman council, the Elder Abuse Hotline operated by the Department of Children and Families, and Disability Rights Florida.

(3)(a) The agency shall conduct a survey to determine general compliance with facility standards and compliance with residents' rights as a prerequisite to initial licensure or licensure renewal. The agency shall adopt rules for uniform standards and criteria that will be used to determine compliance with facility standards and compliance with residents' rights.

(b) In order to determine whether the facility is adequately protecting residents' rights, the biennial survey shall include private informal conversations with a sample of residents and consultation with the ombudsman council in the district in which the facility is located to discuss residents' experiences within the facility.

(c) During any calendar year in which no survey is conducted, the agency shall conduct at least one monitoring visit of each facility cited in the previous year for a class I or class II violation, or more than three uncorrected class III violations.

(d) The agency may conduct periodic followup inspections as necessary to monitor the compliance of facilities with a history of any class I, class II, or class III violations that threaten the health, safety, or security of residents.

(e) The agency may conduct complaint investigations as warranted to investigate any allegations of noncompliance with requirements required under this part or rules adopted under this part.

(4) The facility shall not hamper or prevent residents from exercising their rights as specified in this section.

(5) A facility or employee of a facility may not serve notice upon a resident to leave the premises or take any other retaliatory action against any person who:

(a) Exercises any right set forth in this section.

(b) Appears as a witness in any hearing, inside or outside the facility.

(c) Files a civil action alleging a violation of the provisions of this part or notifies a state attorney or the Attorney General of a possible violation of such provisions.

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(6) A facility that terminates the residency of an individual who participated in activities specified in subsection (5) must show good cause in a court of competent jurisdiction. If good cause is not shown, the agency shall impose a fine of \$2,500 in addition to any other penalty assessed against the facility.

(7) Any person who submits or reports a complaint concerning a suspected violation of the provisions of this part or concerning services and conditions in facilities, or who testifies in any administrative or judicial proceeding arising from such a complaint, shall have immunity from any civil or criminal liability therefor, unless such person has acted in bad faith or with malicious purpose or the court finds that there was a complete absence of a justiciable issue of either law or fact raised by the losing party.

F.S. §429.29

(1) Any person or resident whose rights as specified in this part are violated shall have a cause of action. The action may be brought by the resident or his or her guardian, or by a person or organization acting on behalf of a resident with the consent of the resident or his or her guardian, or by the personal representative of the estate of a deceased resident regardless of the cause of death. If the action alleges a claim for the resident's rights or for negligence that caused the death of the resident, the claimant shall be required to elect either survival damages pursuant to s. 46.021 or wrongful death damages pursuant to s. 768.21 . If the action alleges a claim for the resident's rights or for negligence that did not cause the death of the resident, the personal representative of the estate may recover damages for the negligence that caused injury to the resident. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual damages, and punitive damages for violation of the rights of a resident or negligence. Any resident who prevails in seeking injunctive relief or a claim for an administrative remedy is entitled to recover the costs of the action and a reasonable attorney's fee assessed against the defendant not to exceed \$25,000. Fees shall be awarded solely for the injunctive or administrative relief and not for any claim or action for damages whether such claim or action is brought together with a request for an injunction or administrative relief or as a separate action, except as provided under s. 768.79 or the Florida Rules of Civil Procedure. Sections 429.29 - 429.298 provide the exclusive remedy for a cause of action for recovery of damages for the personal injury or death of a resident arising out of negligence or a violation of rights specified in s. 429.28 . This section does not preclude theories of recovery not arising out of negligence or s. 429.28 which are available to a resident or to the agency. The provisions of chapter 766 do not apply to any cause of action brought under ss. 429.29 - 429.298 .

(2) In any claim brought pursuant to this part alleging a violation of resident's rights or negligence causing injury to or the death of a resident, the

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claimant shall have the burden of proving, by a preponderance of the evidence, that:

- (a) The defendant owed a duty to the resident;
- (b) The defendant breached the duty to the resident;
- (c) The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and
- (d) The resident sustained loss, injury, death, or damage as a result of the breach.

Nothing in this part shall be interpreted to create strict liability. A violation of the rights set forth in s. 429.28 or in any other standard or guidelines specified in this part or in any applicable administrative standard or guidelines of this state or a federal regulatory agency shall be evidence of negligence but shall not be considered negligence per se.

(3) In any claim brought pursuant to this section, a licensee, person, or entity shall have a duty to exercise reasonable care. Reasonable care is that degree of care which a reasonably careful licensee, person, or entity would use under like circumstances.

(4) In any claim for resident's rights violation or negligence by a nurse licensed under part I of chapter 464, such nurse shall have the duty to exercise care consistent with the prevailing professional standard of care for a nurse. The prevailing professional standard of care for a nurse shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar nurses.

(5) Discovery of financial information for the purpose of determining the value of punitive damages may not be had unless the plaintiff shows the court by proffer or evidence in the record that a reasonable basis exists to support a claim for punitive damages.

(6) In addition to any other standards for punitive damages, any award of punitive damages must be reasonable in light of the actual harm suffered by the resident and the egregiousness of the conduct that caused the actual harm to the resident.

(7) The resident or the resident's legal representative shall serve a copy of any complaint alleging in whole or in part a violation of any rights specified in this part to the Agency for Health Care Administration at the time of filing the initial complaint with the clerk of the court for the county in which the action is pursued. The requirement of providing a copy of the complaint to the agency does not impair the resident's legal rights or ability to seek relief for his or her claim.

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And then F.S. §429.293

(1) As used in this section, the term:

(a) "Claim for residents' rights violation or negligence" means a negligence claim alleging injury to or the death of a resident arising out of an asserted violation of the rights of a resident under s. 429.28 or an asserted deviation from the applicable standard of care.

(b) "Insurer" means any self-insurer authorized under s. 627.357 , liability insurance carrier, joint underwriting association, or uninsured prospective defendant.

(2) Prior to filing a claim for a violation of a resident's rights or a claim for negligence, a claimant alleging injury to or the death of a resident shall notify each prospective defendant by certified mail, return receipt requested, of an asserted violation of a resident's rights provided in s. 429.28 or deviation from the standard of care. Such notification shall include an identification of the rights the prospective defendant has violated and the negligence alleged to have caused the incident or incidents and a brief description of the injuries sustained by the resident which are reasonably identifiable at the time of notice.

The notice shall contain a certificate of counsel that counsel's reasonable investigation gave rise to a good faith belief that grounds exist for an action against each prospective defendant.

(3)(a) No suit may be filed for a period of 75 days after notice is mailed to any prospective defendant. During the 75-day period, the prospective defendants or their insurers shall conduct an evaluation of the claim to determine the liability of each defendant and to evaluate the damages of the claimants. Each defendant or insurer of the defendant shall have a procedure for the prompt evaluation of claims during the 75-day period. The procedure shall include one or more of the following:

1. Internal review by a duly qualified facility risk manager or claims adjuster;
2. Internal review by counsel for each prospective defendant;
3. A quality assurance committee authorized under any applicable state or federal statutes or regulations; or
4. Any other similar procedure that fairly and promptly evaluates the claims.

Each defendant or insurer of the defendant shall evaluate the claim in good faith.

(b) At or before the end of the 75 days, the defendant or insurer of the defendant shall provide the claimant with a written response:

1. Rejecting the claim; or

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2. Making a settlement offer.

(c) The response shall be delivered to the claimant if not represented by counsel or to the claimant's attorney, by certified mail, return receipt requested. Failure of the prospective defendant or insurer of the defendant to reply to the notice within 75 days after receipt shall be deemed a rejection of the claim for purposes of this section.

(4) The notification of a violation of a resident's rights or alleged negligence shall be served within the applicable statute of limitations period; however, during the 75-day period, the statute of limitations is tolled as to all prospective defendants. Upon stipulation by the parties, the 75-day period may be extended and the statute of limitations is tolled during any such extension. Upon receiving written notice by certified mail, return receipt requested, of termination of negotiations in an extended period, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

(5) No statement, discussion, written document, report, or other work product generated by presuit claims evaluation procedures under this section is discoverable or admissible in any civil action for any purpose by the opposing party. All participants, including, but not limited to, physicians, investigators, witnesses, and employees or associates of the defendant, are immune from civil liability arising from participation in the presuit claims evaluation procedure.

Any licensed physician or registered nurse may be retained by either party to provide an opinion regarding the reasonable basis of the claim. The presuit opinions of the expert are not discoverable or admissible in any civil action for any purpose by the opposing party.

(6) Upon receipt by a prospective defendant of a notice of claim, the parties shall make discoverable information available without formal discovery as provided in subsection (7).

(7) Informal discovery may be used by a party to obtain unsworn statements and the production of documents or things, as follows:

(a) Unsworn statements.--Any party may require other parties to appear for the taking of an unsworn statement. Such statements may be used only for the purpose of claims evaluation and are not discoverable or admissible in any civil action for any purpose by any party. A party seeking to take the unsworn statement of any party must give reasonable notice in writing to all parties. The notice must state the time and place for taking the statement and the name and address of the party to be examined. Unless otherwise impractical, the examination of any party must be done at the same time by all other parties. Any party may be represented by counsel at the taking of an unsworn statement. An unsworn statement may be recorded electronically, stenographically, or on videotape. The taking of unsworn statements is subject

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to the provisions of the Florida Rules of Civil Procedure and may be terminated for abuses.

(b) Documents or things.--Any party may request discovery of relevant documents or things. The documents or things must be produced, at the expense of the requesting party, within 20 days after the date of receipt of the request. A party is required to produce relevant and discoverable documents or things within that party's possession or control, if in good faith it can reasonably be done within the timeframe of the claims evaluation process.

(8) Each request for and notice concerning informal discovery pursuant to this section must be in writing, and a copy thereof must be sent to all parties.

Such a request or notice must bear a certificate of service identifying the name and address of the person to whom the request or notice is served, the date of the request or notice, and the manner of service thereof.

(9) If a prospective defendant makes a written settlement offer, the claimant shall have 15 days from the date of receipt to accept the offer. An offer shall be deemed rejected unless accepted by delivery of a written notice of acceptance.

(10) To the extent not inconsistent with this part, the provisions of the Florida Mediation Code, Florida Rules of Civil Procedure, shall be applicable to such proceedings.

(11) Within 30 days after the claimant's receipt of defendant's response to the claim, the parties or their designated representatives shall meet in mediation to discuss the issues of liability and damages in accordance with the mediation rules of practice and procedures adopted by the Supreme Court. Upon stipulation of the parties, this 30-day period may be extended and the statute of limitations is tolled during the mediation and any such extension.

At the conclusion of mediation, the claimant shall have 60 days or the remainder of the period of the statute of limitations, whichever is greater, within which to file suit.

And then F.S. §429.294

(1) Failure to provide complete copies of a resident's records, including, but not limited to, all medical records and the resident's chart, within the control or possession of the facility within 10 days, in accordance with the provisions of s. 400.145 , 1 shall constitute evidence of failure of that party to comply with good faith discovery requirements and shall waive the good faith certificate and presuit notice requirements under this part by the requesting party.

(2) No facility shall be held liable for any civil damages as a result of complying with this section.

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You will want to read the entire statute so you can see for yourself and get the latest amendments or look for the version in your state.

Get Your Loved One to a Safe Place

First, if your elderly loved one has come forward with an abuse allegation, take it seriously. Remove your loved one to a safe location. The Resident's Bill of Rights gives all nursing home residents the right to overnight visits outside of the nursing home, without losing their beds at the facility. During the claims and investigation processes, keep your loved one out of harm's way. Make sure he or she stays with a trusted caregiver or family member.

Document the Incident

Any authority you call with an allegation of nursing home abuse will need to see certain documents to continue with the case. Begin documenting your loved one's abuse situation from the beginning. Write down a description of what you witnessed, or of what your loved one says happened to him or her. Take photos of the nursing home facility. Write down the facility's address and the name of the caretaker allegedly involved. The more information you have regarding the abuse situation, the easier filing your claim will be.

Report to Authorities

Next, call 911 if your loved one has been the victim of blatant nursing home abuse or neglect. Police can investigate the facility and may make arrests depending on the situation (compare facts in situation with legal provisions I've listed here from the statute. This will create an official record of the alleged nursing home abuse, as well as warn others in the community of potential wrongdoing at a local facility. Calling 911 can also bring an ambulance to the facility for immediate medical care for your loved one.

File a Complaint With the AHCA

If the Florida Agency for Health Care Administration (AHCA)¹ regulates your loved one's nursing home, file a complaint against the facility through the administration's website. Call (888) 419-3456 or fill out a complaint form online to start the claims process. You may remain anonymous if you wish. The administration will ask for detailed information about the situation, including the names of all parties involved. The AHCA will then forward your complaint electronically to the Complaint Administration Unit for review.

The AHCA will investigate the nursing home if it determines it is the correct regulatory authority. The inspection will come within two days after the AHCA receives the complaint, if there is reason to believe any elderly resident is in immediate danger. The administration will assess the facility, and then notify the person who filed the claim of the outcome (unless he or

1 https://ahca.myflorida.com/Contact/what_happens.shtml

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she wished to remain anonymous) of the inspection. The AHCA may order the facility to shut down or remedy safety issues after the investigation, if applicable.

There are many steps to take that are required before filing a lawsuit and chances are that if you follow these steps, you will never have to file a lawsuit.

In the case where you have to sue:

In order to establish liability for a violation of the residents' rights listed above, the plaintiff must show the following elements (§400.023):

- 1. The defendant owed a duty to the resident;**
- 2. The defendant breached the duty to the resident;**
- 3. The breach of the duty is a legal cause of loss, injury, death, or damage to the resident; and**
- 4. The resident sustained loss, injury, death, or damage as a result of the breach.**

These are the four requirements to allege in the pleading (complaint), they are known as the pleading requirements or elements of the pleading. You cannot just re-state these sentences, you must include the specific facts which each and you must allege that you have attempted to resolve the dispute before commencing the complaint and then provide documentation of this.

The statute of limitations for filing a claim is generally two years under F.S. §429.296 and up to four years in cases where fraud or misrepresentation prevents discovery of the incident giving rise to the complaint. Remember however that you need to document any violations and provide an opportunity for the nursing home to cure the problem before you file a complaint in court.

The following is an example complaint for the State of California, but it can be adopted for any state, just determine which agencies to file with and always include the attorney general's office and the county attorney. This is what you would serve upon the board of trustee and chief legal counsel before suing.

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[name]
[address]
_____, California

California Department of Aging
1300 National Drive, Suite 200
Sacramento, California 95834-1992

California Department of Justice
Bureau of Medi-Cal Fraud Elder Abuse
P. O. Box 944255
Sacramento, CA 94244-2550

U.S. Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

California Attorney General Xavier Becerra
1300 "I" Street
Sacramento, California 95814-2919

[nursing home] Retirement Community
Board of Directors
[address]

RE Complaint for Nursing Home Abuse & Malpractice

[Date].

Greetings,

I have a written power of attorney to act in behalf of my parents (____ & ____) who are currently residents of the [name of nursing home] Retirement Community at the address of [address], its CEO is _____. The general counsel for [name of nursing home] is _____ at the address of _____. Since March of 2020, my parents have been tortured, abused, neglected and forced, without their informed consent, into unsafe and dangerous medical interventions by nursing home personnel engaged in conduct which can only be described as malpractice and abuse in violation of California Elder Abuse and Dependent Adult Civil Protection Act of 1990.

[name of nursing home] claims that it is acting under state mandates and then some sort of obligations to the Centers for Medicare & Medicaid Services yet the state cannot mandate that private businesses and their employees break the law and violate the rights of people, and certainly not residents of [name of nursing home]. There is no legal duty for [name of nursing home] to impose these policies upon my parents. The so-called "guidelines" impose no legal duty upon [name of nursing home]. Representative [name of rep.] suggested this to me in June, "... these are 'guidance' to nursing facilities. It is still up to the facility to determine how they want to allow the visitation to occur." The employees at [name of nursing home] are lying to me when claiming they are "unable" to respect the law and the dignity of my parents. They are simple unwilling to follow the law and deliberately abusing and neglecting the health, safety and well-being of my parents.

Specifically, the employees at [name of nursing home] are involved in a myriad of violations of the state's [Nursing Home Law] and be advised that none of these employees or those facilitating them are immune from prosecution or liability. The state of California has no limit to damages for medical malpractice, wrongful death, negligent or torturous conduct being committed by the employees of [name of nursing home] against my parents.

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My parents have the right to receive adequate and appropriate care, treatment and services provided from [name of nursing home]. They are being denied adequate and appropriate care because of the negligent and tortuous conduct of the [name of nursing home] staff members who are participating in the disaster fraud everyone is calling "Covid-19". [name of nursing home] and its employees are deliberately engaging in these violations because they are receiving money under the Emergency Use Authorization program (e.g. FEMA, CARES Act, etc.).

I demand to see an accounting of the amounts of money, both requested and received, by [name of nursing home], under the false state of emergency. I demand to see scientific evidence that viruses are contagious pathogens and that the so-called "Covid-19" has been isolated, purified and visualized and that it has been tested against a control group under the Gold standard. Prove that such a contagious pathogen exists!

My parents are being abused by being forced into isolation from each other, and being subjected to forced medical interventions for which there is no medical necessity. They are being denied the right to participate in any decisions about treatment, including the right to refuse medication and treatment, and their rights are being violated on a daily basis.

They are being forced into unhealthy and unsafe conditions that include wearing masks in violation of OSHA safety regulations. Employees of [name of nursing home] are engaging in dangerous and unsafe medical interventions such as those resulting in oxygen deprivation to life-threatening levels that have been proven to lead to bacterial infections such as pleurisy, Legionnaire's disease and staphylococcus, and organ failure and even death, not to mention the psychologically related damage.

My parents have the right to be treated with consideration, dignity and respect. They also have the undisputed right to be treated by medical professions who are qualified and competent to administer the care they need. Employees of [name of nursing home] ignorantly believe that "Covid-19" is a contagious virus and that viruses are contagious pathogens. There is absolutely no science supporting these false narratives now being pushed by the media. [name of nursing home] is getting free money under the CARES Act, FEMA funds and other so-called emergency funds for participating in these atrocities. These people are incompetent, yet have both professional and legal duties to act with competence and diligence and to also know the laws and thereby the rights of my parents.

The employees at [name of nursing home] are creating a deadly situation for my parents so that they can contribute to the falsified numbers of the phony pandemic. The so-called "safety measures" have never been scientifically proven to protect anyone and the simple fact is that there is no contagious pathogen, this is a fraudulent scheme to steal public funds.

Even if there were a contagious pathogen, there is no science behind the conduct and rules now being imposed upon my parents and in violation of the law. Any fool can see that just driving to work or catching the flu is more deadly than the phony "Covid-19"; the statistics alone, even taken at face value, do not in any way demonstrate any kind of epidemic, pandemic or public emergency whatsoever.

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My parents are being denied the right to make personal decisions. There is no lawful justification and there is no medical necessity for violating or denying any these rights and this is causing them to suffer severe psychological and physiological damage.

My parents have the right to privacy with each other and this is being violated by [name of nursing home] employees who refuse to permit my parents, who have been married for 66 years, to be together. Employees of [name of nursing home] have no rights whatsoever to interfere with the marital relationship of my parents. If they want to spend time together, it is of no concern to [name of nursing home] or its employees or anyone else and it is patently illegal for anyone to violate their rights. There is no risk to anyone and no risks of any kind have ever been proven.

Likewise, [name of nursing home] is unlawfully violating the rights of my parents to have visits from their family members as they refuse to allow visits from myself or any member of our family.

Their medical records and treatment are not being kept confidential as their medical information is being made available to unknown third parties without their consent.

My parents of course have the right to be free from abuse, involuntary seclusion and physical and chemical restraints.

They have property rights which include intangible property rights such as the right to informed consent to decide what if any medical interventions they will accept, or to choose their activities for the day and to congregate with each other or otherwise live their lives.

They have the right to exercise religious freedoms and associate with whomever they choose. These rights are being violated each day by employees of [name of nursing home].

The complaints they have filed and I have filed so far have been ignored and the illegal and immoral conduct continues. None of these grievances have been resolved and no one has even attempted to resolve them.

If anyone claims that these violations are permitted, I demand to see any law that permits these violations of the law or exempts these people from the law, and I demand to know which laws have changed and which circumstances have changed that permit these violations.

Be advised that the Centers for Medicare and Medicaid Services has no authority to impose conditions that violate the law. I demand to see proof of a medical emergency that permits any of these laws to be violated or that permits anyone to violate the rights of my parents or state law as I've explained herein.

Sincerely,

[name]

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[name]
[address]
_____, Iowa

Iowa Board of Nursing
Kathleen R. Weinberg, Executive Director
400 SW 8th Street, Suite B
Des Moines, IA 50309

Iowa Attorney General Tom Miller
Consumer Protection Division / Hoover BLDG
1305 E. Walnut Street
Des Moines, Iowa 50319-0106

Iowa Department of Inspections and Appeals
Health Facilities Division/Complaint Unit
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319-0083

Long-Term Care Ombudsman
Attn: Managed Care Ombudsman
Jessie M. Parker Building
510 E 12th Street, Suite 2
Des Moines, IA 50313-9025

U.S. Centers for Medicare & Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

[nursing home] Retirement Community
Board of Directors
[address]

RE Complaint for Nursing Home Abuse & Malpractice

[Date].

Greetings,

I have a written power of attorney to act in behalf of my parents (____ & ____) who are currently residents of the [name of nursing home] Retirement Community at the address of [address], its CEO is _____. The general counsel for [name of nursing home] is _____ at the address of _____. Since March of 2020, my parents have been tortured, abused, neglected and forced without their informed consent, into unsafe and dangerous medical interventions by medical professionals engaged in conduct which can only be described as malpractice and abuse.

[name of nursing home] claims that it is acting under state mandates and then some sort of obligations to Centers for Medicare & Medicaid Services yet the state cannot mandate that private businesses and their employees break the law and violate the rights of people, and certainly not residents of [name of nursing home]. There is no legal duty for [name of nursing home] to impose these policies upon my parents. The so-called "guidelines" impose no legal duty upon [name of nursing home]. Representative [name of rep.] suggested this to me in June, "... these are 'guidance' to nursing facilities. It is still up to the facility to determine how they want to allow the visitation to occur." The employees at [name of nursing home] are lying to me when claiming they are "unable" to respect the law and the dignity of my parents. They are simply unwilling to follow the law and deliberately abusing and neglecting the health, safety and well-being of my parents.

Specifically, the employees at [name of nursing home] are involved in a myriad of violations of the state's [Nursing Home Law] and be advised that none of these employees or those facilitating them are immune from prosecution or liability. The state of Iowa has no limit

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to damages for medical malpractice, wrongful death, negligent or torturous conduct being committed by the employees of [name of nursing home] against my parents.

My parents have the right to receive adequate and appropriate care, treatment and services provided from [name of nursing home]. They are being denied adequate and appropriate care because of the negligent and tortuous conduct of the [name of nursing home] staff members who are participating in the disaster fraud everyone is calling "Covid-19". [name of nursing home] and its employees are deliberately engaging in these violations because they are receiving money under the Emergency Use Authorization program (e.g. FEMA, CARES Act, etc.).

I demand to see an accounting of the amounts of money, both requested and received, by [name of nursing home], under the false state of emergency. I demand to see scientific evidence that viruses are contagious pathogens and that the so-called "Covid-19" has been isolated, purified and visualized and that it has been tested against a control group under the Gold standard. Prove that such a contagious pathogen exists!

My parents are being abused by being forced into isolation from each other, and being subjected to forced medical interventions for which there is no medical necessity. They are being denied the right to participate in any decisions about treatment, including the right to refuse medication and treatment, and their rights are being violated on a daily basis.

They are being forced into unhealthy and unsafe conditions that include wearing masks in violation of OSHA safety regulations. Employees of [name of nursing home] are engaging in dangerous and unsafe medical interventions such as those resulting in oxygen deprivation to life-threatening levels that have been proven to lead to bacterial infections such as pleurisy, Legionnaire's disease and staphylococcus, and organ failure and even death, not to mention the psychologically related damage.

My parents have the right to be treated with consideration, dignity and respect. They also have the undisputed right to be treated by medical professions who are qualified and competent to administer the care they need. Employees of [name of nursing home] ignorantly believe that "Covid-19" is a contagious virus and that viruses are contagious pathogens. There is absolutely no science supporting these false narratives now being pushed by the media. [name of nursing home] is getting free money under the CARES Act, FEMA funds and other so-called emergency funds for participating in these atrocities. These people are incompetent, yet have both professional and legal duties to act with competence and diligence and to also know the laws and thereby the rights of my parents.

The employees at [name of nursing home] are creating a deadly situation for my parents so that they can contribute to the falsified numbers of the phony pandemic. The so-called "safety measures" have never been scientifically proven to protect anyone and the simple fact is that there is no contagious pathogen, this is a fraudulent scheme to steal public funds.

Even if there were a contagious pathogen, there is no science behind the conduct and rules now being imposed upon my parents and in violation of the law. Any fool can see that just driving to work or catching the flu is more deadly than the phony "Covid-19"; the statistics

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alone, even taken at face value, do not in any way demonstrate any kind of epidemic, pandemic or public emergency whatsoever.

My parents are being denied the right to make personal decisions. There is no lawful justification and there is no medical necessity for violating or denying any these rights and this is causing them to suffer severe psychological and physiological damage.

My parents have the right to privacy with each other and this is being violated by [name of nursing home] employees who refuse to permit my parents, who have been married for 66 years, to be together. Employees of [name of nursing home] have no rights whatsoever to interfere with the marital relationship of my parents. If they want to spend time together, it is of no concern to [name of nursing home] or its employees or anyone else and it is patently illegal for anyone to violate their rights. There is no risk to anyone and no risks of any kind have ever been proven.

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They have property rights which include intangible property rights such as the right to informed consent to decide what if any medical interventions they will accept, or to choose their activities for the day and to congregate with each other or otherwise live their lives.

They have the right to exercise religious freedoms and associate with whomever they choose. These rights are being violated each day by employees of [name of nursing home].

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Sincerely,

[name]

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THE PRIVATE MEMBERSHIP ASSOCIATION (CLUB)

Because there is not law requiring these medical interventions, the state agencies are using the court system to “bridge the gap” by getting judges to issue order compelling compliance on the false claim of a public emergency.

The courts do not actually have jurisdiction under these claims by the state agencies, such as the Department of Health, because there is no emergency of any kind, except what is being fabricating by the false claims of an emergency.

Instead of arguing this point with the court, it may be easier to organize a nursing home facility as a private membership association, not open to the public. Yes, this can be done for any business, but for nursing homes, you would simply re-write an existing business plan for a traditional nursing home as a private club. It would not be called a nursing home, but something like “Grandma’s Playground” or “Mom & Dad’s Oasis”.

It would include a regular staff of trained professionals to administer to the health care needs of the members. We have to look into licensing issues because this I think is where the state agencies would try to interfere and cancel licensing for any professionals working with these clubs. Just like anything else, it will be a job for marketing to get the right people and professionals.

Unless the club members are engaged in something that is considered “substantively evil”, no state agency or court can interfere with the operation of association of the club members.

Along with normal business operations such as funding, marketing, supply, staffing, etc., the PMA can establish its own licensing criteria, including it’s own dispute resolution forum and penalty enforcement, just like any governing body.

Even during intense litigation the court consistently upheld the status of the private membership association, consequently making it a cornerstone of legal arguments used by the civil rights movement. Though our laws do not specifically enumerate private membership associations, the courts describe the right and power to associate, including under private membership association, as equal to free speech.

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