

MENTAL HEALTH EQUITY IS HEALTH EQUITY.

BE WELL. TAKE CARE. KEEP YOURSELVES AT ARMS DISTANCE.

MICHAEL A. AYELE (a.k.a) W

ANTI-RACIST HUMAN RIGHTS ACTIVIST

AUDIO-VISUAL MEDIA ANALYST

ANTI-PROPAGANDA JOURNALIST

W (AACL) Date.: March 31st 2023
Michael A. Ayele
P.O.Box 20438
Addis Ababa, Ethiopia
E-mail : waac113@gmail.com ; waac11313@gmail.com ; waac142913@gmail.com

Freedom of Information Act (FOIA) Appeal Request Case No.: 2023 – 04

Hello,

I am writing this letter in response to your correspondence from March 28th 2023 following your disclosure of the October 29th 2021 letter sent by the Joint Commission to the National Council on Disability (NCD). While I appreciate your disclosure of that document and I also appreciate your accurate summary of my records request, I have concerns with the thoroughness of the search you have performed for my FOIA request, which you have assigned Case No.: 2023 – 04.

One of my major concerns with the response you have provided on March 28th 2023 is your failure to provide records relating to [1] the August 09th 2021 NCD recommendations to the Joint Commission as well as [2] the meeting that was held between the NCD and the Joint Commission on August 04th 2021. As a representative of the media and a member of the general public, I hope you will perform a more thorough search for those records since they were not included in your disclosures from March 28th 2023.

Please be advised that I have other concerns with the response you have provided on March 28th 2023 because of statements you have made in your letter. For instance, you stated that “*all/any responsive documents to queries 1 through 11 and 13 through 17 can be found on our website.*” However, I could only find two letters on the website of the NCD, which were addressed to the Joint Commission. The first letter is dated June 21st 2021ⁱ and the second one (which formed one of the bases for my FOIA request) is dated June 06th 2022.ⁱⁱ In the content of both of those letters sent by the NCD, your federal agency does not make clear how the Joint Commission should in the future process complaints that are filed with them against a health care agency they have accredited.

As a former health care worker (who was employed for the Fulton State Hospital), I continue to have grave concerns about the letter that was sent to me by the Joint Commission on April 23rd 2014. As I have previously informed the NCD, there were 21 (twenty-one) written complaints filed with the Joint Commission (against the Fulton State Hospital) between April 24th 2011 and April 23rd 2014 for various reasons, which include but are not limited to the environment of care, the provision of care and the medication management there. Those 21 complaints average to 7 (seven) complaints filed every year between April 24th 2011 and April 23rd 2014. In other words, once every two (2) months or so (between April 2011 and April 2014), a complaint or two were being filed with the Joint Commission against the FSH: my previous employers. I (personally) don't know how those numbers actually compare with other hospitals in the U.S.A that were accredited by the Joint Commission. However, given the no-small amount of complaints that were filed with them against the FSH, I was a little bit taken aback when I was informed (on May 06th 2021) by my previous employers that the Joint Commission didn't reach out to them

for the purpose of resolving the many issues that exist there. I (personally) hope that the NCD will engage the Joint Commission in good faith for the purpose of positively resolving the complaints that are filed with them against my former employers as well as other hospitals that are accredited by them given the NCD close ties with that non-profit organization. I also hope that if you (the NCD) have engaged in discussions with the Joint Commission about the best way they should resolve non-anonymous complaints that are filed with them (against an accredited organization), you (the NCD) would promptly disclose those records.

In brief, I hope you will perform a more thorough search for responsive records detailing [1] the internal discussions that were had at the NCD before contacting the Joint Commission on August 04th 2021; [2] any notes and/or videos of the NCD August 04th 2021 meeting with the Joint Commission; [3] the internal discussions that were had at the NCD before contacting the Joint Commission on August 09th 2021 (for the purpose of making recommendations to them); [4] the August 09th 2021 NCD recommendations to the Joint Commission; [5] the discussions you have had with the Joint Commission about resolving complaints that are filed with them by health care workers and/or patients and/or clients, who have witnessed discrimination in the service of health care; [6] the discussions you have had with the Joint Commission about resolving complaints that are filed with them that raise potential Americans with Disabilities Act (ADA) as well Health Insurance Portability and Accountability Act (HIPAA) issues.

Be well. Take care. Keep yourselves at arms distance.

Michael A. Ayele (a.k.a) W
Anti-Racist Human Rights Activist
Audio-Visual Media Analyst
Anti-Propaganda Journalist

Work Cited

ⁱ NCD Letter to the Joint Commission Regarding Disability Competency Training of Health Profession.: <https://ncd.gov/publications/2021/ncd-letter-joint-commission>

ⁱⁱ NCD Letter to the Joint Commission President and CEO.:
<https://ncd.gov/publications/2022/ncd-letter-joint-commission-president-and-ceo>



National Council on Disability

An independent federal agency making recommendations to the President and Congress to enhance the quality of life for all Americans with disabilities and their families.

March 28, 2023

Michael Ayele
P.O. Box 20438
Addis Ababa, Ethiopia

Re: FOIA Request NCD-2023-04

Dear W:

This letter is in response to your Freedom of Information Act (FOIA) request, dated March 28, 2023, in which you requested:

“records in your possession detailing [1] the formal/informal ties that exist between your office, the Joint Commission and the National Council on Disability (NCD); [2] your discussions about the NCD as an independent federal agency of the U.S government, which has on (or around) June 06th 2022 admitted to having had conversations with (i) Mark R. Chassin before March 2022, (ii) the Presidents and Chief Executive Officers (CEO) of the Joint Commission, who preceded Mark R. Chassin, (iii) *“several members of the Joint Commission’s leadership team to address, inter alia, the absence of comprehensive disability care curricula and training, including the absence of such training is in residencies and fellowship programs;”* [3] the discussions, which were had between the NCD as and the CEOs and Presidents, who preceded Mark R. Chassin (since January 01st 2010); [4] the discussions, which were had between the NCD and Mark R. Chassin; [5] the discussions, which were had between the NCD and Jonathan B. Perlin after June 06th 2022; [6] the discussions, which were had between the NCD and *“the members of the Joint Commission’s leadership team to address, inter alia, the absence of comprehensive disability care curricula and training, including the absence of such training in residencies and fellowship programs;”* [7] your discussions about the recently publicized fake nursing diploma scheme in Florida, which led to the arrest of 25 (twenty five) individuals; [8] your discussions about the decision of the Department of Justice (DOJ) to file complaints against the now-defunct nursing schools formerly known as Siena College, Palm Beach School of Nursing and Sacred Heart International Institute; iv [9] your discussions about the NCD as an independent federal agency of the U.S government, is which was informed sometime in October 2021 about the health equity initiative undertaken by the Joint Commission (after they had made a number of recommendations to the JointCommission); [10] the recommendations made by the NCD to the Joint Commission since January 01st 2010; [11] the discussions, which were had between the NCD and the Joint Commission after the NCD made recommendations to the Joint Commission; [12] the October 2021 letter sent by the Joint Commission to the NCD; [13] your discussions about the Missouri Department of Mental Health (MODMH) as a state government agency, which doesn’t deny that(i)

Michael A. Ayele (a.k.a) W was employed for the Fulton State Hospital (FSH) in the second half of Calendar Year 2013, (ii) the FSH is a component of the MODMH, (iii) Michael A. Ayele (a.k.a) W was in previous correspondence with the Joint Commission to learn more about the complaints that had been filed against the FSH, (iv) 21 (twenty one) written complaints were filed against the FSH between April 24th 2011 and April 23rd 2014 for various reasons including but not limited to the environment of care, the provision of care and the medication management there; [14] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who was informed by his former employers (the MODMH) on (or around) May 06th 2021 that (i) whenever a complaint of discrimination is filed with the Joint Commission against the FSH, *“there is not a required notification to the MODMH legal representatives nor records that detail a notification process to legal representatives for complaints to the Joint Commission;”* (ii) whenever a complaint of discrimination is filed with the Equal Employment Opportunity Commission (EEOC), *“there is not a required notification to the MODMH legal representatives nor records that detail a notification process to legal representatives for complaints to the EEOC;”* [15] the complaints that were filed against your local/state healthcare *government agency* with the Joint Commission since January 01st 2010; [16] the conversations that were *had between* your local/state healthcare *government agency* and the Joint Commission after a *complaint* was filed with the Joint Commission against your local/state healthcare *government agency*; [17] the name(s), the academic background(s), the professional responsibility(ies) *and the* annual salary(ies) of the individual(s) in your local/state government healthcare *agency responsible* for dealing with the Joint Commission in the event a complaint is filed with them.”

For tracking purposes, your tracking number is **NCD-2023-04**.

All NCD public records are available on our website at NCD.gov. All/any responsive documents to queries 1 through 11 and 13 through 17 can be found on our website. For query 12, please find attached the 2021 letter sent by the Joint Commission to NCD.

If you need further assistance, you may contact Amy Nicholas, NCD’s FOIA Public Liaison at 202-731-2313 or anicholas@ncd.gov. Please include your tracking number with any correspondence. If needed, it is your right to seek dispute resolution services from NCD’s Public Liaison or the Office of Government Information Services (OGIS). OGIS may be reached at:

Office of Government Information Services (OGIS)
National Archives and Records Administration
8601 Adelphi Road
College Park, MD 20740-6001
OGIS@Nara.gov
202-741-5770
fax 202-741-5769

NCD’s appeal process allows you to appeal withheld information or the adequacy of NCD’s search by writing within 90 days of your receipt of this letter to:

Anne Sommers McIntosh
Executive Director
National Council on Disability
1331 F St. NW.
Suite 850
Washington DC 20004

Your appeal must be in writing and should contain a brief statement of the reasons why you believe the requested information should be released. Enclose a copy of your initial request, request number and a copy of this letter. Both the appeal letter and envelope should be prominently marked "Freedom of Information Act Appeal."

After processing, actual fees must be equal to or exceed \$25 for the Council to require payment of fees. See 5 CFR §10000.10k. The fulfillment of your request did not exceed \$25, therefore there is no billable fee for the processing of this request.

Respectfully,

Joan Durocher
Chief FOIA Officer



October 29, 2021

Andrés J. Gallegos, Esq.
Chairman
National Council on Disability
1331 F St., NW
Suite 850
Washington, DC 20004

[RE: Response to Aug. 9, 2021 NCD Recommendations to The Joint Commission]

Dear Chairman Gallegos:

The Joint Commission appreciated the opportunity to meet with the National Council on Disability on August 4, 2021, to discuss furthering the purpose of, and compliance with, the Americans with Disabilities Act. The Joint Commission thanks the Council for providing initial recommendations regarding ways The Joint Commission can advance disability culturally competent care and safe treatment across all categories of disability. The Joint Commission's vision is for all patients to experience safe and high-quality care. The Joint Commission welcomes the Council's recommendations and offers the following responses to the issues raised in the Council's proposals.

Assessments of Accessibility in Health Care Organizations

The Joint Commission recognizes the vital importance of assessing the adequacy of accessibility in health care organizations. We agree with the Council regarding the need to ensure the availability and maintenance of lift and transfer equipment. The Joint Commission believes there is also a need to ensure the accessibility of examination tables and equipment available for radiological procedures. As the Council indicated, devices for weighing patients must be embedded within equipment that is accurately calibrated. The Joint Commission is undertaking a health equity initiative and believes that ways to assess the accessibility of health care organizations may fit well within this initiative. We will take this topic under consideration during this project.

The Joint Commission agrees with the Council regarding the need to ensure that providers and staff effectively determine the auxiliary aids and services preferences of patients and companions who are Deaf or hard of hearing, as well as the appropriateness of providing video remote interpreting for patients who are Deaf or hard of hearing. The Joint Commission believes this topic could also be considered as a potential topic under our health equity initiative.

Development of a Monograph on Caring for Patients with Disabilities

The Joint Commission appreciates the Council's recommendation to develop a monograph addressing accessibility and disability culturally competent care. The Joint Commission will consider conveying information about this topic to accredited health care organizations.

Staff Disability Competency Training

The Joint Commission agrees with the Council's promotion of disability competency training and is willing to encourage organizations to provide it in our publications and education materials. While

The Joint Commission recognizes the importance of ensuring that health care providers and staff receive disability competency training. The Joint Commission does not believe that a Joint Commission standard would be the most effective way to ensure that staff receive the training needed. It would likely be difficult for a Joint Commission surveyor to assess the quality of the education that a provider or staff member received. While acknowledging the importance of ensuring that providers and staff receive training and education regarding accommodating patients with disabilities, incorporating this requirement into The Joint Commission's standards would not be the best method to ensure the provision of quality training and education. As we discussed, we think the topic of education is better addressed with AAMC and ACGME.

Community Advisory Committee Requirement

The Joint Commission does not require hospitals to have patient or community advisory committees. Therefore, The Joint Commission does not plan to explore the National Council on Disability's recommendation to require a person with a disability to be a member of a hospital's community advisory committees.

Revisions to Standards

The Joint Commission agrees that our standards should be scored if a Joint Commission survey conducts a patient tracer on a patient with a disability and identifies problems in their care. However, The Joint Commission's standards in general are written broadly to ensure that they apply to many different situations. We cannot list all possible specific situations to which a standard might apply. For this reason, we do not support the Council's recommended additions to standards. The Joint Commission will continue to educate surveyors on the healthcare quality and safety issues that people with disabilities face and the standards that they can use to score deficiencies that they encounter. We have a surveyor education session approaching for all surveyors and will add this to our list of topics.

Additional Items of Interest

Documentation of Supportive Needs

The Joint Commission believes that documentation of supportive needs for patients with disabilities is an essential intermediate step for ensuring the accessibility of care. The Joint Commission will continue to have conversations with national experts and electronic medical record vendors to support efforts to facilitate documentation of supportive needs.

The Joint Commission welcomes the opportunity for continued discussions with the National Council on Disability regarding these issues. Please do not hesitate to contact me or Margaret VanAmringe, Executive Vice President for Public Policy and Government Relations. She can be reached by phone at 202-783-6655, or by email at mvanamringe@jointcommission.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Chassin". The signature is written in a cursive, flowing style.

Mark R. Chassin, M.D., FACP, M.P.P., M.P.H.
President and Chief Executive Officer

W (AACL) Date. : March 28th 2023
Michael A. Ayele
P.O.Box 20438
Addis Ababa, Ethiopia
E-mail : waac113@gmail.com ; waac11313@gmail.com ; waac142913@gmail.com

Request for Records

Hello,

This is Michael A. Ayele sending this message though I now go by W. You may call me W. I am writing this letter to file a request for records with your office.¹ The bases for this records request are [1] the April 23rd 2014 letter sent by the Joint Commission to Michael A. Ayele (a.k.a) W regarding the Fulton State Hospital (FSH) located in Fulton, Missouriⁱⁱ and; [2] the June 06th 2022 letter sent by the National Council on Disability (NCD) to the Joint Commission located in Oakbrook Terrace, Illinois.ⁱⁱⁱ

I) Requested Records

What I am requesting for prompt disclosure are records in your possession detailing [1] the formal/informal ties that exist between your office, the Joint Commission and the National Council on Disability (NCD); [2] your discussions about the NCD as an independent federal agency of the U.S government, which has on (or around) June 06th 2022 admitted to having had conversations with (i) Mark R. Chassin before March 2022, (ii) the Presidents and Chief Executive Officers (CEO) of the Joint Commission, who preceded Mark R. Chassin, (iii) *“several members of the Joint Commission’s leadership team to address, inter alia, the absence of comprehensive disability care curricula and training, including the absence of such training in residencies and fellowship programs;”* [3] the discussions, which were had between the NCD and the CEOs and Presidents, who preceded Mark R. Chassin (since January 01st 2010); [4] the discussions, which were had between the NCD and Mark R. Chassin; [5] the discussions, which were had between the NCD and Jonathan B. Perlin after June 06th 2022; [6] the discussions, which were had between the NCD and *“the members of the Joint Commission’s leadership team to address, inter alia, the absence of comprehensive disability care curricula and training, including the absence of such training in residencies and fellowship programs;”* [7] your discussions about the recently publicized fake nursing diploma scheme in Florida, which led to the arrest of 25 (twenty five) individuals; [8] your discussions about the decision of the Department of Justice (DOJ) to file complaints against the now-defunct nursing schools formerly known as Siena College, Palm Beach School of Nursing and Sacred Heart International Institute;^{iv} [9] your discussions about the NCD as an independent federal agency of the U.S government, which was informed sometime in October 2021 about the health equity initiative undertaken by the Joint Commission (after they had made a number of recommendations to the Joint Commission); [10] the recommendations made by the NCD to the Joint Commission since January 01st 2010; [11] the discussions, which were had between the NCD and the Joint Commission after the NCD made recommendations to the Joint Commission; [12] the October 2021 letter sent by the Joint Commission to the NCD; [13] your discussions about the Missouri Department of Mental Health (MODMH) as a state government agency, which doesn’t deny that

(i) Michael A. Ayele (a.k.a) W was employed for the Fulton State Hospital (FSH) in the second half of Calendar Year 2013, (ii) the FSH is a component of the MODMH, (iii) Michael A. Ayele (a.k.a) W was in previous correspondence with the Joint Commission to learn more about the complaints that had been filed against the FSH, (iv) 21 (twenty one) written complaints were filed against the FSH between April 24th 2011 and April 23rd 2014 for various reasons including but not limited to the environment of care, the provision of care and the medication management there; [14] your discussions about Michael A. Ayele (a.k.a) W as a Black man, who was informed by his former employers (the MODMH) on (or around) May 06th 2021 that (i) whenever a complaint of discrimination is filed with the Joint Commission against the FSH, *“there is not a required notification to the MODMH legal representatives nor records that detail a notification process to legal representatives for complaints to the Joint Commission;”* (ii) whenever a complaint of discrimination is filed with the Equal Employment Opportunity Commission (EEOC), *“there is not a required notification to the MODMH legal representatives nor records that detail a notification process to legal representatives for complaints to the EEOC;”* [15] the complaints that were filed against your local/state healthcare government agency with the Joint Commission since January 01st 2010; [16] the conversations that were had between your local/state healthcare government agency and the Joint Commission after a complaint was filed with the Joint Commission against your local/state healthcare government agency; [17] the name(s), the academic background(s), the professional responsibility(ies) and the annual salary(ies) of the individual(s) in your local/state government healthcare agency responsible for dealing with the Joint Commission in the event a complaint is filed with them.

II) Request for a Fee Waiver and Expedited Processing

The requested records do/will demonstrate that [1] the NCD is an independent federal agency of the U.S government, which has (i) been in discussions with the Joint Commission for many years, (ii) made recommendations to the Joint Commission (although those recommendations are unclear to members of the general public and representatives of the media similarly situated to Michael A. Ayele (a.k.a) W, who have had their own dealings with the Joint Commission); [2] the Joint Commission is an independent, not-for-profit organization that accredits and certifies over 22,000 (twenty two thousand) health care organizations and programs in the United States;^v [3] Michael A. Ayele (a.k.a) W is a Black man, who (i) was previously employed for the Fulton State Hospital (FSH) in the second half of Calendar Year 2013, (ii) was in previous correspondence with the Joint Commission to learn more about the written complaints that were filed against the FSH with the Joint Commission, (iii) was on April 23rd 2014 informed by the Joint Commission that 21 written complaints were filed against the FSH between April 24th 2011 and April 23rd 2014 for reasons that include but are not limited to the environment of care, the provision of care and the medication management there, (iv) was on May 06th 2021 informed that *“there is not a required notification to the MODMH legal representatives nor records that detail a notification process to legal representatives for complaints to the Joint Commission,”* (v) was on May 06th 2021 informed that *“there is not a required notification to the MODMH legal representatives nor records that detail a notification process to legal representatives for complaints to the EEOC,”* (vi) has toward the end of Calendar Year 2013 filed a charge of employment discrimination pursuant to Title VII of the 1964 and 1991 Civil Rights Act, (vii) is very much vexed with the EEOC processing of the charge of discrimination they had assigned Case No.: 28E – 2014 – 00485C. ^{vi}

In my judgment, the facts presented in this records request are not the sort to bolster public confidence in the activities of the U.S government overall. As a Black man with a U.S college, who has previously filed a charge of employment discrimination pursuant to Title VII of the 1964 and 1991 Civil Rights Act, I would like to take this opportunity to [1] condemn the unnecessary pain and suffering I was subjected to when I was employed at the FSH in the second half of Calendar Year 2013, [2] condemn what I have gone through between December 30th 2013 and May 2014, when I was living in the State of Missouri; [3] condemn the EEOC processing of Charge No.: 28E – 2014 – 00485C;^{vii} [4] express grave concerns about the systemic discrimination in the service of healthcare I was witness to when I was employed for the FSH in the second half of Calendar Year 2013; [5] condemn the discrimination I have witnessed in the service of healthcare pursuant to the Health Insurance Portability and Accountability Act (HIPAA) as well as the Americans with Disabilities Act (ADA);^{viii} [6] express my written objections with regards to the structural racism and sexism that is pervasive in the U.S healthcare industry.

The core issues presented in this records request are as follows. 1) What formal/informal ties exist between your healthcare provider, the NCD and the Joint Commission? If a complaint is filed against your healthcare provider with the Joint Commission, who are the individuals in your local/state government responsible for dealing with the Joint Commission? What is the academic background, the professional responsibilities and the annual salaries of these individuals? 2) Has your healthcare provider reached out to the NCD to discuss with them the content of the letter they have published on their website on (or around) June 06th 2022? If yes, will you promptly disclose those records? 3) Will/Can you promptly disclose records of the conversations that were had between the NCD and the Joint Commission since January 01st 2010? 4) Will/Can you disclose the recommendations that were made by the NCD to the Joint Commission? Will/Can you disclose the letter sent by the Joint Commission to the NCD sometime in October 2021? 5) Have you had conversations about the recently publicized fake nursing diploma scheme in the State of Florida? Have you had conversations about the decision of the Department of Justice (DOJ) to file complaints against the now-defunct nursing schools formerly known as Sienna College, Palm Beach School of Nursing and Sacred Heart International Institute with the United States District Court for the Southern District of Florida? If yes, will you promptly disclose those records?

This records request should be expedited because it puts into question the government's integrity about the way that people are treated in the U.S.A on account of their gender, their racial backgrounds, their national origins and their disability status. My request for a fee waiver should be granted because [1] I have identified operations and activities of the federal government in concert with U.S city/county/state government as well as non-profit organization such as the Joint Commission; [2] the issues presented are meaningfully informative about government operations or activities in order to be '*likely to contribute*' to and increase public understanding of those operations or activities. Under penalty of perjury, I hereby declare all the statements I have made to be true and accurate. Be well. Take care. Keep yourselves at arms distance.

W (AACL)

Michael A. Ayele
Anti-Racist Human Rights Activist
Audio-Visual Media Analyst
Anti-Propaganda Journalist

Work Cited

ⁱ Please be advised that I have previously disseminated a vast number of documents (obtained through records requests) using the means of various digital publishing platforms such as Anyflip.com, Archive.org, Calameo.com, Edocr.com, Fliphtml5.com, Issuu.com, Medium.com, Pubhtml5.com, Scribd.com, Speakerdeck.com, SlideServe.com and YouTube.com. These documents have been made available to the public at no financial expense to them. As a member of the media, I would like to take this opportunity to inform you that the records you disclose to me could be made available to the general public through the means I have mentioned above or other ones. On December 10th 2021, I have launched a website on Wordpress.com for the purpose of making the records previously disclosed to me by the U.S government further accessible to members of the general public interested in the activities of their elected and non-elected representatives. You can find out more about the recent publications of the Association for the Advancement of Civil Liberties (AACL) here.: <https://michaelayeleaac1.wordpress.com/>

ⁱⁱ Excerpt of E-mail Sent by Michael A. Ayele (a.k.a) W to the Missouri Department of Mental Health (MODMH) on (or around) May 04th 2021

By letter dated April 23rd 2014, the Joint Commission informed me that 21 written complaints were filed against the FSH since 2011. I have attached the letter I was in receipt of from the Joint Commission for your review. My request for records are as follows. 1) What formal and informal ties exist between the Missouri Department of Mental Health (DMH), the Joint Commission, the Equal Employment Opportunity Commission (EEOC) and the Missouri Commission on Human Rights? 2) If an employee of the DMH files a complaint of employment discrimination with the EEOC, who are the legal representatives of the DMH that are notified of the complaint? Which undergraduate, graduate and law schools have the legal representatives of the DMH (responsible for responding to the EEOC) previously attended and visited? What are their respective roles and responsibilities? How long have they been with the DMH? 3) If an employee or a patient/prisoner of the DMH files a complaint with the Joint Commission, who are the legal representatives of the DMH that are notified? Which undergraduate, graduate and law schools have they previously attended? What are their respective roles and responsibilities?

What I am requesting for prompt disclosure are all documents detailing (1) formal and informal ties existing between the DMH, the Joint Commission and the EEOC; (2) the names, the academic background, the professional responsibilities and annual salaries of legal representatives working for the DMH tasked with responding to complaints of employment discrimination filed with the EEOC and/or the Missouri Commission on Human Rights (MCHR); (3) the names, the academic background, the professional responsibilities and annual salaries of legal representatives working for the DMH tasked with responding to complaints filed by employees and patients/prisoners of the FSH with the Joint Commission. Have a good day.

W (AACL)
Michael A. Ayele
P.O.Box 20438
Addis Ababa, Ethiopia

Email Sent by the Missouri Department of Mental Health (MODMH) to Michael A. Ayele (a.k.a) W on (or around) May 06th 2021

W,

1) The department does not have records that detail formal and informal ties to of the Joint Commission, United States Equal Employment Opportunity Commission, and the Missouri Commission on Human Rights. For detailed information regarding the roles and responsibilities of these entities, I have attached links to each of their respective websites, for your convenience. Missouri Commission on Human Rights website: <https://labor.mo.gov/discrimination>. United States Equal Employment Opportunity Commission website: <https://www.eeoc.gov/>. Joint Commission: <https://www.jointcommission.org/>.

2) There is not a required notification to DMH legal representatives nor records that detail a notification process to legal representatives for complaints to the EEOC or Missouri Commission on Human Rights.

3) There is not a required notification to DMH legal representatives nor records that detail a notification process to legal representatives for complaints to the Joint Commission.

Sincerely,

Janet Gordon
Records Custodian
Department of Mental Health
573/751-8067

CONFIDENTIALITY NOTICE: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. The designated recipients are prohibited from redisclosing this information to any other party without authorization and are required to destroy the information after its stated need has been

fulfilled. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited by federal or state law. If you have received this communication in error, please notify me immediately by telephone at 573.751.8067, and destroy all copies of this communication and any attachments.

iii June 06th 2022 Published Letter of the National Council on Disability (NCD) Addressed to Jonathan B. Perlin

Dear Dr. Perlin:

A belated congratulations on assuming the leadership of The Joint Commission this past March! The National Council on Disability (NCD) had the pleasure of working with Dr. Chassin in that role last fall before his departure, along with many others of The Joint Commission's leadership team to address issues affecting the health equity of people with disabilities. We look forward to continuing that collaboration with your staff under your leadership. The purpose of this letter is to request a meeting with you and your leadership team to continue these critically important conversations.

In case that you are not familiar with NCD, we are an independent federal agency charged with advising the President, his Administration, Congress, and federal agencies on all policy matters affecting people with disabilities in the United States and in our territories. In furtherance of our mission, on February 14, 2022, NCD issued its Health Equity Framework for All People with Disabilities (Health Equity Framework). The Health Equity Framework is a blueprint for our federal leaders to comprehensively address the significant and pervasive health disparities existing between people with disabilities and those without. We recognize, however, the federal government alone cannot achieve health equity for people in disabilities. Certifying and accrediting bodies have a significant role to play in advancing health equity for all people, including people with disabilities.

As we were developing the Health Equity Framework, we met with several members of The Joint Commission's leadership team to address, inter alia, the absence of comprehensive disability clinical-care curricula and training throughout the entirety of medical students' undergraduate and graduate education and training, including the absence of such training in residencies and fellowship programs. NCD found it inconceivable that physicians could be board certified across all specialties and not ever have treated a patient with a disability. The absence of such education and training results in persons with disabilities receiving less thorough care than their nondisabled counterparts, diagnostic overshadowing, perpetuates health disparities, and contributes to the paradigm of persons with disabilities utilizing the healthcare system for disease management versus disease prevention. The absence of such education and training significantly compromises patient safety.

We were pleased to learn last October that The Joint Commission was undertaking its own health equity initiative. As part of that initiative, your staff communicated with NCD that inclusion of specific survey elements that measure the accessibility of a healthcare facility

MICHAEL A. AYELE (A.K.A.) W

subject to The Joint Commission's accreditation and certification may fit well with that initiative. NCD and The Joint Commission continued a dialogue addressing the need to survey the availability and use of accessible examination tables, examination chairs and equipment available for diagnostic procedures; the selection process for determining appropriate auxiliary aids and services for patients who are Deaf and hard of hearing; and the appropriateness of when to utilize video remote interpreting equipment. As of last October, we were informed that a number of our recommendations were being considered for adoption by The Joint Commission.

We also discussed the possibility of including within The Joint Commission's Standards a tracer of patients with varying disabilities to assess their ability to obtain care and treatment at surveyed facilities. The Joint Commission conveyed to us the challenges of identifying the universe of specific situations to which a standard like that may apply, but that it will continue to educate its surveyors. Suggested clinical prompts to address patients with disabilities and complex co-morbidities might include the creation of treatment plans that address these issues (which may differ from the plans for patients without disabilities presenting with the same diagnosis); identifying atypical communication styles and abilities and being prepared to interpret and respond; identifying the Direct Support Professional, if any, assigned to the patient's hospital stay and being appraised of their knowledge and familiarity of the patient's history and abilities; and creating discharge plans that reflect the skills and medical-legal support available at the patients residential destination.

Most importantly, while we understand the challenges associated with revising Standards to address the neglected healthcare needs of people with disabilities, we urge The Joint Commission to at least revise Standard PC.01.01.01, to require hospitals to accept a patient with a disability for care, treatment, and services based on its ability to meet the patient's needs for which treatment is sought; the ability to perform the sought-after care and treatment with appropriate accommodations; and the ability to demonstrate a sensitivity to the ancillary needs of the patient (including respectful nomenclature, supported decision making, and knowledge of patients' rights).

As part of this renewed conversation, we want to encourage The Joint Commission to make a meaningful public announcement of its actions and plans to address health equity for persons with disabilities in furtherance of its health equity initiative. We believe that the proper messaging will really move the needle in addressing health equity for people across all categories of disabilities. NCD would be happy to partner with The Joint Commission in any such public announcement and or event. With the 32nd anniversary of the signing of the Americans with Disabilities Act around the corner - July 26 - a public announcement coinciding with that anniversary will be significantly impactful.

Finally, we thank The Joint Commission for recently reaching out to NCD to collaborate in drafting and issuing a Sentinel Alert on strategies to avoid Diagnostic Overshadowing. The over attribution of presenting signs and symptoms to the syndrome or disabling condition (e.g., attributing dementia to a patient with Down syndrome and thus overlooking the potential for a urinary tract infection, which can replicate the same signs and yet is treatable) is pervasive and leads to inadequate care, poor treatment outcomes and increased mortality.

I look forward to hearing your thoughts regarding these requests. Amged Soliman, NCD Senior Attorney Advisor, is our point person on this project. He will call your office on June 15, 2022, to coordinate a date and time for a discussion. If you have any questions or desire to reach me in advance of that call, you can reach me via email at agallegos@ncd.gov. Mr. Soliman can be reached at asoliman@ncd.gov or 202-731-5910. We look forward to our continued collaboration.

Sincerely,

*Andrés J. Gallegos
Chairman*

^{iv} *Federal authorities in Florida have charged 25 people with participating in a wire fraud scheme that created an illegal shortcut for aspiring nurses to get licensed and find employment. Recently unsealed federal grand jury indictments allege the defendants took part in a scam that sold more than 7,600 fraudulent nursing degree diplomas from three Florida-based nursing schools, federal officials said during a news conference in Miami. (...) Prosecutors said the scheme also involved transcripts from the nursing schools for people seeking licenses and jobs as registered nurses and licensed practical/vocational nurses. The defendants each face up to 20 years in prison. (...)*

The fake diplomas and transcripts qualified those who purchased them to sit for the national nursing board exam. If they passed, they were able to obtain licenses and jobs in various states, prosecutors said. The schools involved – Sienna College, Palm Beach School of Nursing and Sacred Heart International Institute – are now closed. Some of those who purchased degrees from South Florida’s Haitian-American community, including some legitimate LP licenses who wanted to become registered nurses, the Miami Herald reported. (...) The students paid a total of \$114 million for the fake degrees between 2016 and 2021, the newspaper reported. About 2,400 of the 7,600 students eventually passed their licensing exams – mainly in New York, federal officials said. Nurses certified in New York are allowed to practice in Florida and many other states. Many of those people may lose their certification but likely won’t be criminally charged, federal officials said. Fake nursing diploma scheme in Florida; 25 arrested. Associated Press.: <https://apnews.com/article/health-florida-miami-fraud-0ff3f38e83e97c3de07f082ac5532a2c>

^v *An independent, not-for-profit organization, the Joint Commission is the nation’s oldest and largest standards setting and accrediting body in health care. To earn and maintain the Gold Seal of Approval from the Joint Commission, an organization undergoes an on-site survey by a Joint Commission survey team at least every three years (Laboratories are surveyed every two years).*

The Joint Commission is government by a 21-member Board of Commissioners that includes physicians, administrators, nurses, employers, quality experts, a consumer advocate and educators. The Joint Commission employs approximately 1,000 people in its surveyor force, as its central office in Oakbrook Terrace, Illinois, and at an office in Washington, D.C. The Joint Commission.: <https://www.jointcommission.org/who-we-are/facts-about-the-joint-commission>

vi Michael A. Ayele (a.k.a) W was a former employee of the Fulton State Hospital (FSH): a state agency, which is a component of the Missouri Department of Mental Health (MODMH). Between October 26th 2013 and November 20th 2013, Michael A. Ayele (a.k.a) W was subject of an internal state investigation after a complaint of “employee misconduct” was filed against him. In a letter hand-delivered to him on (or around) November 21st 2013, the-then Chief Operating Officer (COO) of the FSH informed Michael A. Ayele (a.k.a) W that he was “cleared” of any and all wrongdoing related to the October 26th 2013 incident.

As a former employee of the MODMH (FSH), Michael A. Ayele (a.k.a) W has initiated contact with his former employers as well as the Equal Employment Opportunity Commission (EEOC) to obtain pertinent information about the complaint filed against him on October 26th 2013. Michael A. Ayele (a.k.a) W has also initiated contact with his former employers as well as the EEOC to obtain information about the investigation he was supposedly “cleared” of on (or around) November 21st 2013. Unfortunately, however, Michael A. Ayele (a.k.a) W has thus far been unsuccessful to obtain these records either from his former employers and/or the EEOC.

In the judgement of the Association for the Advancement of Civil Liberties (AACL), the decision of the MODMH to withhold these records were not consistent with their obligations pursuant to Title VII of the 1964 and 1991 Civil Rights Act. The decision of the MODMH to withhold these records were not consistent with Missouri state laws including but not limited to 1 Missouri Sunshine Law (Section 630.140, RSMO) as well as Missouri Senate Bill 26 (Section 590.030 & Section 590.502, RSMO). Missouri Revised Statutes (RSMO) Section 590.502 specifically states for instance that law enforcement officers (who have passed a criminal background check with the Department of Justice Federal Bureau of Investigation) who “reasonably believe he or she is under investigation which could lead to disciplinary action, demotion, dismissal, transfer of placement that could lead to economic loss” [1] shall be informed in writing of the existence and nature of the alleged violation and who will be conducting the investigation; [2] shall be provided a “written statement outlining the complaint;” [3] shall be informed that “he or she is being ordered to answer questions under threat of disciplinary action and that the (...) answers to the questions will not be used (...) in a criminal proceeding;” [4] shall be “questioned by up to two investigators and shall be informed of the name and rank of each questioning officer.”

For the reasons mentioned above, the AACL regrets the decision of the MODMH to withhold records of Michael A. Ayele (a.k.a) W employment with the FSH between October 26th 2013 and November 21st 2013. Fulton State Hospital (FSH) is located approximately 2 (two) miles away from Westminster College (Fulton, MO). Michael A. Ayele (a.k.a) W has been an alumnus of Westminster College (Fulton, MO) since Saturday, December 31st 2016. Michael A. Ayele (a.k.a) W is exploring all legal avenues to obtain these records and other (just and appropriate) legal

relief. Michael A. Ayele (a.k.a) W has absolutely no regrets whatsoever about not filing a complaint with the judicial branch of the U.S government (the courts) pursuant to Title VII of the 1964 and 1991 Civil Rights Act with a “Right to Sue” letter. Michael A. Ayele (a.k.a) W has read the settlement agreement concluded between Tara Cable and the Village of Suffern (New York) after she filed a complaint of employment discrimination with the United States District Court for the Southern District of New York (SDNY) without initiating contact with the EEOC. Michael A. Ayele (a.k.a) W has also read the August 03rd 2021 report published by the New York Attorney General Office of Letitia James, which made numerous references to Title VII of the 1964 and 1991 Civil Rights Act. About Michael A. Ayele (a.k.a) W October 26th 2013 at the Fulton State Hospital (FSH) now-defunct Biggs Forensic Center (BFC) New Outlook Program. Michael Ayele (a.k.a) W Official Website on WordPress.: <https://michaelayeleacl.wordpress.com/2022/10/28/october-26th-2013-at-the-fulton-state-hospital-index/>

vii In October 2021, there were 5276 (five thousand two hundred and seventy-six) employees working for the Missouri Department of Mental Health (MODMH). Of those, 3752 (three thousand seven hundred and fifty-two) employees were women and 1502 (one thousand five hundred and two) employees were men. While 64% (sixty four percent) of the MODMH employees identified as White, 31% (thirty one percent) identified as Black.

Michael A. Ayele (a.k.a) W was previously employed for the MODMH. He has in 2013 filed a charge of employment discrimination with the Equal Employment Opportunity Commission (EEOC) against the MODMH. The charge of employment discrimination filed by Michael A. Ayele (a.k.a) W with the EEOC was previously assigned Case No.: 28E – 2014 – 00485C. The charge of employment discrimination filed by Michael A. Ayele (a.k.a) W with the EEOC has been subject of intense scrutiny for various reasons. Michael A. Ayele (a.k.a) W has recently been informed by his former employers that 9 (nine) charges of employment discrimination have been filed against the MODMH between January 01st 2010 and December 17th 2021. Of those, the MODMH opted to engage in the alternative dispute resolution (ADR) program offered by the EEOC on 4 (four) separate occasions. They also declined to engage in the ADR program offered by the EEOC on 5 (five) separate occasions.

As of this writing, it remains unclear for the Association for the Advancement of Civil Liberties (AACL) why the MODMH opted to engage in certain ADR sessions offered by the EEOC, while refusing to do so for others. The AACL unequivocally denounces discrimination on the bases of gender, racial background, sexual orientation, national origin and religious affiliation. The AACL also unequivocally denounces discrimination against people with disabilities (PWD). The AACL has decided to publish this information to members of the general public because of the language used by the EEOC to describe their processing of Charge No.: 28E – 2014 – 00485C and also because of the EEOC frequent reference to this charge of discrimination. The AACL has effectively put the EEOC on notice that given their processing of Charge No.: 28E – 2014 – 00485C, they have forfeited their rights to represent Missouri State employees who [1] have

opposed discriminatory practices in the service of healthcare pursuant to the Health Insurance Portability and Accountability Act (HIPAA); [2] have been subjected to racially motivated internal investigations (and were afterwards cleared of that investigation); [3] have been fired from their jobs as retaliation; [4] have been arrested for demanding the payment of their salary for the job they have performed. About the Employment Practices of the Missouri Department of Mental Health (MODMH). Michael Ayele (a.k.a) W Official Website on WordPress.: <https://michaelayeleacl.wordpress.com/2022/09/11/the-missouri-department-of-mental-health-modmh-disclose-records-documenting-their-total-number-of-employees-on-the-bases-of-gender-and-racial-background-w-aacI-michael-a-ayele/>

viii Despite operating facilities like the Sexual Offender Rehabilitation & Treatment Services (SORTS) and having concluded contracts with Missouri Girls Town, the Missouri Department of Mental Health (MODMH) have failed to make clear whether they consider sexual violence as a factor that has the potential to increase the risk of suicide. They have also failed to make clear whether the personal health information (PHI) of an individual similarly situated to Catherine Daisy Coleman would reflect that risk. As of this writing, it remains unclear for the AACL what the obligations of the MODMH pursuant to the Americans with Disabilities Act (ADA) and the Health Insurance Portability & Accountability Act (HIPAA) actually are. The MODMH were extremely vague to requests submitted by the AACL on the subject of [1] whether they have in the past disclosed the PHI of an individual in circumstances, where discrimination was at play (for the purpose of remedying the discrimination); [2] whether they were in the past required to disclose the PHI of an individual either to the Equal Employment Opportunity Commission (EEOC) and/or the courts (for the purpose of remedying the discrimination).

According to the MODMH, “when someone you know is in emotional pain, ask them directly: ‘are you thinking about killing yourself?’ Research suggests acknowledging suicide may reduce rather than increase suicidal ideation. Asking the question in a direct, unbiased manner communicates that you are open to speaking about suicide in a non-judgmental and supportive way. Other questions you can ask include, ‘How can I help?’ and ‘what can we do about this?’ Asking these questions can open the door to honest communications to learn what next steps need to be taken. Often, we don’t know the challenges others face on a day-to-day basis.” Michael Ayele (a.k.a) W was a previous employee of the MODMH. He has in 2013 worked for the Fulton State Hospital (FSH): a component of the MODMH. FSH is located approximately two miles away from Westminster College (Fulton, Missouri). The FSH and Westminster College have concluded an affiliation agreement. Michael Ayele (a.k.a) W is an alumnus of Westminster College.

As you may be aware, World Suicide Prevention Day (WSPD) is an event that was established in 2003 by the International Association for Suicide Prevention (IASP). Suicide accounts for 1% (one percent) of deaths globally. An estimated 703,000 (seven hundred and three thousand) people a year take their life around the world. For every suicide, there are likely 20 (twenty) other people making a suicide attempt and many more have serious thoughts of suicide. On the

occasion of World Suicide Prevention Day/Month, the AACL very much encourages productive and constructive conversations on the subject of mental health and suicide. About the Commemoration of World Suicide Prevention Day (WSPD) in the Missouri Department of Mental Health (MODMH). Michael Ayele (a.k.a) W Official Website on WordPress.: <https://michaelayeleacl.wordpress.com/2022/09/24/suicide-after-sexual-assault-and-hipaa-in-missouri-index/>

EXHIBIT 1.

Gmail

Compose

Inbox 7,145

- Starred
- Snoozed
- Sent
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Labels

- [imap]/Drafts
- More

Search mail

Gordon, Janet <Janet.Gordon@dmh.mo.gov>
to me

May 6, 2021, 8:51 PM

W, from: **Gordon, Janet** <Janet.Gordon@dmh.mo.gov>
1) The to: Michael Ayele <waac13@gmail.com>
respo date: May 6, 2021, 8:51 PM
2) The subject: FW: Recall. Sunshine Law: Request for Records
3) The signed-by: dmh.mo.gov
security: Standard encryption (TLS) [Learn more](#)
Important mainly because you often read messages with this label.

Sincerely,

Janet Gordon
Records Custodian
Department of Mental Health
573.751-8067

CONFIDENTIALITY NOTICE: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. The designated recipients are prohibited from disclosing this information to any other party without authorization and are required to destroy the information after its stated need has been fulfilled. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited by federal or state law. If you have received this communication in error, please notify me immediately by telephone at 573.751-8067, and destroy all copies of this communication and any attachments.

From: Michael Ayele <waac13@gmail.com>
Sent: Tuesday, May 4, 2021 11:57 AM
To: Gordon, Janet <Janet.Gordon@dmh.mo.gov>; hrmall <hrmall@dmh.mo.gov>; DBHMail <dbhmail@dmh.mo.gov>; FSH mailbox for internet mail <FSH@dmh.mo.gov>; DMH Office of Constituent Svcs <constituentsvcs@dmh.mo.gov>; INFO <info@eeoc.gov>; FREEDOM OF INFORMATION ACT <FOIA@eeoc.gov>; joanne.murray@eeoc.gov; otlis@nara.gov
Cc: Michael Ayele <waac1313@gmail.com>; Michael Ayele <waac13@gmail.com>; Michael Ayele <waac13@gmail.com>; Michael Ayele <waac13@gmail.com>
Subject: Recall. Sunshine Law: Request for Records

Hello,

Thank you for your e-mail. I am in receipt of it. I've been thinking about your correspondence. I have reviewed the document you had sent me on May 01st 2021. I recently looked into my correspondences from Fiscal Year (FY) 2013 - 2014. Upon review of records, I remembered having contacted the Joint Commission in 2014 via e-mail and telephone to inquire about complaints that were filed with them against the Fulton State Hospital (FSH).

By letter dated April 23rd 2014, the Joint Commission informed me that 21 written complaints were filed against the FSH since 2011. I have attached the

Gmail

Compose

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Search mail

Gordon, Janet <Janet.Gordon@dmt.mo.gov>
to me

W,

- 1) The department does not have records that detail formal and informal ties to of the Joint Commission, United States Equal Employment Opportunity Commission, and the Missouri Commission on Human Rights. For detailed information regarding the roles and responsibilities of these entities, I have attached links to each of their respective websites, for your convenience. Missouri Commission on Human Rights website: <https://labor.mo.gov/discrimination>. United States Equal Employment Opportunity Commission website: <https://www.eeoc.gov/>. Joint Commission: <https://www.jointcommission.org/>.
- 2) There is not a required notification to DMH legal representatives nor records that detail a notification process to legal representatives for complaints to the EEOC or Missouri Commission on Human Rights.
- 3) There is not a required notification to DMH legal representatives nor records that detail a notification process to legal representatives for complaints to the Joint Commission.

Sincerely,

Janet Gordon
Records Custodian
Department of Mental Health
573.751-8067

CONFIDENTIALITY NOTICE: This e-mail communication and any attachments may contain confidential and privileged information for the use of the designated recipients named above. The designated recipients are prohibited from disclosing this information to any other party without authorization and are required to destroy the information after its stated need has been fulfilled. If you are not the intended recipient, you are hereby notified that you have received this communication in error and that any review, disclosure, dissemination, distribution or copying of it or its contents is prohibited by federal or state law. If you have received this communication in error, please notify me immediately by telephone at 573.751-8067, and destroy all copies of this communication and any attachments.

From: Michael Ayele <waad13@gmail.com>
Sent: Tuesday, May 4, 2021 11:57 AM
To: Gordon, Janet <Janet.Gordon@dmh.mo.gov>; hrmall <hmail@dmh.mo.gov>; DBHMail <dbhmail@dmh.mo.gov>; FSH mailbox for internet mail <FSH@dmh.mo.gov>; DMH Office of Constituent Svcs <constituentsvcs@dmh.mo.gov>; INFO <info@eeoc.gov>; FREEDOM OF INFORMATION ACT <FOIA@eeoc.gov>; joanne.murray@eeoc.gov; otis@hara.gov
Cc: Michael Ayele <waad1313@gmail.com>; Michael Ayele <waad13@gmail.com>; Michael Ayele <waad13@gmail.com>
Subject: Recall, Sunshine Law: Request for Records

Hello,

Thank you for your e-mail. I am in receipt of it. I've been thinking about your correspondence. I have reviewed the document you had sent me on May 01st 2021. I recently looked into my correspondences from Fiscal Year (FY) 2013 - 2014. Upon review of records, I remembered having contacted the Joint Commission in 2014 via e-mail and telephone to inquire about complaints that were filed with them against the Fulton State Hospital (FSH).

By letter dated April 23rd 2014, the Joint Commission informed me that 21 written complaints were filed against the FSH since 2011. I have attached the

Gmail

Compose

Inbox 7,145

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Labels +

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Search mail

Cc: Michael Ayele <waad1313@gmail.com>; Michael Ayele <waad13@gmail.com>; Michael Ayele <waad42913@gmail.com>
 Subject: Recall, Sunshine Law: Request for Records

Hello,

Thank you for your e-mail. I am in receipt of it. I've been thinking about your correspondence. I have reviewed the document you had sent me on May 01st 2021. I recently looked into my correspondences from Fiscal Year (FY) 2013 - 2014. Upon review of records, I remembered having contacted the Joint Commission in 2014 via e-mail and telephone to inquire about complaints that were filed with them against the Fulton State Hospital (FSH).

By letter dated April 23rd 2014, the Joint Commission informed me that 21 written complaints were filed against the FSH since 2011. I have attached the letter I was in receipt of from the Joint Commission for your review. My request for records are as follows. 1) What formal and informal ties exist between the Missouri Department of Mental Health (DMH), the Joint Commission, the Equal Employment Opportunity Commission (EEOC) and the Missouri Commission on Human Rights? 2) If an employee of the DMH files a complaint of employment discrimination with the EEOC, who are the legal representatives of the DMH that are notified of the complaint? Which undergraduate, graduate and law schools have the legal representatives of the DMH (responsible for responding to the EEOC) previously attended and visited? What are their respective roles and responsibilities? How long have they been with the DMH? 3) If an employee or a patient/prisoner of the DMH files a complaint with the Joint Commission, who are the legal representatives of the DMH that are notified? Which undergraduate, graduate and law schools have they previously attended? What are their respective roles and responsibilities?

What I am requesting for prompt disclosure are all documents detailing (1) formal and informal ties existing between the DMH, the Joint Commission and the EEOC; (2) the names, the academic background, the professional responsibilities and annual salaries of legal representatives working for the DMH tasked with responding to complaints of employment discrimination filed with the EEOC and/or the Missouri Commission on Human Rights (MCHR); (3) the names, the academic background, the professional responsibilities and annual salaries of legal representatives working for the DMH tasked with responding to complaints filed by employees and patients/prisoners of the FSH with the Joint Commission. Have a good day.

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Search mail

letter I was in receipt of from the Joint Commission for your review. My request for records are as follows. 1) What formal and informal ties exist between the Missouri Department of Mental Health (DMH), the Joint Commission, the Equal Employment Opportunity Commission (EEOC) and the Missouri Commission on Human Rights? 2) If an employee of the DMH files a complaint of employment discrimination with the EEOC, who are the legal representatives of the DMH that are notified of the complaint? Which undergraduate, graduate and law schools have the legal representatives of the DMH (responsible for responding to the EEOC) previously attended and visited? What are their respective roles and responsibilities? How long have they been with the DMH? 3) If an employee or a patient/prisoner of the DMH files a complaint with the Joint Commission, who are the legal representatives of the DMH that are notified? Which undergraduate, graduate and law schools have they previously attended? What are their respective roles and responsibilities?

What I am requesting for prompt disclosure are all documents detailing (1) formal and informal ties existing between the DMH, the Joint Commission and the EEOC; (2) the names, the academic background, the professional responsibilities and annual salaries of legal representatives working for the DMH tasked with responding to complaints of employment discrimination filed with the EEOC and/or the Missouri Commission on Human Rights (MCHR); (3) the names, the academic background, the professional responsibilities and annual salaries of legal representatives working for the DMH tasked with responding to complaints filed by employees and patients/prisoners of the FSH with the Joint Commission. Have a good day.

W (AACL)
 Michael A. Ayele
 P.O.Box 20438
 Addis Ababa, Ethiopia

One attachment • Scanned by Gmail

PDF

Wednesday, April 23, 2014

Michael Ayele

Regarding Fullon State Hospital
Incident #71967CHS-22110QXA

Dear Mr. Ayele

Per the Public Information Policy the following information is provided

§ The number of standards-related written complaints filed against an accredited organization that has not entered for review for the past three years: **21**

§ A summary of the standards areas that were the focus of your complaint evaluation activities: **Rights and Responsibilities of the Individual**

§ A summary of the standards for which RFI's were issued as a result of complaint evaluation activities: **Environment of Care, Human Resources, Leadership, Medication Management, Medical Staff, Provision of Care, Treatment and Services, Performance Improvement, Record of Care, Treatment and Services, Rights and Responsibilities of the Individual.**

§ When an unannounced or unscheduled survey is based on information derived from a complaint or public source, the standards areas related to the complaint: **Human Resources, Leadership, Medication Management, Provision of Care, Treatment and Services, Performance Improvement, Rights and Responsibilities of the Individual.**

Sincerely,
Office of Quality Monitoring

EXHIBIT 2.

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NCD FOIA request 2023-04 --> Follow Up. Inbox

Michael Ayele <waac13@gmail.com>
to Amy, agallegos, asoliman, FOIA, Joan, bcc: Michael, bcc: Michael, bcc: me

W (AACL)
 Michael A. Ayele
 P.O.Box 20438
 Addis Ababa, Ethiopia
 E-mail : waac13@gmail.com ; waac1313@gmail.com ; waac142913@gmail.com

Date:
 from: **Michael Ayele** <waac13@gmail.com>
 to: Amy Nicholas <anicholas@ncd.gov>, agallegos@ncd.gov, asoliman@ncd.gov, FOIA@ncd.gov
 cc: Joan Durocher <JDurocher@ncd.gov>
 bcc: Michael Ayele <waac1313@gmail.com>, Michael Ayele <waac142913@gmail.com>, "Michael Ayele (W)" <waac13@gmail.com>
 date: Mar 31, 2023, 2:57 PM
 subject: NCD FOIA request 2023-04 --> Follow Up.
 mailed-by: gmail.com

Freedom of Information Act (FOIA) Appeal Request Case No.: 2023-04

Hello,

I am writing this letter in response to your correspondence from March 28th 2023 regarding that document and I also appreciate your accurate summary of my

2021 letter sent by the Joint Commission to the National Council on Disability (NCD). While I appreciate your disclosure of search you have performed for my FOIA request, which you have assigned Case No.: 2023 - 04.

One of my major concerns with the response you have provided on March 28th 2023 is your failure to provide records relating to [1] the August 09th 2021 NCD recommendations to the Joint Commission as well as [2] the meeting that was held between the NCD and the Joint Commission on August 04th 2021. As a representative of the media and a member of the general public, I hope you will perform a more thorough search for those records since they were not included in your disclosures from March 28th 2023.

Please be advised that I have other concerns with the response you have provided on March 28th 2023 because of statements you have made in your letter. For instance, you stated that "all/any responsive documents to queries 1 through 11 and 13 through 17 can be found on our website." However, I could only find two letters on the website of the NCD, which were addressed to the Joint Commission. The first letter is dated June 21st 2021 ^[i] and the second one (which formed one of the bases for my FOIA request) is dated June 06th 2022. ^[ii] In the content of both of those letters sent by the NCD, your federal agency does not make clear how the Joint Commission should in the future process complaints that are filed with them against a health care agency they have accredited.

As a former health care worker (who was employed for the Fulton State Hospital), I continue to have grave concerns about the letter that was sent to me by the Joint Commission on April 23rd 2014. As I have previously informed the NCD, there were 21 (twenty-one) written complaints filed with the Joint Commission (against the Fulton State Hospital) between April 24th 2011 and April 23rd 2014 for various reasons, which include but are not limited to the environment of care, the provision of care and the medication management there. Those 21 complaints average to 7 (seven) complaints filed every year between April 24th 2011 and April 23rd 2014. In other words, once every two (2) months or so (between April 2011 and April 2014), a complaint or two were being filed with the Joint Commission against the FSH: my previous employers. I (personally) don't know how those numbers actually compare with other hospitals in the U.S.A that were accredited by the Joint Commission. However, given the no-small amount of complaints that were filed with them against the FSH, I was a little bit taken aback when I was informed (on May 06th 2021) by my previous employers that the Joint Commission didn't reach out to them for the purpose of resolving the many issues that exist there. I (personally) hope that the NCD will engage the Joint Commission in good faith for the purpose of positively resolving the complaints that are filed with them against my former employers as well as other hospitals that are

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14 of many

NCD FOIA request 2023-04 --> Follow Up. Inbox



Michael Ayele - waac13@gmail.com
to Amy, agallegos, asoliman, FOIA, Joan, bcc: Michael, bcc: Michael, bcc: me

Fri, Mar 31, 2:57 PM

W (AACL) Date.: March 31st 2023
Michael A. Ayele
P.O.Box 20438
Addis Ababa, Ethiopia
E-mail : waac13@gmail.com ; waac1313@gmail.com ; waac142913@gmail.com

Freedom of Information Act (FOIA) Appeal Request Case No.: 2023 – 04

Hello,

I am writing this letter in response to your correspondence from March 28th 2023 following your disclosure of the October 29th 2021 letter sent by the Joint Commission to the National Council on Disability (NCD). While I appreciate your disclosure of that document and I also appreciate your accurate summary of my records request, I have concerns with the thoroughness of the search you have performed for my FOIA request, which you have assigned Case No.: 2023 – 04.

One of my major concerns with the response you have provided on March 28th 2023 is your failure to provide records relating to [1] the August 09th 2021 NCD recommendations to the Joint Commission as well as [2] the meeting that was held between the NCD and the Joint Commission on August 04th 2021. As a representative of the media and a member of the general public, I hope you will perform a more thorough search for those records since they were not included in your disclosures from March 28th 2023.

Please be advised that I have other concerns with the response you have provided on March 28th 2023 because of statements you have made in your letter. For instance, you stated that *“all/any responsive documents to queries 1 through 11 and 13 through 17 can be found on our website.”* However, I could only find two letters on the website of the NCD, which were addressed to the Joint Commission. The first letter is dated June 21st 2021 ^[i] and the second one (which formed one of the bases for my FOIA request) is dated June 06th 2022 ^[ii]. In the content of both of those letters sent by the NCD, your federal agency does not make clear how the Joint Commission should in the future process complaints that are filed with them against a health care agency they have accredited.

As a former health care worker (who was employed for the Fulton State Hospital), I continue to have grave concerns about the letter that was sent to me by the Joint Commission on April 23rd 2014. As I have previously informed the NCD, there were 21 (twenty-one) written complaints filed with the Joint Commission (against the Fulton State Hospital) between April 24th 2011 and April 23rd 2014 for various reasons, which include but are not limited to the environment of care, the provision of care and the medication management there. Those 21 complaints average to 7 (seven) complaints filed every year between April 24th 2011 and April 23rd 2014. In other words, once every two (2) months or so (between April 2011 and April 2014), a complaint or two were being filed with the Joint Commission against the FSH: my previous employers. I (personally) don't know how those numbers actually compare with other hospitals in the U.S.A that were accredited by the Joint Commission. However, given the no-small amount of complaints that were filed with them against the FSH, I was a little bit taken aback when I was informed (on May 06th 2021) by my previous employers that the Joint Commission didn't reach out to them for the purpose of resolving the many issues that exist there. I (personally) hope that the NCD will engage the Joint Commission in good faith for the purpose of positively resolving the complaints that are filed with them against my former employers as well as other hospitals that are

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In brief, I hope you will perform a more thorough search for responsive records detailing [1] the internal discussions that were had at the NCD before contacting the Joint Commission on August 04th 2021; [2] any notes and/or videos of the NCD August 04th 2021 meeting with the Joint Commission; [3] the internal discussions that were had at the NCD before contacting the Joint Commission on August 09th 2021 (for the purpose of making recommendations to them); [4] the August 09th 2021 NCD recommendations to the Joint Commission; [5] the discussions you have had with the Joint Commission about resolving complaints that are filed with them by health care workers and/or patients and/or clients, who have witnessed discrimination in the service of health care; [6] the discussions you have had with the Joint Commission about resolving complaints that are filed with them that raise potential Americans with Disabilities Act (ADA) as well Health Insurance Portability and Accountability Act (HIPAA) issues.

Be well. Take care. Keep yourselves at arms distance.

Michael A. Ayele (a.k.a) W
 Anti-Racist Human Rights Activist
 Audio-Visual Media Analyst
 Anti-Propaganda Journalist

Work Cited

[i] NCD Letter to the Joint Commission Regarding Disability Competency Training of Health Profession.: <https://nod.gov/publications/2021-ncd-letter-joint-commission>

[ii] NCD Letter to the Joint Commission President and CEO.: <https://nod.gov/publications/2022-ncd-letter-joint-commission-president-and-ceo>

On Tue, Mar 28, 2023 at 11:57 PM Amy Nicholas <anicholas@nod.gov> wrote:

Dear W:



National Council on Disability

An independent federal agency committed to disability policy leadership since 1978

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Preview NCD's New NCD.gov Website in Beta

Take a look at the new beta site, an early, in-progress version at beta.NCD.gov

NCD Letter to the Joint Commission President and CEO

June 6, 2022

Dr. Jonathan B. Perlin
President and CEO
The Joint Commission
One Renaissance Blvd.
Oakbrook Terrace, IL 60181

Dear Dr. Perlin:

A belated congratulations on assuming the leadership of The Joint Commission this past March! The National Council on Disability (NCD) had the pleasure of working with Dr. Chassin in that role last fall before his departure, along with many others of The Joint Commission's leadership team to address issues affecting the health equity of people with disabilities. We look forward

- Civil Rights
- Cultural Diversity
- Education
- Emergency Management
- Employment
- Financial Assistance & Incentives
- Health Care
- Housing
- International
- Long Term Services & Support
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Contact Us

If you have a question or comment, please let us know.

202-272-2004 (voice)
202-272-2022 (Fax)

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In case that you are not familiar with NCD, we are an independent federal agency charged with advising the President, his Administration, Congress, and federal agencies on all policy matters affecting people with disabilities in the United States and in our territories. In furtherance of our mission, on February 14, 2022, NCD issued its Health Equity Framework for All People with Disabilities (Health Equity Framework).[1] The Health Equity Framework is a blueprint for our federal leaders to comprehensively address the significant and pervasive health disparities existing between people with disabilities and those without. We recognize, however, the federal government alone cannot achieve health equity for people in disabilities. Certifying and accrediting bodies have a significant role to play in advancing health equity for all people, including people with disabilities.

As we were developing the Health Equity Framework, we met with several members of The Joint Commission's leadership team to address, *inter alia*, the absence of comprehensive disability clinical-care curricula and training throughout the entirety of

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As we were developing the Health Equity Framework, we met with several members of The Joint Commission's leadership team to address, *inter alia*, the absence of comprehensive disability clinical-care curricula and training throughout the entirety of medical students' undergraduate and graduate education and training, including the absence of such training in residencies and fellowship programs. NCD found it inconceivable that physicians could be board certified across all specialties and not ever have treated a patient with a disability. The absence of such education and training results in persons with disabilities receiving less thorough care than their nondisabled counterparts, diagnostic overshadowing, perpetuates health disparities, and contributes to the paradigm of persons with disabilities utilizing the healthcare system for disease management versus disease prevention. The absence of such education and training significantly compromises patient safety.

We were pleased to learn last October that The Joint Commission was undertaking its own health equity initiative. As part of that initiative, your staff communicated with NCD that inclusion of specific survey elements that measure the accessibility of a healthcare facility subject to The Joint Commission's accreditation and certification may fit well with that initiative. NCD and The Joint Commission continued a dialogue addressing the need to survey the availability and use of accessible examination tables, examination chairs and equipment available for diagnostic procedures; the selection process for determining appropriate auxiliary aids and services for patients who are Deaf and hard of hearing; and the appropriateness of when to utilize video remote interpreting equipment. As of last October, we were informed that a number of our recommendations were being considered for adoption by The Joint Commission.

We also discussed the possibility of including within The Joint Commission's Standards a tracer of patients with varying disabilities to assess their ability to obtain care and treatment at surveyed facilities. The Joint Commission conveyed to us the challenges of identifying the universe of specific situations to which a standard like that may apply, but that it will continue to educate its surveyors. Suggested *clinical prompts* to address patients with disabilities and complex co-morbidities might include the creation of treatment plans that address these issues (which may differ from the plans for patients without disabilities presenting with the same diagnosis); identifying atypical communication styles and abilities and being prepared to interpret and respond; identifying the Direct Support Professional, if any, assigned to the patient's hospital stay and being appraised of their knowledge and familiarity of the patient's history and abilities; and creating discharge plans that reflect the skills and medical-legal support available at the patients residential destination.

Most importantly, while we understand the challenges associated with revising Standards to address the neglected healthcare

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Most importantly, while we understand the challenges associated with revising Standards to address the neglected healthcare needs of people with disabilities, we urge The Joint Commission to at least revise Standard PC.01.01.01, to require hospitals to accept a patient with a disability for care, treatment, and services based on its ability to meet the patient's needs for which treatment is sought; the ability to perform the sought-after care and treatment with appropriate accommodations; and the ability to demonstrate a sensitivity to the ancillary needs of the patient (including respectful nomenclature, supported decision making, and knowledge of patients' rights).

As part of this renewed conversation, we want to encourage The Joint Commission to make a meaningful public announcement of its actions and plans to address health equity for persons with disabilities in furtherance of its health equity initiative. We believe that the proper messaging will really move the needle in addressing health equity for people across all categories of disabilities. NCD would be happy to partner with The Joint Commission in any such public announcement and or event. With the 32nd anniversary of the signing of the Americans with Disabilities Act around the corner - July 26 - a public announcement coinciding with that anniversary will be significantly impactful.

Finally, we thank The Joint Commission for recently reaching out to NCD to collaborate in drafting and issuing a Sentinel Alert on strategies to avoid *Diagnostic Overshadowing*. The over attribution of presenting signs and symptoms to the syndrome or disabling condition (e.g., attributing dementia to a patient with Down syndrome and thus overlooking the potential for a urinary tract infection, which can replicate the same signs and yet is treatable) is pervasive and leads to inadequate care, poor treatment

or its actions and plans to address health equity for persons with disabilities in furtherance of its health equity initiative. We believe that the proper messaging will really move the needle in addressing health equity for people across all categories of disabilities. NCD would be happy to partner with The Joint Commission in any such public announcement and or event. With the 32nd anniversary of the signing of the Americans with Disabilities Act around the corner - July 26 - a public announcement coinciding with that anniversary will be significantly impactful.

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I look forward to hearing your thoughts regarding these requests. Amged Soliman, NCD Senior Attorney Advisor, is our point person on this project. He will call your office on June 15, 2022, to coordinate a date and time for a discussion. If you have any questions or desire to reach me in advance of that call, you can reach me via email at agallegos@ncd.gov. Mr. Soliman can be reached at asoliman@ncd.gov or 202-731-5910. We look forward to our continued collaboration.

Sincerely,

Andrés J. Gallegos
Chairman

Cc: Ms. Margaret Van Amringe, The Joint Commission, Executive Vice President, Office of Federal Relations

[1] Available at: <https://ncd.gov/publications/2022/health-equity-framework>