

Jay Driesen  
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Ph 865 771 9772

28 November 2011

Rodney A Roberts  
Director, Iowa Dept. of Inspections & Appeals  
Lucas State Office Building  
321 East 12<sup>th</sup> Street  
Des Moines, IA 50319 0083

Dear Mr Roberts,

I thank you from two perspectives; first for taking interest enough in the ongoing denial of our Mother's rights and secondly for using a far more conciliatory and friendly tone that that used by Mr Dean A. Lerner in his letter of 20 March, 2009 to us regarding the departments decision at that time. Mr Lerner's letter to us was saturated with downright falsehoods, slander and lack of compassion for the constituents he was to serve.

We are, however, saddened that your department has not found it in their duty to restore the constitutional rights of our Mother and as set out in the Nursing Home Reform Act of 1987. You state in your letter; "We have found that the concerns you have addressed have already been investigated by this office." In answer; yes these long standing allegations from Mother Driesen's family have been investigated by the Department of Inspections and Appeals under Mr Dean A. Lerner's administration as director of such. Such investigation culminated with the enclosed copy of Mr Lerner's letter of which I include a copy. As you can tell the matter ended with claims that the guardian can basically limit the rights the nursing home must guarantee our Mother as contained in the IA Constitution, the US Constitution and the Nursing Home Reform Act of 1987.

You further state; "In addition you informed us that the facility provided you with the opportunity to visit your family member, but you declined this opportunity." The truth be known, the facility, at the direction of the guardian, offered us a one time visit, supervised and later unsupervised, with our Mother. Our response was that no compromises were to be offered to the nursing home in any partial way in lieu of their responsibility to reinstat all of our Mother's guaranteed rights. No response was forth coming and thus our Mother continued on without her rights being restored.

Additionally your letter states; "Some of the concerns you write about address your dissatisfaction with guardianship and legal issues." Mr Roberts, these were mentioned to give your department an overview of the huge problems surrounding the purported care of our Mother. As the Iowa Legislative Liaison with NASGA (National Association to Stop Guardian Abuse), I am fully aware of what falls under your departments responsibilities relative to our states elderly citizens as residents of the nursing homes in our state.

When the day is over and we reach the bottom line of the second attempt Mother's family has made to have her rights restored, we remain with the same set of circumstances:

1/ Mother Driesen cannot call out to whomever she so chooses nor can she receive incoming calls per her choice.

At present I am informed that Mother Driesen does not have a telephone in her room.

2/ Mother Driesen can not send to her family nor receive from her family unopened mail.

3/ Mother Driesen is not allowed to visit with the family members that she has continually repeated that she desires to visit with and whose fellowship she seeks.

I also enclose a partial listing of the rights being denied our aged Mother as taken from the Nursing Home Reform Act of 1987.

It is the prayer and wish of Mother's family that their Mother may experience her restored rights that have been denied by this nursing home since basically January 1<sup>st</sup>, 2008. As this atrocity of rights denial for an elderly, widowed Mother of our state is being pushed into the fourth year of duration, I trust you would agree that such conduct is indeed unconscionable.

Please feel free to call or write with any questions that may arise in your mind.  
Also, please refer back in letter attachment to the above email address. Thanks.

Sincerely,

Jay, Donna, Merlyn & Jared Driesen

Copies to: Governor Branstad  
NASGA

TERRY E. BRANSTAD  
GOVERNOR

RODNEY A. ROBERTS, DIRECTOR

KIM REYNOLDS  
LT. GOVERNOR

November 22, 2011

Jay Driesen  
PO Box 1771  
Sioux Falls, SD 57101-1771

Dear Mr. Driesen:

The Governor's Office forwarded your letter regarding visitation to your mother at the Rock Valley nursing home to our office, the Department of Inspections and Appeals (DIA), as we are the agency who regulates nursing homes. You have also recently corresponded with our Complaint / Incident Bureau in the DIA.

We have found that the concerns you have addressed have already been investigated by this office. In addition, you informed us that the facility had provided you with the opportunity to visit your family member, but you declined this opportunity.

Some of the concerns you write about address your dissatisfaction with guardianship and legal issues. These issues do not fall under the regulation of DIA.

Resident rights issues are reviewed at the annual survey. If concerns are identified, deficient practices can be cited and a plan of correction required. An investigation regarding resident rights may be initiated at an earlier date if new information that provides substantial indication of a regulatory violation is reported to DIA/HFD.

Sincerely,



Rodney A. Roberts  
Director

Cc: Governor's Office  
Joni Klaassen, DIA

Chester J. Culver  
Governor

Dean A. Lerner, Director

Patty Judge  
Lt. Governor

March 20, 2009

The Honorable Steve King  
U.S. Congressman  
526 Nebraska Street  
Sioux City, IA 51101

Dear Congressman King:

Per your request, Mr. Jay Driesen's complaint regarding Hegg Memorial Health Center in Rock Valley was investigated by a representative of this Department on February 25, 2009 and March 2 to 3, 2009.

The Department uses a "preponderance of evidence" standard to determine whether an alleged incident or situation occurred. This means there must be adequate factual evidence to substantiate the allegations contained in the complaint. The greater weight of evidence is required.

During the course of the investigation into allegations you sent regarding the complaint from Mr. Driesen, the Department staff reviewed records; interviewed individuals with knowledge about the alleged situation, including Jay Driesen, his mother Dorothy Driesen, the daughter Ruth Kooima, nurses and CNAs; conducted an on-site visit; and made multiple observations related to the allegations.

A summary of our findings is as follows:

Complaint Findings:

**1. Allegation: Communications**

Federal Rule: 483.10 (k); State Rule: 58.47(5); **Not Substantiated**

Comments: Based on observation, record review, staff interviews, family interviews and interviews with Dorothy Driesen (mother of Jay Driesen) and other residents at the facility, no concerns were identified with communications. Dorothy Driesen's daughter, Ruth Kooima (Mr. Driesen's sister) has full legal guardianship of Ms. Driesen, as appointed by the Iowa District Court of Sioux County on August 14, 2008. The guardianship entitles Ms. Kooima to screen Ms. Driesen's telephone calls and prohibit calls from Jay Driesen and his brother (Meryln). The surveyor interviewed Dorothy Driesen, who was assessed to have short term memory impairment and some difficulty making decisions (only in new situations) as documented by the February 6, 2009 Minimum Data Set Assessment. Ms. Driesen stated she did not care that her daughter, Ruth Kooima screened her calls. Ms. Driesen stated her boys (Jay and Merlyn) have tried to take things away from her and Jay Driesen was bankrupt and requested money. Ms. Driesen stated Ruth is in charge of telephone calls and visitors and she would not change the way things are arranged. She stated she is able to make private telephone calls as desired in her room.

Lucas State Office Building, 321 East 12<sup>th</sup> Street, Des Moines, Iowa 50319-0083

Administration  
(515) 281-5457  
FAX: (515) 242-6863

Administrative Hearings  
(515) 281-6468  
FAX: (515) 281-4477  
Telephone Number for the Hearing Impaired: (515) 242-6515

Health Facilities  
(515) 281-4115  
FAX: (515) 242-5022

Investigations  
(515) 281-5714  
FAX: (515) 242-6507

Interviews with staff indicted Ms. Driesen may choose to talk with her sons, or not to talk to them. At times, when Ms. Dreisen has spoken to them she will become upset. One staff member indicated the resident cried and would stay in her room for 2-3 days following a telephone conversation with her son. The sons can make arrangements to see their mother with supervision. Staff stated if Ms. Driesen would become upset during the visits, staff could intervene. #7

## 2. Allegation: Retaliation

Federal Rule: 483.10(a)2; State Rule: 135( C).46; **Not Substantiated**

Comments: Based on observation, record review, staff and family interviews, and interview with Dorothy Driesen (mother of Jay Driesen) and other residents, no concerns were identified with retaliation. In an interview with Dorothy Driesen, she indicated the boys tried to say she was incompetent in order to take everything she had, but they didn't get away with it. Ms. Driesen stated her assets are in a trust at the bank. In a conversation with Ruth Kooima (daughter), she indicated she has a restraining order against Jay Driesen based on past interactions. During interviews with staff, they expressed fear of Jay Driesen due to threatening behavior exhibited and threats made during past visits to the facility and also telephone calls made to the facility. Staff stated Jay Driesen acts in a threatening manner and has guns in his home. Some fear for their safety. If staff feel fearful, they have the right to notify law enforcement. This is the reason law enforcement arrives when Mr. Driesen attempts an unscheduled visit. #9 #11 #12

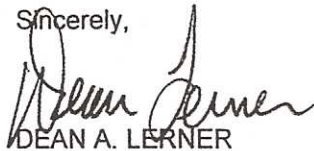
## 3. Allegation: Patient/Resident/Client Rights

Federal Rule: 483.10(j); State Rule: 58.47(2) and (c); **Not Substantiated**

Comments: Based on observation, record review, staff interviews, family interviews and interviews with Dorothy Driesen (mother of Jay Driesen) and other residents, no concerns were identified with resident rights. Ruth Kooima (daughter) has full legal guardianship of Dorothy Driesen, which entitles her to limit Mr. Driesen's access to his mother. In fact, Mr. Driesen is able to visit his mother if he gives the facility advance notice and allows the visit to be monitored (if Dorothy Driesen agrees). Mr Driesen chooses to not notify the facility ahead of time, and to call or arrive at different hours. #15

Mr. Driesen was also sent a letter that included the findings of this investigation. Please let us know if we can provide any further information.

Sincerely,



DEAN A. LERNER

Director

**§ 483.10 Resident rights.**

The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility. A facility must protect and promote the rights of each resident, including each of the following

(iii) The facility must record and periodically update the address and phone number of the resident's legal representative or interested family member.

(i) *Mail.* The resident has the right to privacy in written communications, including the right to—

(1) Send and promptly receive mail that is unopened; and

(k) *Telephone.* The resident has the right to have reasonable access to the use of a telephone where calls can be made without being overheard.

(vii) Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

(viii) Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.