Freedom of Information Act (FOIA) Request

Hello,

This is Michael A. Ayele sending this message, though I now go by W. I am writing this letter for the purpose of filing a FOIA request with the City of Marseilles, Illinois. The bases for this non-commercial records request are [1] the decision of the United States government to designate the month of September as "*National Suicide Prevention Month*;" [i] [2] the August 4, 2020 suicide of Catherine Daisy Coleman. [iii]

I) Requested Records

What I am requesting for prompt disclosure are records in your possession detailing your discussions about [1] National Suicide Prevention Month as an event (i) that is held annually throughout the month of September; (ii) which seeks to raise awareness on the circumstances that increase a person's propensity toward suicide; [2] the decision of the State of California to enact into law Assembly Bill 2777 also known as (a.k.a.) the Sexual Abuse and Cover Up Accountability Act by recognizing that (i) one out of every six American women has been the victim of an attempted or completed rape in their lifetime; (ii) only 300 out of every 1,000 sexual assaults are reported to police; (iii) thirty-three percent of women who are raped contemplate suicide; (iv) 13 percent of women who are raped attempt suicide; (v) a 2016 analysis of 28 studies of nearly 6,000 women and girls 14 years of age or older who had experienced sexual violence found that 60 percent of survivors did not label their experience as "rape;" (vi) women may not define a victimization as a rape or sexual assault for many reasons such as self-blame, embarrassment, not clearly understanding the legal definition of the terms, or not wanting to define someone they know who victimized them as a rapist or because others blame them for their sexual assault; (vii) it is self-evident that the unique nature of the emotional and psychological consequences of sexual assault, especially on women, can paradoxically permit wrongdoers to escape civil accountability unless statutes of limitation are crafted to prevent this injustice from occurring; (viii) it is self-evident that statutes of limitation for sexual assault need to be crafted in a way that does not cause the covering-up company to enjoy the fruits of their cover-up solely because our statutes of limitation permit, and thus motivate, such behavior; [3] Michael A. Ayele (a.k.a.) W as a Black Bachelor of Arts (B.A.) Degree graduate of Westminster College (Fulton, Missouri) and a former Missouri state government employee who was subjected to frenzy on various internet search engines (ISE) following his decision to recognize that (i) Catherine Daisy Coleman was sexually assaulted in the City of Maryville, Missouri on (or around) January 8, 2012 when she was 14 years of age; (ii) Catherine Daisy Coleman attempted suicide on many occasions in the State of Missouri following the January 8, 2012 sexual assault she was subjected to; (iii) Catherine Daisy Coleman committed suicide in Colorado Springs, Colorado on (or around) August 4, 2020; (iv) the August 4, 2020 suicide of Catherine Daisy Coleman raises questions on the manner in which the State of Missouri handled the sexual assault she was subjected to on (or around) January 8, 2012; (v) the August 4, 2020 suicide of Catherine Daisy Coleman raises questions on the mental health resources that were provided to her (after January 8, 2012) by organizations that have concluded contractual agreements with the MODMH; [4] the decision of ISE such as AOL, Bing/MSN, Google and Yahoo to filter and distort Michael A. Ayele (a.k.a.) W's correspondence on matters pertaining to sexual abuse and suicide prevention by generating unwelcome and unapproved queries such as "*Michael Ayele World Suicide Prevention Day,*" "*Michael Ayele Missouri state government case,*" "*Michael Ayele Missouri state government career,*" "*Michael Ayele employment contract,*" "*Michael Ayele HIPAA,*" "*Michael Ayele Catherine Daisy Coleman,*" "*Michael Ayele Audrie Taylor Pott,*" "*Michael Ayele Audrie's Law,*" "*Michael Ayele Sunshine request,*" "*Michael Ayele Sunshine*

news," "Michael Ayele Sunshine update," "Michael Ayele Kane County," "Michael Ayele Illinois," "Michael Ayele NCD 2000 report," "Michael Ayele public objections," "Michael Ayele reverse age discrimination report," "Michael Ayele Emma Roberts"; [5] the Department of Health and Human Services (HHS) as a federal agency of the United States government which, in the early 2010s, had published on its official website a memorandum explaining that the provisions of the Health Insurance Portability and Accountability Act (HIPAA) entitle covered entities (or healthcare workers) to (i) express written (and/or verbal) objections to medical treatment they consider to be sexist, racist or otherwise discriminatory; (ii) express written (or verbal objections) to medical treatment that offends their conscience.

II) Request for a Fee Waiver and Expedited Processing

Expedited processing for this request is justified because:

1) When enacting into law the Sexual Abuse and Cover Up Accountability Act on (or around) September 19, 2022, the State of California had recognized that (i) one out of every six American women has been the victim of an attempted or completed rape in their lifetime; (ii) only 300 out of every 1,000 sexual assaults are reported to police; (iii) thirty-three percent of women who are raped contemplate suicide; (iv) 13 percent of women who are raped attempt suicide; (v) a 2016 analysis of 28 studies of nearly 6,000 women and girls 14 years of age or older who had experienced sexual violence found that 60 percent of survivors did not label their experience as "rape;" (vi) women may not define a victimization as a rape or sexual assault for many reasons such as self-blame, embarrassment, not clearly understanding the legal definition of the terms, or not wanting to define someone they know who victimized them as a rapist or because others blame them for their sexual assault; (vii) it is self-evident that the unique nature of the emotional and psychological consequences of sexual assault, especially on women, can paradoxically permit wrongdoers to escape civil accountability unless statutes of limitation are crafted to prevent this injustice from occurring; (viii) it is self-evident that statutes of limitation for sexual assault need to be crafted in a way that does not cause the covering-up company to enjoy the fruits of their cover-up solely because our statutes of limitation permit, and thus motivate, such behavior.[iiii]
2) Catherine Daisy Coleman was a 14-year-old girl living in the City of Maryville, Missouri when she fell victim to a shocking incident of sexual assault on (or around) January 8, 2012.
3) Following the January 8, 2012 sexual assault she fell victim to, Catherine Daisy Coleman was very intensely scrutinized in the State of Missouri and nationally throughout the U.S.A.
4) Following the January 8, 2012 sexual assault she fell victim to, Catherine Daisy Coleman attempted suicide on many occasions, and subsequently had dealing with Missouri Girls Town: a facility (located in Kingdom City, Missouri) which has concluded contractual agreements with the Missouri Department of Mental Health (MODMH).
5) Michael A. Ayele (a.k.a.) W was a 21-year-old full-time international undergraduate student at Westminster College (Fulton, Missouri) when he first began reading and hearing about the January 8, 2012 sexual assault of Catherine Daisy Coleman.

6) On (or around) July 8, 2013, Michael A. Ayele (a.k.a.) W began working for the Missouri Department of Mental Health (MODMH) Fulton State Hospital (FSH) after signing an employment contract with them. [iv]
7) Between July 8, 2013, and August 16, 2013, Michael A. Ayele (a.k.a.) W underwent a 6-week training program with the Missouri state government.
8) During the 6-week training program that took place between July 8, 2013 and August 16, 2013, Michael A. Ayele was briefed and quizzed on several aspects of the MODMH (FSH).
9) On (or around) August 16, 2013, following his successful completion of the 6-week training program, Michael A. Ayele (a.k.a.) W was verbally told that he was henceforth a "*covered entity"* of the MODMH (FSH).
10) Despite a somewhat positive and promising start, Michael A. Ayele (a.k.a.) W's employment with the MODMH (FSH) ends in a debacle after he is subjected to many incidents of racism, which he expresses verbal and written objections to.
11) In the month of January 2014, Michael A. Ayele (a.k.a.) W hears/reads that there will be criminal charges filed on behalf of Catherine Daisy Coleman by the State of Missouri for what she went through on (or around) January 8, 2012 in the City of Maryville, Missouri / Nodaway County, Missouri.
12) In Calendar Year 2016, Michael A. Ayele (a.k.a.) W hears/reads that Netflix will release a documentary that will focus upon the January 8, 2012 sexual assault Catherine Daisy Coleman was subjected to in the City of Maryville, Missouri / Nodaway County, Missouri.
13) On (or around) August 4, 2020, Michael A. Ayele (a.k.a.) W hears/reads that Catherine Daisy Coleman committed suicide in Colorado Springs, Colorado.

The public has a compelling and legitimate interest in this information because:

1) The requested records will raise awareness about the October 29, 2021 apology issued by the American Psychological Association (APA) for their complicity in exacerbating racism in American society and government. As you may be aware, when issuing their October 29, 2021 apology, the APA had publicly recognized that the "*discipline of psychology"* (i) "*has since its origins as a scientific discipline in the mid-19th century, contributed to the dispossession, displacement, and exploitation of communities of color;*" (ii) has "*contributed to the financial wealth gap and social class disparities experienced by many communities of colors;"* (iii) "*was complicit in contributing to systemic inequities, and hurt many through racism, racial discrimination, and denigration of people of color;"* (iv) has for a long time throughout its history failed to recognize that "*racial inequities result from laws, systems, policies, practices, and cultural narratives that reflect racial bias and white supremacist ideology;"* (v) has for a long time throughout its history failed to recognize that race "*is a social construct with no underlying genetic or biological basis;"* (vi) has for a long time throughout its history failed to condemn "*racism in all forms for its destructive psychological, social, educational and economic effects on human rights and human welfare throughout the lifespan;"* (vii) has for a long time throughout its history "*promulgated ideas of human hierarchy through the construction, study, and interpretation of racial differences;"* (viii) has for a long time throughout its history "*participated in, and disseminated scientific models and approaches rooted in scientific racism;"* (ix) has for a long time throughout its history promoted pseudoscientific movements such as "*eugenics*" to "*support segregation, sterilization, and antimarriage laws."* [v]

2) The requested records will raise awareness about the February 2021 press-release issued by the APA, wherein they had recognized that (i) "*racism is not limited to racist ideas, attributions, expectations, assumptions, and behaviors held by individuals;"* (ii) "*racism has been an enduring, insidious, and pervasive feature of the United States (U.S.) landscape;"* (iii) "*racism has shaped and undermined almost every aspect of U.S society, including our laws, policies, educational systems, customs, and cultural narratives, weakening our political and civil institutions and creating many political and social fissures;"* (iv) "***racism intersects with other social and personal identities (e.g., age, gender, sexual orientation, religion, ability status, socioeconomic status, etc.) in ways that compound experiences of oppression among diverse groups in the form of sexism****, heterosexism, ableism;"* (v) "*white privilege is unearned power that is afforded to white people on the basis of status rather than earned merit and protects white people from the consequences of being racist and benefitting from systemic racism."* [vi]

3) The requested records will raise awareness about the many double standards Michael A. Ayele (a.k.a.) W witnessed in Calendar Year 2013 on matters pertaining to violence committed against girls/women.

4) The requested records will raise awareness about the many unsettling events Michael A. Ayele (a.k.a.) W went through between October 26, 2013 and November 21, 2013 when he was employed for the MODMH (FSH).

5) The requested records will raise awareness about the applicability of Section 590.030 and Section 590.502, RSMo in what Michael A. Ayele (a.k.a.) W went through between October 26, 2013 and November 21, 2013 when he was employed for the MODMH (FSH).[vii]

6) The requested records will raise awareness about the parallels between the racism Michael A. Ayele (a.k.a.) W experienced in 2013 and the sexism Catherine Daisy Coleman was subjected to after January 7, 2012.

7) The requested records will raise awareness about the State of Missouri very poor handling of the January 8, 2012 sexual assault Catherine Daisy Coleman fell victim to.

8) The requested records will raise awareness about Michael A. Ayele (a.k.a.) W's correspondence with Nodaway County, Missouri on the subject of the criminal charges which had been filed on behalf of Catherine Daisy Coleman on (or around) January 9, 2014: Case No. 14ND–CR00011.

9) The requested records will raise awareness about Michael A. Ayele (a.k.a.) W's correspondence with his former employers (the MODMH) on the resources and the services they provide to girls and women (similarly situated to Catherine Daisy Coleman) who contemplate (or attempt) suicide after having fallen victim to an incident of sexual assault.

10) The requested records will raise awareness about the extent of the access that was granted to Michael A. Ayele (a.k.a.) W to the personal health information (PHI) of Catherine Daisy Coleman: a woman who has had dealings with the MODMH.

11) The requested records will raise awareness about Michael A. Ayele (a.k.a.) W's questions on the applicability of the Health Insurance Portability and Accountability Act (HIPAA) in the August 4, 2020 suicide of Catherine Daisy Coleman. [viii]

12) The requested records will raise awareness about the memorandum which had been published by the HHS in the early 2010s on matters pertaining to HIPAA.

13) The requested records raise questions about the reasons why the HHS has removed from its website the guidance it had published in the early 2010s on the manner in which HIPAA should be interpreted by state government agencies similarly situated to the Missouri Department of Mental Health (MODMH).

14) The requested records will raise awareness about the manner in which internet search engines (ISE) such as AOL, Bing/MSN, Google and Yahoo have filtered and distorted Michael A. Ayele (a.k.a.) W's correspondence with the U.S. government on the circumstances that led to Catherine Daisy Coleman August 4, 2020 suicide by generating unwelcome and unapproved queries such as *"Michael Ayele World Suicide Prevention Day," "Michael Ayele Missouri state government case," "Michael Ayele Missouri state government career," "Michael Ayele employment contract," "Michael Ayele HIPAA," "Michael Ayele Catherine Daisy Coleman," "Michael Ayele Audrie Taylor Pott," "Michael Ayele Audrie's Law," "Michael Ayele Sunshine request," "Michael Ayele Sunshine news," "Michael Ayele Sunshine update," "Michael Ayele FOIA records," "Michael Ayele Kane County," "Michael Ayele Illinois," "Michael Ayele NCD 2000 report," "Michael Ayele public objections," "Michael Ayele reverse age discrimination report," "Michael Ayele Emma Roberts."* [ix]

15) The requested records will enable the public to ascertain if your local government agency has previously commemorated World Suicide Prevention Day (WSPD) / National Suicide Prevention Month by officially recognizing systemic racism and sexism as factors which have exacerbated women and minorities' propensity toward suicide.

16) The requested records will enable the public to ascertain if your local government agency has previously commemorated World Suicide Prevention Day (WSPD) / National Suicide Prevention Month by holding discussions about the provisions of California Assembly Bill No. 2777, which recognized that (i) one out of every six American women has been the victim of an attempted or completed rape in their lifetime; (ii) only 300 out of every 1,000 sexual assaults are reported to police; (iii) thirty-three percent of women who are raped contemplate suicide; (iv) 13 percent of women who are raped attempt suicide; (v) a 2016 analysis of 28 studies of nearly 6,000 women and girls 14 years of age or older who had experienced sexual violence found that 60 percent of survivors did not label their experience as "rape;" (vi) women may not define a victimization as a rape or sexual assault for many reasons such as self-blame, embarrassment, not clearly understanding the legal definition of the terms, or not wanting to define someone they know who victimized them as a rapist or because others blame them for their sexual assault; (vii) it is self-evident that the unique nature of the emotional and psychological consequences of sexual assault, especially on women, can paradoxically permit wrongdoers to escape civil accountability unless statutes of limitation are crafted to prevent this injustice from occurring; (viii) it is self-evident that statutes of limitation for sexual assault need to be crafted in a way that does not cause the covering-up company to enjoy the fruits of their cover-up solely because our statutes of limitation permit, and thus motivate, such behavior.

In my judgment, the facts presented in my request for a fee waiver and expedited processing will significantly decrease public confidence in the activities, the engagements and the priorities of ISE such as AOL, Bing/MSN, Google and Yahoo because they have previously filtered and distorted Michael A. Ayele (a.k.a.) W's correspondence with the U.S. government on the applicability of HIPAA in cases of sexual violence that have led to suicide. Unfortunately, I regret to inform you that the decision of ISE to filter and distort Michael Ayele (a.k.a.) W's written publications has served to obfuscate the fact that [1] Catherine Daisy Coleman had fallen victim to a very shocking incident of sexual assault that she almost died from in the City of Maryville, Missouri / Nodaway County, Missouri when she was 14 years of age; [2] the January 8, 2012 sexual assault Catherine Daisy Coleman fell victim to was emotionally and psychologically traumatic to her; [3] Catherine Daisy Coleman began to contemplate suicide following the January 8, 2012 sexual assault she was subjected to in the City of Maryville, Missouri / Nodaway County, Missouri; [4] Catherine

Daisy Coleman attempted suicide following the January 8, 2012 sexual assault she was subjected to the City of Maryville, Missouri / Nodaway County, Missouri; [5] the January 8, 2012 sexual assault she was subjected to led Catherine Daisy Coleman to have dealings with Missouri Girls Town: a facility located in Kingdom City, Missouri, which has concluded contractual agreements with the Missouri Department of Mental Health (MODMH); [6] Catherine Daisy Coleman began having dealings with state government agencies such as the MODMH (and other organizations affiliated with them) because she was retaliated upon for reporting and condemning the January 8, 2012 sexual assault she was subjected to in the City of Maryville, Missouri / Nodaway County, Missouri; [7] the August 4, 2020 suicide of Catherine Daisy Coleman raises questions about the resources and the support that is provided by state government agencies such as the MODMH to girls and women who contemplate (or attempt) suicide after falling victim to an incident of sexual assault; [8] **the August 4, 2020 suicide of Catherine Daisy Coleman is very sinister because a 2016 analysis of 28 studies of nearly 6,000 women and girls 14 years of age or older who had experienced sexual violence found that 60 percent of survivors did not label their experience as "rape;"** [9] **the August 4, 2020 suicide of Catherine Daisy Coleman is very sinister because thirty-three percent of women who are raped contemplate suicide**; [10] **the August 4, 2020 suicide of Catherine Daisy Coleman is very sinister because 13 percent of women who are raped attempt suicide**; [11] **the August 4, 2020 suicide of Catherine Daisy Coleman is symptomatic of the systemic sexism and racism that exists in American society and government (and particularly throughout the healthcare industry)**; [12] the American Psychological Association (APA) had in the month of February 2021 recognized that *"racism has been an enduring, insidious, and pervasive feature of the United States (U.S.) landscape;"* [13] the APA had in the month of February 2021 recognized that *"racism has shaped and undermined almost every aspect of U.S. society, including our laws, policies, educational systems, customs, and cultural narratives, weakening our political and civil institutions and creating many political and social fissures;"* [14] the APA had in the month of February 2021 recognized that "***racism intersects with other social and personal identities (e.g., age, gender, sexual orientation, religion, ability status, socioeconomic status, etc.) in ways that compound experiences of oppression among diverse groups in the form of sexism****, heterosexism, ableism;"* [15] Michael A. Ayele (a.k.a.) W was a 21-year-old full-time international undergraduate student at Westminster College (Fulton, Missouri) when he first began hearing/reading about the January 8, 2012 sexual assault of Catherine Daisy Coleman; [16] Michael A. Ayele (a.k.a.) W witnessed many double standards on matters pertaining to violence committed against girls/women during his 2013 employment with the Missouri Department of Mental Health (MODMH) Fulton State Hospital (FSH); [17] Michael A. Ayele (a.k.a.) W unequivocally condemns violence committed against girls/women irrespective of the girl/woman's racial background, sexual orientation, national origin, religious affiliation, disability status and/or age group; [18] Michael A. Ayele (a.k.a.) W unequivocally condemns malicious efforts to place girls/women in circumstances encouraging the commission of suicide for reporting and/or condemning the sexual assault they've gone through; [19] Michael A. Ayele (a.k.a.) W unequivocally condemns the January 8, 2012 sexual assault that Catherine Daisy Coleman had fallen victim to; [20] Michael A. Ayele (a.k.a.) W unequivocally condemns the sexism Catherine Daisy Coleman was subjected to after January 7, 2012; [21] Michael A. Ayele (a.k.a.) W unequivocally condemns the racism he has experienced when he was living in America.

As a Black former Missouri healthcare worker, I would like to convey (on the occasion of National Suicide Prevention Month) some very grave concerns I have with the way in which many healthcare settings are interpreting HIPAA. Unfortunately, HIPAA has been consistently mischaracterized in public discourse (and public documents) as a mechanism for shielding abusive or discriminatory healthcare practices from scrutiny. In reality, as the

U.S. Department of Health and Human Services (HHS) itself acknowledged in its own published guidance during the early 2010s, HIPAA was never designed to prohibit healthcare workers from expressing written and/or verbal objections to medical treatment that offends their "*conscience*." Indeed, during the early 2010s, HHS had explicitly used the terminology **"*conscience*"** in this context, thereby indicating that such "**objections"** are particularly valid in circumstances where the medical treatment that is provided to a patient is **xenophobic and/or sexist and/or racist**. In those earlier publicly accessible documents, (when I was living within the territory of America between January 2010 and July 2016,) HHS had made clear that HIPAA:

1. **Does not prohibit** healthcare workers from expressing **verbal and/or written objections** to treatment they find offensive to their "***conscience***" particularly if there's xenophobia, sexism and/or racism at play in the healthcare facility.
2. **Does not prohibit** the public and/or or the media and/or healthcare workers (whether current or former) from seeking the disclosures of personal health information (PHI) particularly in circumstances where there is credible evidence of **xenophobic, sexist, racist or otherwise discriminatory** medical treatment.

The decision of HHS to remove (from its own website) previously published content offering guidance (to healthcare workers) on matters pertaining to HIPAA is not something that ought to be taken lightly. Rather, it's something that ought to be concerning, and on my end, as a Black former Missouri healthcare worker (who's listed on Missouri's Accountability Portal), I am both uncomfortable and uneasy about this.

When a federal agency deletes content that once formed part of its public explanation of a federal statute, it alters the public's ability to understand both the **legislative intent** and the **practical application** of that statute. In the case of HIPAA, the deleted guidance was not a minor detail — it directly addressed a recurring and harmful misinterpretation: the belief that HIPAA is designed to **shield abusive conduct** or **block the exposure of racist, sexist, or xenophobic medical treatment**.

By removing previously published content on HIPAA without public explanation, HHS has in effect:

1. **Erased part of the public record** of how the federal government itself has historically interpreted HIPAA's provisions, particularly with respect to whistleblowing and civil rights protections in healthcare.
2. **Contributed to ongoing public misunderstanding** by allowing the false narrative to persist that HIPAA prohibits disclosures motivated by conscience, even when such disclosures are aimed at preventing discrimination or harm.
3. **Compromised accountability** by depriving healthcare workers, patients, advocates, and the press of clear federal acknowledgment that HIPAA supports — rather than silences — those who speak out against discriminatory care.

The quiet deletion of HHS's early 2010s HIPAA guidance — which affirmed the right of healthcare workers to express "***objections"*** to **xenophobic, sexist, racist and otherwise discriminatory treatment that offends their "*conscience"*** — mirrors and compounds the filtering and distortion of my own government correspondence by internet search engines (ISE) such as AOL, Bing/MSN, Google and Yahoo. In both cases, the result is the same: **accurate and legally significant information about the scope of HIPAA is erased, altered, or rendered inaccessible to the public.** As a direct consequence of this, false and harmful narratives on matters pertaining to HIPAA and suicide prevention are going unchecked. For instance, HIPAA is not, and was never intended to be a gag order. In other words, the purpose of HIPAA is not and has never been to silence (current/former) healthcare workers from speaking their "***conscience***" if/when they encounter "***objectionable"*** medical treatment resulting from **xenophobia, sexism and racism.**

Rather, HIPAA was written to protect dignity and trust in healthcare – not to suppress "***objections of conscience"*** or to conceal systemic abuse. Regrettably, though, the widespread miscasting of HIPAA as a blanket prohibition on speaking out against ***xenophobia, sexism and racism*** has enabled a culture of fear and silence to become common practice in many "*mental health care"* facilities, and this is leading to very outrageous, shocking and tragic outcomes, some of which have been documented in the 1998 Hartford Courant articles on "*deadly restraint*."[ix] Incidentally, the 1998 Hartford Courant articles on "*deadly restraint"* implicitly (but very strongly) refers to HIPAA as well as the content published by the HHS in the 2010s on HIPAA-related matters (before it was deleted).

The core issues presented in this records request are as follows. 1) Have you had conversations about National Suicide Prevention Month as an event that is held annually throughout the month of September? If yes, will you promptly disclose those records? 2) Have you had conversations about National Suicide Prevention Month as an event that raises awareness on the circumstances that increase a person's propensity toward suicide? If yes, will you promptly disclose those records? 3) Have you had conversations about the decision of the State of California to enact into law Assembly Bill 2777 also known as (a.k.a.) the Sexual Abuse and Cover Up Accountability Act by recognizing that one out of every six American women has been the victim of an attempted or completed rape in their lifetime? If yes, will you promptly disclose those records? 4) Have you had conversations about the decision of the State of California to enact into law the Sexual Abuse and Cover Up Accountability Act by recognizing that only 300 out of every 1,000 sexual assaults are reported to police? If yes, will you promptly disclose those records? 5) Have you had conversations about the decision of the State of California to enact into law the Sexual Abuse and Cover Up Accountability Act by recognizing that thirty-three percent of women who are raped contemplate suicide? If yes, will you promptly disclose those records? 6) Have you had conversations about the decision of the State of California to enact into law the Sexual Abuse and Cover Up Accountability Act by recognizing that 13 percent of women who are raped attempt suicide? If yes, will you promptly disclose those records? 7) Have you had conversations about the decision of the State of California to enact into law the Sexual Abuse and Cover Up Accountability Act by recognizing that a 2016 analysis of 28 studies of nearly 6,000 women and girls 14 years of age or older who had experienced sexual violence found that 60 percent of survivors did not label their experience as "rape?" If yes, will you promptly disclose those records? 8) Have you had conversations about the decision of the State of California to enact into law the Sexual Abuse and Cover Up Accountability Act by recognizing that women may not define a victimization as a rape or sexual assault for many reasons such as self-blame, embarrassment, not clearly understanding the legal definition of the terms, or not wanting to define someone they know who victimized them as a rapist or because others blame them for their sexual assault? If yes, will you promptly disclose those records? 9) Have you had conversations about the decision of the State of California to enact into law the Sexual Abuse and Cover Up Accountability Act by recognizing that it is self-evident that the unique nature of the emotional and psychological consequences of sexual assault, especially on women, can paradoxically permit wrongdoers to escape civil accountability unless statutes of limitation are crafted to prevent this injustice from occurring? If yes, will you promptly disclose those records? 10) Have you had conversations about the decision of the State of California to enact into law the Sexual Abuse and Cover Up Accountability Act by recognizing that it is self-evident that statutes of limitation for sexual assault need to be crafted in a way that does not cause the covering-up company to enjoy the fruits of their cover-up solely because our statutes of limitation permit, and thus motivate, such behavior? If yes, will you promptly disclose those records? 11) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black Bachelor of Arts (B.A.) Degree graduate of Westminster College (Fulton, Missouri)

and a former Missouri state government employee who was subjected to frenzy on various internet search engines (ISE) following his decision to recognize that Catherine Daisy Coleman was sexually assaulted in the City of Maryville, Missouri on (or around) January 8, 2012 when she was 14 years of age? If yes, will you promptly disclose those records? 12) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) and a former Missouri state government employee who was subjected to frenzy on ISE such as AOL, Bing/MSN, Google and Yahoo following his decision to recognize that Catherine Daisy Coleman attempted suicide on many occasions in the State of Missouri following the January 8, 2012 sexual assault she was subjected to? If yes, will you promptly disclose those records? 13) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) and a former Missouri state government employee who was subjected to frenzy on ISE such as AOL, Bing/MSN, Google and Yahoo following his decision to recognize that Catherine Daisy Coleman committed suicide in Colorado Springs, Colorado on (or around) August 4, 2020? If yes, will you promptly disclose those records? 14) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) and a former Missouri state government employee who was subjected to frenzy on ISE such as AOL, Bing/MSN, Google and Yahoo following his decision to recognize that the August 4, 2020 suicide of Catherine Daisy Coleman raises questions on the manner in which the State of Missouri handled the sexual assault she was subjected to on (or around) January 8, 2012? If yes, will you promptly disclose those records? 15) Have you had conversations about Michael A. Ayele (a.k.a.) W as a Black B.A. Degree graduate of Westminster College (Fulton, Missouri) and a former Missouri state government employee who was subjected to frenzy on ISE such as AOL, Bing/MSN, Google and Yahoo following his decision to recognize that the August 4, 2020 suicide of Catherine Daisy Coleman raises questions on the mental health resources that were provided to her (after January 8, 2012) by organizations that have concluded contractual agreements with the MODMH? If yes, will you promptly disclose those records? 16) Have you had conversations about the decision of ISE such as AOL, Bing/MSN, Google and Yahoo to filter and distort Michael A. Ayele (a.k.a.) W's correspondence on matters pertaining to sexual abuse and suicide prevention by generating unwelcome and unapproved queries such as "*Michael Ayele World Suicide Prevention Day,*" "*Michael Ayele Missouri state government case,*" "*Michael Ayele Missouri state government career,*" "*Michael Ayele employment contract,*" "*Michael Ayele HIPAA,*" "*Michael Ayele Catherine Daisy Coleman,*" "*Michael Ayele Audrie Taylor Pott,*" "*Michael Ayele Audrie's Law,*" "*Michael Ayele Sunshine request,*" "*Michael Ayele Sunshine news,*" "*Michael Ayele Sunshine update,*" "*Michael Ayele Kane County,*" "*Michael Ayele Illinois,*" "*Michael Ayele NCD 2000 report,*" "*Michael Ayele reverse age discrimination report,*" "*Michael Ayele Emma Roberts?*" If yes, will you promptly disclose those records? 17) Have you had conversations about the Department of Health and Human Services (HHS) as a federal agency of the United States government which had in the early 2010s published on its official website a memorandum explaining that the provisions of the Health Insurance Portability and Accountability Act (HIPAA) entitle covered entities (or healthcare workers) to express written (and/or verbal) objections to medical treatment they consider to be sexist, racist or otherwise discriminatory? If yes, will you promptly disclose those records? 18) Have you had conversations about the HHS as a federal agency of the United States government which had in the early 2010s published on its official website a memorandum explaining that the provisions of the Health Insurance Portability and Accountability Act (HIPAA) entitle covered entities (or healthcare workers) to express written (or verbal objections) to medical treatments that offends their conscience? If yes, will you promptly disclose those records?

Thank you for your attention to this matter.

Michael A. Ayele (a.k.a.) W
Anti-Racist Human Rights Activist
Audio-Visual Media Analyst
Anti-Propaganda Journalist
Gender Pronouns: He/Him/His

Work Cited

[i] On World Suicide Prevention Day, our Nation joins the World Health Organization, the International Association for Suicide Prevention, and countries across the globe in mourning those who have died by suicide. Suicide is a devastating tragedy that leaves loved ones with unanswered questions and families missing a piece of their soul, wishing for more time together. We are still in the early stages of learning about the conditions that can lead to suicide, including job strain or loss; serious illnesses; and financial, criminal, legal, and relationship problems. Acknowledging suicide and the impact it has on our communities is a first step to understanding how it can be prevented more effectively. Suicide accounts for 1 of every 100 deaths globally, and it is the second leading cause of death for Americans between the ages of 10 and 34. (…)

On this day of commemoration and action, we commit to studying the risk factors associated with suicide and to making mental health care accessible and affordable. Finally, to those experiencing emotional distress: please know that you are loved, and that you are not alone. There is hope, and there is help, and I encourage you to call or text 9-8-8 to reach the National Suicide & Crisis Lifeline. NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 10, 2022, as World Suicide Prevention Day. I call upon all Americans, communities, organizations, and all levels of government to join me in creating hope through action and committing to

preventing suicide across America. IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord two thousand twenty-two, and of the Independence of the United States of America the two hundred and forty-seventh. Joseph R. Biden – Kamala Harris White House Administration. Proclamation 10442 of September 9, 2022.

Whereas September is an appropriate month to designate as "National Suicide Prevention Month", aligning with "World Suicide Prevention Day" on September 10, a date recognized internationally and supported by the World Health Organization: Now, therefore, be it resolved that the House of Representatives -

(1) recognizes suicide as a preventable national public health problem;

(2) supports the designation of "National Suicide Prevention Month";

(3) supports the designation of "World Suicide Prevention Day;"

(4) declares suicide prevention as a priority;

(5) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(6) recognizes that there is no single cause for suicide and that suicide is most often an impulsive act that occurs during a moment of overwhelming hopelessness and despair;

(7) recognizes that mental health is equally as important physical health; and

(8) supports the development and implementation of strategies to increase access to quality mental health, substance abuse, and suicide prevention services. House Resolution 697. Recognizing suicide as a serious public health problem and expressing support for the designation of September as "National Suicide Prevention Month" as well as September 10, 2025 as "World Suicide Prevention Day".
https://www.congress.gov/119/bills/hres697/BILLS-119hres697ih.pdf

Senate Resolution 385. Recognizing suicide as a serious public health problem and expressing support for the designation of September as "National Suicide Prevention Month". https://www.congress.gov/119/bills/sres385/BILLS-119sres385is.pdf

[ii] Email Sent by Michael A. Ayele (a.k.a.) W to the Missouri Department of Mental Health (MODMH) on January 26, 2024

Hello,

I am writing this letter in response to your correspondence from January 25, 2024, which I've been thinking about. Please be advised that I continue to have several concerns with the way you have gone on to process my Missouri Sunshine request.

As you are aware, California Assembly Bill (AB) No. 2777, also known as (a.k.a.) California's Sexual Abuse and Cover Up Accountability Act was enacted into law on September 19, 2022 with the blessing and approval of the California Governor as well as the California Secretary

of State.

When enacting into law California AB No. 2777, the California government had decided to recognize that "a 2016 analysis of 28 studies of nearly 6,000 women and girls 14 years of age or older who had experienced sexual violence found that 60 percent of survivors did not label their experience as 'rape.'"

Given the above mentioned declaration made by the government of the State of California, I was curious to know if Sunshine requests were submitted to the Missouri Department of Mental Health (MODMH) about the sexual assault Catherine Daisy Coleman was victim of on (or around) January 8, 2012 when she was 14 (fourteen) years of age. I was also curious to know if Sunshine requests were submitted to the MODMH about the 2016 Netflix documentary entitled "Audrie and Daisy." Furthermore, I was also curious to know if Sunshine requests were submitted to the MODMH about the August 4, 2020 suicide of Catherine Daisy Coleman.

For the purpose of bolstering public confidence in the activities, the engagements and the priorities of the MODMH, I hope you will perform a more thorough search for responsive records detailing [1] the Sunshine requests submitted to the MODMH about the January 8, 2012 sexual assault Catherine Daisy Coleman was the victim of when she was 14 years of age; [2] the response provided by the MODMH to such requests; [3] the Sunshine requests submitted to the MODMH about the 2016 Netflix documentary entitled "Audrie and Daisy;" [4] the responses provided by the MODMH to such requests; [5] the Sunshine requests submitted to the MODMH about the August 4, 2020 suicide of Catherine Daisy Coleman; [6] the responses provided by the MODMH to requests on the subject of Catherine Daisy Coleman August 4, 2020 suicide; [7] the access granted by the MODMH in terms of reviewing the personal health information (PHI) of one of their current and/or former patients/clients.

I hope you reconsider your response. 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

<u>Email sent by the MODMH to Michael A. Ayele (a.k.a.) W on (or around) January 31, 2024</u>

W,

This email is in response to your Missouri Open Meetings and Records ("Sunshine Law") request dated January 26, 2024. The Sunshine Law, RSMo Section 610.023.3, requires the Department to respond within three business days. This letter serves as the required response. A search of sunshine law requests from January 1, 2020, to the present, shows that you are the only requestor of records pertaining to Catherine Daisy Coleman; thus, all responses were emailed to you. For #7, any records that might exist pertaining to access to any consumer's PHI are confidential and closed in accordance with Section 610.021(14) and 630.140, RSMo.

Sincerely,

Janet Gordon

Records Custodian
Missouri Department of Mental Health

[iii] *Existing law sets the time for commencement of any civil action for recovery of damages suffered as a result of sexual assault, as defined, as the later of within 10 years from the date of the last act, attempted act, or assault with the intent to commit an act of sexual assault against the plaintiff or within 3 years from the date the plaintiff discovers or reasonably should have discovered that an injury or illness resulted from those acts. Under existing law, this provision applies to any action that is commenced on or after January 1, 2019.*

This bill would, until December 31, 2026, revive claims seeking to recover damages suffered as a result of a sexual assault that occurred on or after January 1, 2009, that would otherwise be barred solely because the statute of limitations has or had expired. The bill would additionally revive claims seeking to recover damages suffered as a result of a sexual assault that occurred on or after the plaintiff's 18th birthday when one or more entities are legally responsible for damages and the entity or their agents engaged in a cover up, as defined, and any related claims, that would otherwise be barred prior to January 1, 2023, solely because the applicable statute of limitations has or had expired, and would authorize a cause of action to proceed if already pending in court on the effective date of the bill or, if not filed by the effective date of the bill, to be commenced between January 1, 2023, and December 31, 2023. (…)

This act shall be known and may be cited as the Sexual Abuse and Cover Up Accountability Act. (…)

The Legislature of the State of California finds and declares as follows:

(a) Every 68 seconds, an American is sexually assaulted.

(b) One out of every six American women has been the victim of an attempted or completed rape in their lifetime.

(c) According to the Rape, Abuse and Incest National Network, only about 300 out of every 1,000 sexual assaults are reported to police. That means more than two out of three go unreported.

(d) Thirty-three percent of women who are raped contemplate suicide; 13 percent attempt it.

(e) A 2016 analysis of 28 studies of nearly 6,000 women and girls 14 years of age or older who had experienced sexual violence found that 60 percent of survivors did not label their experience as "rape."

(f) Women may not define a victimization as a rape or sexual assault for many reasons such as self-blame, embarrassment, not clearly understanding the legal definition of the terms, or not wanting to define someone they know who victimized them as a rapist or because others blame them for their sexual assault.

(g) When the perpetrator is someone a victim trusts, it can take years for the victim even to identify what happened to them as a sexual assault.

(h) For these reasons, it is self-evident that the unique nature of the emotional and psychological consequences of sexual assault, especially on women, can paradoxically permit wrongdoers to escape civil accountability unless statutes of limitation are crafted to prevent this injustice from occurring.

(i) Moreover, when these data are combined with widespread news reports of major companies being accused of covering up sexual assaults by their employees it is self-evident that statutes of limitation for sexual assault need to be crafted in a way that does not cause the covering-up company to enjoy the fruits of their cover-up solely because our statutes of limitation permit, and thus motivate, such behavior. California Assembly Bill No. 2777 (a.k.a.) the Sexual Abuse and Cover Up Accountability Act. September 19, 2022. https://legiscan.com/CA/text/AB2777/id/2607145

[iv] Michael A. Ayele (a.k.a.) W Listing on Missouri's Accountability Portal (MAP).: https://mapyourtaxes.mo.gov/MAP/Employees/Employee/SearchResults.aspx?last=Ayele&first=Michael&year=0&agency=0

Michael A. Ayele (a.k.a.) W Listing on MAP for Calendar Year 2013.: https://mapyourtaxes.mo.gov/MAP/Employees/Employee/EmployeeDetails.aspx?last=Ayele&first=Michael&agency=0&row=118538&year=2013

Michael A. Ayele (a.k.a.) W Listing on Map for Calendar Year 2014.: https://mapyourtaxes.mo.gov/MAP/Employees/Employee/SearchResults.aspx?last=Ayele&first=Michael&year=0&agency=0

[v] APA Apologizes for Longstanding Contributions to Systemic Racism.: https://www.apa.org/news/press/releases/2021/10/apology-systemic-racism

[vi] American Psychological Association (APA) Resolution on Harnessing Psychology to Combat Racism: Adopting a Uniform Definition and Understanding. February 2021. https://www.apa.org/about/policy/resolution-combat-racism.pdf

[vii] Missouri Revised Statutes (RSMO) Section 590.502 specifically states for instance that local government employees who "reasonably believe that they are under investigation which could lead to disciplinary action, demotion, dismissal, transfer or placement that could lead to economic loss shall be [1] informed in writing of the existence and nature of the alleged violation and who will be conducting the investigation; [2] provided a "written statement outlining the complaint;" [3] 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] "questioned by up to two investigators and shall be informed of the name and rank of each questioning officer."

[viii] Even though Michael A. Ayele (a.k.a.) W has never sought nor ever solicited nor ever contacted anyone to have his written publications listed and featured prominently on the AOL, Bing/MSN, Google and Yahoo internet search engines (ISE); Michael A. Ayele (a.k.a.) W has uncovered many instances where his written content was filtered, distorted, misused and misattributed after it was subjected to intense online frenzy. At the time Michael A. Ayele (a.k.a.) W started to publish his correspondence with the U.S. government on the circumstances that led to the August 4, 2020 suicide of Catherine Daisy Coleman, Michael A. Ayele (a.k.a.) W had not signed any binding agreement that subjected his work to evaluation, examination and unsolicited comments on the AOL, Bing/MSN, Google and Yahoo ISE. In other words, Michael A. Ayele (a.k.a.) W has never agreed to take on the role of the "*Student"* for his published works while the AOL, Bing/MSN, Google and Yahoo ISE took on the role of "*Professor."* Likewise, Michael A. Ayele (a.k.a.) W has never agreed to take on the role of "*Plaintiff"* and/or "*Defendant"* for his published works while the AOL, Bing/MSN, Google and Yahoo ISE took on the role of "*Judge, Jury and Executioner."*

Michael A. Ayele (a.k.a.) W was very much concerned upon learning about the August 4, 2020 suicide of Catherine Daisy Coleman because he was in Calendar Year 2013 a public employee of the Fulton State Hospital (FSH): a state government agency which is a component of the Missouri Department of Mental Health (MODMH). As a former employee of the MODMH (FSH), it remains unclear to Michael A. Ayele (a.k.a.) W whether or not his former employers (and their contractual partners) acknowledge as a matter of reality the fact that sexual assault is a factor increasing the risk of suicide. It also remains unclear to Michael A. Ayele (a.k.a.) W if the personal health information (PHI) of Catherine Daisy Coleman reflected this risk.

Via email, the former employers of Michael A. Ayele (a.k.a.) W (i.e., the MODMH) have refused to deny that Catherine Daisy Coleman was a patient of Missouri Girls Town following the January 8, 2012 sexual assault she had fallen victim to (only confirming that Missouri Girls Town is indeed a contractual partner of the MODMH). The terms and conditions of the contractual agreements concluded between the MODMH and Missouri Girls Town recognize that Missouri Girls Town is a "*time-limited placement resource for children requiring active coordinated and professional intervention in a highly structured environment by virtue of a demonstrated inability to function in any less restrictive setting. Children requiring residential treatment services exhibit a severe mental illness and/or persistent mental disorder as diagnosed according to the DSM-IV. These children may be unable to function consistently in an open, public school setting, may present a chronic runaway risk, and may present a history of showing rage, including physical aggression toward self and others.*"

The key questions asked by Michael A. Ayele (a.k.a.) W about the August 4, 2020 suicide of Catherine Daisy Coleman are as follows.

1) Have the healthcare service providers Catherine Daisy Coleman dealt with after she was sexually assaulted on (or around) January 8, 2012 formally recognized sexual assault as a factor increasing the risk of suicide?
2) Have the healthcare service providers Catherine Daisy Coleman dealt with after she was sexually assaulted on (or around) January 8, 2012 made a note on her personal health information (PHI) formally recognizing that sexual assault is a factor increasing the risk of suicide?
3) If there was genuinely no chauvinism and no misogyny and no sexism at play in the healthcare services Catherine Daisy Coleman received after January 8, 2012, why not provide the PHI of Catherine Daisy Coleman to Michael A. Ayele (a.k.a.) W: a former Missouri healthcare worker who's listed as such on Missouri's Accountability Portal?
4) If there was genuinely no chauvinism and no misogyny and no sexism at play in the healthcare services Catherine Daisy Coleman received after January 8, 2012, why does Michael A. Ayele (a.k.a.) W not have access to Catherine Daisy Coleman PHI that relate to her dealings with the Missouri Department of Mental Health (MODMH) as well as Missouri Girls Town?
5) If there was genuinely no chauvinism and no misogyny and no sexism at play in the healthcare services Catherine Daisy Coleman received after January 8, 2012, why not provide to Michael A. Ayele (a.k.a.) W the portions of Catherine Daisy Coleman PHI that recognized sexual abuse as a factor increasing the risk of suicide?
6) If there was genuinely no chauvinism and no misogyny and no sexism at play in the healthcare services Catherine Daisy Coleman received after January 8, 2012, why not provide to Michael A. Ayele (a.k.a.) W the portions of Catherine Daisy Coleman PHI that explicitly referred her to resources and organizations whose mission is to be supportive of sexual abuse victims contemplating suicide?
7) If there was genuinely no chauvinism and no misogyny and no sexism at play in the healthcare services Catherine Daisy Coleman received after January 8, 2012, why not provide to Michael A. Ayele (a.k.a.) W records attesting to the institutional support Catherine Daisy Coleman received by resources and organizations whose mission is to be supportive of sexual assault/rape victims contemplating suicide?
8) Why has the State of Missouri not enacted a *Catherine's Law* similar to *Audrie's Law* for the purpose of formally recognizing sexual abuse as a factor increasing the risk of suicide among girls and women?
9) Has the State of Missouri not enacted a *Catherine's Law* similar to *Audrie's Law* because Catherine Daisy Coleman was not on (or around) January 8, 2012 sexually assaulted by a(n) Black / African American man?
10) Would the State of Missouri have been properly motivated to enact a *Catherine's Law* similar to *Audrie's Law* if Catherine Daisy Coleman had on (or around) January 8, 2012 been raped by a(n) Black / African American man?

[ix] Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele World Suicide Prevention Day.*" https://www.bing.com/search?q=Michael+Ayele+World+Suicide+Prevention+Day

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele Missouri state government case.*" https://www.bing.com/search?q=Michael+Ayele+Missouri+state+government+case

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele Missouri state government career.*"
https://www.bing.com/search?q=Michael+Ayele+Missouri+state+government+career

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele employment contract.*"
https://www.bing.com/search?q=Michael+Ayele+employment+contract

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele HIPAA.*"
https://www.bing.com/search?q=Michael+Ayele+HIPAA

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele Catherine Daisy Coleman.*"
https://www.bing.com/search?q=Michael+Ayele+Catherine+Daisy+Coleman

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele Audrie Taylor Pott.*"
https://www.bing.com/search?q=Michael+Ayele+Audrie+Taylot+Pott

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele Audrie's Law.*"
https://www.bing.com/search?q=Michael+Ayele+Audries+Law

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele Sunshine request.*"
https://www.bing.com/search?q=Michael+Ayele+Sunshine+request

Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele Sunshine news.*"
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https://www.bing.com/search?q=Michael+Ayele+Sunshine+update

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https://www.bing.com/search?q=Michael+Ayele+FOIA+records

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https://www.bing.com/search?q=Michael+Ayele+Illinois

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Bing/MSN Unwelcome and Unapproved Query "*Michael Ayele SFPL profile.*"
https://www.bing.com/search?q=Michael+Ayele+SFPL+profile

[x] *She was a 15-year-old patient, alone in a new and frightening place, clutching a comforting picture from home.*

He was a 200-pound mental health aide bent on enforcing the rules, and the rules said no pictures. She defied him; the dispute escalated. And for that, Edith Campos died. She was crushed faced down on the floor in a "therapeutic hold" applied by a man twice her size. (…)

"I can't understand why patients don't die more often with all the things that happen on a daily basis," said Wesley B. Crenshaw, a psychologist who has conducted one of the few national surveys on restraint use. "You have people who are 'cowboying' it," Crenshaw said, "people who really want to get in there and show they're the boss." Why They Die: Little Training, Few Standards, Poor Staffing Put Lives At Risk. Hartford Courant.:
https://www.charlydmiller.com/LIB05/1998hartfordcourant12.html

Had Gloria Huntley been able to move, had she not been bound to her bed with leather straps for days on end, perhaps she would have tried to draw the attention of the inspectors who were conducting a three-day tour of Central State Hospital.

Had she been able to move, had she not been pinned down by the wrists and ankles, she might have held a sign, as she had done before when a visitor came through Ward 7. Her handwritten plea was simple: "Pray for me. I'm dying." But the inspection team from the nation's leading accreditation agency never noticed Gloria Huntley before leaving the Petersburg, Virginia psychiatric hospital.

The three inspectors from the Joint Commission on the Accreditation of Healthcare Organization issued Central State a glowing report card – 92 out of 100 points. They also bestowed the commission's highest ranking for patients' rights and care when they concluded their review on June 28, 1996.

The next day, Gloria Huntley died. She was 31.

Her heart, fatally weakened by the constant use of restraints, had inflamed to 1 ½ time its normal size. In her last two months, she'd been restrained 558 hours – the equivalent of 23 full days.

Nine months later, the Joint Commission gave Central State an even better score in a follow-up review – even though Huntley's treatment would ultimately be labelled "inhumane" by the State of Virginia and condemned by the U.S Justice Department.

"How could JCAHO give Central State the highest rating in human rights when they were killing people?" asked Val Marsh, director of the Virginia Alliance for the Mentally Ill.

The way the country's health care system works, how could it not?

The Courant's nationwide investigation of restraint-related deaths underscores just how faulty – how rife with conflicts of interest, how self-protective, how ultimately ineffective – the system of industry oversight and government regulation really is.

The healthcare industry is left to police itself, but often doesn't.

Time and again, the Courant found, when it comes to the quality and safety of patient care, the interests of the industry far outweigh the public interest. (…)

The chain of agencies, boards and advocates that is supposed to provide oversight – the kind of oversight that might have prevented Huntley's death and hundreds like it – often breaks down in multiple places.

But the heavy reliance on the Joint Commission – an industry group that acts as the nation's de facto regulator – lies at the core of the problem. (…)

The federal government relies on the private nonprofit agency's seal of approval for a psychiatric hospital's acceptance into Medicare and Medicaid programs. (…) But the Joint Commission doesn't answer to Congress or the public. It answers to the healthcare industry.

The Joint Commission was founded in 1951 by hospital and medical organizations, whose members still dominate the commission's board of directors. The commission is funded by the same hospitals it inspects.

How tough are its inspections?

Of the more than 5,000 general and psychiatric hospitals that the Joint Commission inspected between 1995 and 1997, none lost its accreditation as a result of the agency's regular inspections.

None.

When extraordinary circumstances arise – a questionable death, for instance – the Joint Commission may conduct additional inspections. Even then, less than 1 percent of facilities lost accreditation.

Central State was not among them. (…)

Joint Commission officials are the first to say they are not regulators. Participation is voluntary, and 83 percent of hospitals inspected were found to have shortcomings that needed to be addressed. (…)

When it comes to mental retardation facilities, inspection is left largely to the states.

But their records are not much better.

The Government Accountability Office, the investigative arm of Congress, has found that state regulators are loath to punish state-run facilities.

In a study of mental retardation centers, the GAO found "instances in which state surveyors were pressured by officials in their own and in other state agencies to overlook problems or downplay the seriousness of deficient care in large state institutions."

When state regulators do show up, their inspections are scheduled with such predictability that facilities can beef up staff, improve serves and even apply fresh coats of paint. Often, only the new paint remains after the inspectors leave. (…)

At Central State, the warning signs should have been apparent. But Joint Commission inspectors review just a sampling of patient records – a sampling that may not include problem cases like Gloria Huntley's.

Anyone who did look at Huntley's records would have known her health was failing – and that heavy use of restraints was a primary reason.

Two years before Huntley's death, a doctor warned officials at Central State that she would die if they didn't change her restraint plan.

"Staff members should watch their conscience, and those in charge must always remember that following physical struggle and emotional strain, the patient may die in restraints," stated the ominously titled "duty to warn" letter.

Even if the Joint Commission inspectors had missed Huntley in particular, there were other cases at Central State that should have raised red flags. One patient was restrained for 1,727 (one thousand seven hundred and twenty-seven) hours over an eight-month period, yet another for 720 hours over a four-month period, according to a U.S Justice Department report.

So, in many respects, the investigation into Huntley's death is most remarkable in that it happened at all. When she died on June 29th 1996, the police were never called.

It took a hospital employee's anonymous call to a citizen's watchdog group, days after Huntley's death, to tip off the outside world that she died while being restrained – and not in her sleep as hospital officials told family members.

The Courant's investigation found at least six cases in which facilities, wary of lawsuits and negative publicity, tried to cover up or obscure the circumstances of a restraint-related death. (…)

Desperate for help, Gloria Huntley turned to one (…) organization in her last months of life.

Not only was her complaint not investigated, but three weeks after her death, Huntley was sent a letter saying the advocacy agency was dropping her case because it hadn't heard from her in 90 days.

The letter ends: "It was a pleasure working with you to resolve your complaint. I wish you the best of luck in your future endeavors." Patients Suffer in a System Without Oversight.

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