

Senate Committee

COMMITTEE MINUTES for VETERANS AFFAIRS

Date: ***May 6, 2013***

Location: ***Room 22***

Convened: ***1:30 PM***

Adjourned: ***3:55 PM***

Attendance Roll Call:

Present: Senators Beall-CH, Danielson-VC, Rozenboom-RM, Ernst, Hart, Horn, Ragan, Schneider, Soddors

Absent: None

Excused: Senators Black, Chelgren

Senator Beall called the Veterans Affair Committee Special Meeting to order at 1:30 pm on May 6, 2013.

The special meeting was called to discuss the Iowa Veterans Home.

Minutes from the last meeting, April 2nd were approved.

Committee members present were: Senator Beall, Senator Danielson, Senator Rozenboom, Senator Ernst, Senator Hart, Senator Horn, Senator Ragan, Senator Schneider, Senator Soddors.

The following non-committee members were present: Senators: Petersen, Hatch, McCoy, Bolkcom, Dotzler and Dvorsky; Representatives Alons, M. Smith, Salmon, Maxwell and Fisher.

Senator Beall introduced the purpose of the meeting was to address complaints about the quality of care at the Iowa Veterans Home.

Presenters spoke in the following order:

The Reverend Ken Briggs, former Air Force chaplain and Lt. Colonel, currently represents Iowa Mental Health Planning Council. Rev. Briggs comments as follow:

IVH staff has excelled in service in relation to how current administration has supported the staff. Long term staff has left, staff still remaining feel humiliated or threatened and afraid to speak up due to risk of retaliation. Veterans with disabilities, mental health issues and other medical problems have been dismissed, although they still needed assistance. Residents feel treatment is poor; they feel humiliated, meals and hygiene regularly not on time, disabled veterans are unable to get to religious services. Commandant manages staff and residents with threat and control. Veterans feel ashamed at the home. IVH will become more important in the future due to veterans with PTSD returning from Iraq and Afghanistan.

Bill Rakers, former director of recreational therapy, retired in 2011 after 29 years with IVH. Mr. Rakers comments as follows:

Recreational therapists provide activities such as meals out of IVH, visiting sports and musical events and other public outings. Previous Mr. Raker felt support from administration to help the veterans through therapeutic recreation. After 2011 therapists were put on own without

leadership help from supervisors. Activities were reduced for veterans which lead to diminished moral and worsening moods for veterans. Veterans have shared they feel bored more often. Further no overtime is approved for therapists, this prevents extra activities for residents and residents are frustrated. IVH has changed from a helping, loving place to a place where control is key and residents and staff believe they would be gotten rid of if they do not cooperate. The goal is to get the residents in and out as quickly as possible without regard for the veteran's needs. A story was told of an employee who had long term health issue and told to get back to work as soon as possible without regard for his medical condition. In summary IVH was formerly a source of joy and pride for residents and staff now they feel fear and threatening.

Questions to Mr. Raker:

- Senator Danielson – Is there an internal process available to bring issues to management?
Raker – None
- Senator Soddors –The structure went from team leadership to unit leadership from team, please describe and expand on the change? Raker – Nurses at head of unit do not have training in recreational therapy and cannot provide leadership.
- Senator Ernst – Expand on the employee with cancer, we have federal laws and regulations that you must follow but I understand IVH must still care for residents. Raker – My fellow employee not retained because of cancer even though good employee.
- Senator Hart - If not cooperative staff and residents are gotten rid of then right? - Raker – The administration won't go to extra mile to help someone (staff or resident) overcome a difficulty. Residents are told their stay was long enough and they can move on.
- Senator McCoy - Can you talk about your own situation, why did you determine it was time to leave? Raker – I was removed from leadership, given bad office, staff were told not to talk about recreation therapy with me. I was moved to a job in security and switchboard management from recreational therapist, so my salary was disproportionate with security position; I was then told my salary would be cut. My former position at home was not filled. Responsibilities were taken up by nurses who may or may not have done the duties. I left in October 2011.
- Senator Rozenboom - What was a loving caring environment is now an institution – how was it before the change of commandant? Raker – All facilities have problems, but leadership at IVH now approaches problems with no discussion with staff, they act like a dictatorship.

Robby Corum, former social worker at Iowa Veterans Home, retired in 2012 after 28 years with IVH. Ms. Corum's comments are as follows:

Corum only feels like she can speak because she is retired and cannot be threatened for speaking. Commandant Worley has had overall effect on care residents receive. Commandant broke down the structure, removed key leadership and demolished departments, so that now no check and balance occurs. No residence advocacy left in the current structure. Unit based teams were adopted; this has led to decisions about residents at unit level, supposedly not top administration leave, however unit decision are often squashed by administration. Staff is now at will employees. No staff meetings are allowed even when requested. Differences of opinion between staff and administration is met with anger, hostility, and more control, in general there is fear and lack of trust of in the administration. Commandant should be removed. Long term employees have left early due to fear and bullying. Corum recommends an investigation is conducted in such a way that it is done without fear of retaliation toward staff and residents.

- Senator Beall - You used word hostel and intimidating, can you give an example? Corum – I was asked about supervisor by Commandant and felt like I was being bullied into saying bad things about supervisor, my supervisor was then fired. Commandant told inappropriate personal stories to show he is tough and was not to be messed with.
- Senator Ragan – Were you part of discussion when supervisor was asked to leave?
Corum – No
- Senator Hart – You mentioned a lack of transparency and secretive hearings, could you

expand? Corum – Previously I felt like part of facility and knew what was happening and when it was happening as to table of organization changes. Sudden changes made are made now and we never knew who to call and what was happening. I was told changes were shared on a need to know basis.

Mike Croskey (president of the IVH Resident Council) and Sherry Tichey (retired after 28 years as ward clerk and mother is a resident at IVH), presented by Mike Schlesinger presented by publisher of Marshalltown Times-Republican. Mr. Schlesinger comments on behalf of Mr. Croskey and Ms. Tichey as follows:

Schlesinger: As a former manager I was approached by multiple people in the area to tell complaints and hosted a March meeting to hear the stories. Many staff read comments from filed DAS reports. Reports showed the Commandant threatened and screamed at people with inappropriate language, sexually inappropriate words also used. Employees told not to come for fear of Commandant.

Croskey – Worked with 6 different commandants at Iowa Veterans Home. The staff used to be proud to be at IVH, now best staff feels forced or intimidated to leave. Residents never know from one day to next who will provide care because of high staff overturn. One resident said following: I would never have served in army if I had known I would have been treated so poorly at IVH. Residents won't speak up for fear of being discharged. As residents we used to have input on home administration, no longer allowed input and many privileges we used to enjoy are no longer allowed.

Tichey – IVH used to have the Clothes Closet which was where the community used to donate clothing to veterans to shop from, the commandant closed the operation. Tichey's mother was also a resident and reported staff shortages which effect feeding time and help calls. Her mother denied her request to put up a poster for program for residents.

- Representative Alons – Grievances were filed, can you elaborate? Schlesinger – I cannot answer, only reading from letters. Alons – Need to follow up on this.

Col. Todd Jacobus, chair of the Iowa Commission of Veterans Affairs, and member of Iowa Army Guard since 1988. Comments by Col. Jacobus are as follows:

Iowa Commission of Veterans Affairs has the responsibility supervise the commandant. I am pleased with openness and transparency in the process. Worley is knowledgeable about nursing home administration, proud of his service to US Army and has a passion about those who served our nation. He is on first name basis with the residents and knows the resident's family, Dan Gannon agrees as do others on Commission. Worley has been open with me (Jacobus) about incidents in IVH, and I am confident incidents mentioned to me were resolved. Worley does not want IVH to be a last resort for veterans, but the first choice for veterans and a first class home. Everyone at IVH is working together as team. I want to walk away from this meeting with a shared vision of how to move forward to best serve the residents.

- Senator Ernst – We have heard many concerning testimonies, are these incidents that were brought to commission and aware you of the problems? Jacobus – There have been many administration changes in past two years. We know about these changes, but the commission is not involved in daily workings of IVH. There are always multiples sides to a story and Worley has always presented a good explanation to the commission about issues.

- Senator Hart - It is hard to coincide your (Jacobus's) testimony with previous presenters, is their high turn-over at IVH and does it exist? Jacobus – I am concerned about turn over in general. I attended a leadership meeting with IVH supervisors in January and asked for feedback on any issues they had. Problems areas were followed up on, but no issues with Worley were presented. The only management issues were frustrations of specific veterans stemming from administration of policy.

- Senator McCoy – Expand on your January meeting with supervisors? Jacobus – Every month leadership at IVH gets together with Commandant. I joined to make a presentation in January because some veteran service organizations have shared frustration with Commandant.

McCoy – Can you share for specific instances of frustration? Jacobus – One situation was alleged abuse, I told staff they must pursue the incident through specific processes in place.

American Legion also was one of complainers, recently Dick Schrad as well. McCoy - You said enormous changes have taken place in last 2 years, can you expand? Jacobus – The residents no longer live in shared room, now single dwelling and this has spread out staff.

McCoy - So you are not versed in day to day operations, but staff turnover and elimination of vocational rehab program has not sparked a question as to why are these decisions were made?

Jacobus - I want to see veterans have a lively social life and no reduction in opportunities, things are just managed differently now.

McCoy - Did employees speak at January meeting and was Commandant present? Jacobus – The Commandant was present, employees were asked to identify strengths and weaknesses in their department; the meeting was 2 hours long.

- Representative Alons – Grievances were noted by previous speaker, does commission get involved in these charges? Jacobus – DOM vets these grievances, there is a separate process internally through state government. Alons - Significant charges about threats and sexual harassment have been made, have you seen any documentation? Jacobus – I have no knowledge of sexual harassment, only rumors about threats. I wanted to speak to individuals about the allegations, but I was told individuals do not want to speak for fear of reprisal.

- Senator Soddors – I have seen non-union employee reports on employment, did you know all employees were forced to sign an at will agreement about employment? The agreement says “if the employee does not consent to changes made, then result be a reduction of employment. Jacobus – Thank you for sharing.

- Senator Rozenboom – I am also trying to reconcile two pictures of IVH, if you could give me two or three adjectives prior to Commandant Worley and after what would they be? Jacobus - I don't see what others have seen, I see happy and comfortable veterans. IVH is not an institution but a home because of the entire team. IVH has not been poor in past and it is not poor now.

Melanie Kempf, long-term care ombudsman with the Iowa Department on Aging. Ms. Kempf's comments are as follows:

My department advocates for residents' rights, for quality of care and choice. We try to resolve IVH problems. We became involved recently; in Dec 2012 I received a letter from Representative Heaton's office. Residents said IVH was a home, but now is a prison. Staff that previously advocated for the residents are now gone. Commandant is nice during tours with public, but not the rest of the time. Residents and staff fear reprisal if they voice concerns. The Ombudsman's office also received a letter on concerns, but we cannot not speak with a resident if the resident does not wish to be spoken to about the issue. In March, I had meeting with staff and Ombudsman office, clarification was provided about resident concerns. Later in March I met with residents' council on issues who also had fear of retaliation when speaking to me. I asked how to get people with concerns to come forward and left flyer to be given out with how to contact me.

- Senator Beall – Have you had any contact off campus with residents? Kempf – Residents will only speak in groups. I provided business cards and one has called.

- Senator Hart – I am hearing fear of retaliation, what is your take on what the residents are afraid will happen? Kempf – They are afraid they will be forced to leave IVH.

- Senator Beall – Were any residents at March staff meeting? Kempf – No

- Representative Alons – Of residents who spoke with you in January, are they still residents? Kempf – I assume so, but I am unsure.

Dr. Mark Minear, former director of the IVH Mental Health Department, left in February 2012. Dr. Minear's comments are as follows:

I resigned due to conflicts with Commandant. My major issues with the Commandant came during the decision making process regarding elderly and mental health patients who did not want to be discharged. I wanted to ensure the discharged veterans were able to take care of themselves after they left IVH. Worley unhappy when I prevented or slowed the discharge, one

resident was bated by Worley to become angry and then threatened if he did not leave. A female veteran with PTSD was discharged, I did not agree, I was then told I would be removed from work with veterans because I was being an obstructionist. Worley and I had a meeting on this matter, the meeting was uncalled for; threats were made during them including staff employment discharge. Staff members were told they had to beg to keep their job and they were also told would be physically hit. Credentialed people were questioned and jobs threatened by supervisors uncredentialed in that field. I left due to threats and my personal ethical obligations, had I not left I would have had to compromise my professional ethics. In summary inappropriate control and treats are made by Worley as a matter of staff management.

- Senator McCoy – What steps professionally did you take to raise alarm? Such as contact with Governor or formal complaints? Minear – I contacted DAS and submitted complete report. You can get the report from DAS.

- Senator Soddors – Did anyone in supervisor position or management ever say they did not believe in PTSD? Minear – Worley once said he only believe in PTSD from a combat situation, not other perceived or real life threats that people experience.

- Representative Smith – A discharge system was developed through policy for veterans at one time, can you comment? Minear – The policy was meant to be case by case with each veteran's needs considered.

- Senator Schneider – What are the typical grounds and procedure for discharging a mentally unstable veteran or one with substance abuse and who makes the request? Minear – The teams made list of qualifications for discharge for involuntary discharge cases, but it was still to be case by case. Some successful discharges did happen, some were just not ready. Anxiety about discharge drove one person to a suicide attempt and this person would have needed more preparation. Schneider – If a person was deemed not ready for discharge, what is the process and does your ruling stand? Minear – Typically we rely on physician's decision, a supervisor can overrule a team's decision.

- Senator Beall – What is the hierarchy of professional medical staff? Minear – Previously to the top medical staff reported to the Commandant, this is not the case now.

Richard Schrad, former director of Resident and Family Services Department and resident advocate at IVH. Mr. Schrad's comments are as follows:

Residents and staff contacted me with stories of fear and bullying and that employees were leaving. The complaints were not just residence whining or disgruntled employees seeking revenge. Examples of inappropriate behavior by management I have heard: sexual harassment, verbal abuse, temper, threats, stories of past violent behavior, stories of gun collection, inappropriate touching, denigrating remarks about staff and residents. Accounts I have heard are not just hearsay, they are an established matter of record. These staff and residents are not here today because they are afraid and afraid no results will happen. I want action by Governor. The most unqualified person on staff is the deputy director, but the staff still fear her anyway. Director Tymeson defends Worley and deputy director.

Dr. Ann Touney, M.D., former staff physician at IVH, recently left after eight years. Comments by Dr. Touney are as follows:

Formerly excellent care, but now the changes made are troubling. Employees are pressured to resign when they do not agree with administration; this causes loss of strong advocates for residents. Direct care persons previously went to the commandant with issues, but they do not feel they will find a response. Staff is told to make decisions at lowest level possible, but often administration will override the lower level decision with no explanation. WE need transparency to have a team, but now there is no transparency or team feeling. The teams are tense and stressful.

- Senator Beall – What is the hierarchy of medical staff? Tourney – The top medical staff director (Dr. Brule??) is often not on campus. There was a director of nursing and director of residence family services. Formerly all reported to Dr. Brule, now not so.

Director Jodi Tymeson, director of The Iowa Department of Veteran's Affairs and retired brigadier general in the Iowa Army National Guard, former state representative. Director Tymeson's comments are as follows:

I am a non-voting member of commission and receive updates from Commandant. I find the Commandant open to the commission and other veteran groups. On the last federal report from the VA on IVH, IVH met all 158 standards of nursing home care. IVH is larger than most nursing homes, but I am typically impressed with care. I have picked up on issues today regarding a lack of training and staff shortage.

- Representative Alons – Are you aware of threats and bullying grievances that are being brought up? Tymeson – I am not aware, I know a process is in place though.

- Senator Hatch – Are you a liaison for different veterans' groups? Tymeson – Yes Hatch – Do these groups share concerns with you or have you heard of the complaints? Tymeson – I have only heard through the media. Hatch – As director you have never wanted to take on the issue? Tymeson – I only heard of it recently.

- Senator Petersen – Have you seen the DAS investigations Representative Alons mentioned? Tymeson – No, but I don't supervise IVH.

- Senator Ragan – You serve on commission Tymeson – Yes Ragan – And none of this was brought up at any meeting? Tymeson – Not that I recall. We have talked about construction, new buildings, private rooms, but not personnel and not attitudes and issues at IVH. It is not unusual for discontent at IVH because of the large size. Ragan – I do not remember sensing this problem in our discussions earlier this year in Veterans Affairs committee, but I am surprise commission has not discussed this problem.

- Representative Smith – I am trying to reconcile the reference by Jacobus that the commission has responsibility over IVH, and even as non-voting member, you have responsibility over IVH then also? Tymeson – True, but we talk in broad terms in the commission about changes being made.

Commandant David Worley, commandant of the IVH since 2010 and retired Army veteran. Commandant Worley's comments are as follows:

I am willing to be open to discussion and I always so to feel free to visit. The staff does a wonderful job at IVH. Veterans and families are most important to me. I used to do this same job in Kentucky and because of the nature of the job I became licensed nursing home administrator. On major change we have made was to change the construction plan to include all single rooms. I believe in new ideas, but not change for change sake.

- Senator Beall – Can you respond to the questions and charges made? Worley – I am required to submit a report on all involuntary discharges. We have only 7 actual involuntary discharges total since I came, but have discharged many people voluntarily. When I started many residents were in the wrong care level and I changed this. I have to adhere to state and federal regulations for nursing homes and veterans' affairs.

- Senator Beall – Describe the process for complaints. Worley – The grievance process, first it goes to a supervisor, then DAS and Union, then arbitration.

- Senator Beall – Talk more about some of the discussion today? Worley – I am not going to respond to direct personal attacks. I am a direct leader and make decisions people are not always happy with. However we have no deficiencies found by inspection by Feds. Only the Iowa DIA only found 4 minor problems. Two problems were with direct care workers, two were structural regarding fire alarms. I believe decisions should be made a lowest level possible. I can't discuss resident or employee specific issues. Medical provider makes decision about level of care and a team makes other decisions, the Commandant can't override medical doctor's decision. I can't intermingle different level of care patients, unless they are spouses.

- Senator Soddors – PTSD, do you believe it is real? Worley – yes, it is a very serious illness, but I do not believe it is a disorder because that implies something wrong with you. PTSD should be treated aggressively. I believe in all types, not just combat PTSD. I am not aware of another veterans' facility with this level of mental health treatment.

- Senator Soddors – What happened to last 7 vets involuntarily discharged? Worley – One

is in a long term care facility, two are in non-veteran related facilities, one went home, I do not know about the other three.

- Representative Smith – Do you follow turnover rates and are they higher under your leadership? Worley – Turnover is high in all long-term care facilities. I have not seen any drastic increase in turnover. I give an exit interview when someone leaves to discuss issues any issues. I work to provide safe happy work. Any investigation about the commandant would go through DAS, other management level issues go to the commandant. I have had some management level issues that were investigated lately. Legislation did not change care at IVH, we are still a licensed residential care facility.

- Representative Smith – Some wanted to add money to IVH, if IVH has extra money where does it go – Medicaid? Worley – Without language, it does back to DAS. Smith – Then if you are turning back money, how do you explain cutting services for Veterans such as newsletter? Worley – Residents chose to discontinue the newsletter, otherwise it would have been diminished and it was not cut by administration choice.

- Senator Horn – We have heard a lot of testimony regarding bad issues today, but now we hear a different story from you, do you think this issue should be dropped? Worley – Please come spend time at IVH, see motivated happy residents and great care. Ask questions of vets and residents. I do agree that there are some issues to be worked on.

Worley's closing statement. Thank you to all past and current employees. If people have questions come to IVH.

Senator Beall stated there will be a follow up meeting.

Meeting adjourned at 3:55pm.

Senator Daryl Beall

Erica L. Shannon Stueve, Committee
Secretary