

Your Name
Address
City, State, Zip

DATE HERE

Senator Pat Toomey
320 Market Street
Suite 475E
Harrisburg, PA 17108

Dear Senator Toomey:

Please have your staff locate and speak to David Italiano, a Pennsylvania resident, who is the victim of guardianship abuse. One of the public agencies mandated to protect Mr. Italiano – the Huntingdon County Agency on Aging (AAA) is instead, violating Mr. Italiano’s rights and I am concerned for his safety and well-being. MindFreedom International, in conjunction with Roads to Freedom Center for Independent Living is launching a Shield alert to locate and restore Mr. Italiano’s civil rights. That is how I heard about this urgent matter.

David had a legal guardian, local attorney, Jim Malee, from Williamsport, Pennsylvania, when he first contacted Roads to Freedom Center for Independent Living (RTFCIL) on January of 2020. Mr. Italiano’s petition to restore competency was denied by [Judge Zanic](#), despite a neuropsychiatric evaluation finding Mr. Italiano to be competent. The Judge appointed Huntingdon County AAA, as Mr. Italiano’s permanent guardian on November 10, 2020 despite a pre-existing conflict of interest by Judge Zanic. This judgement was against Mr. Italiano’s stated preference, and contrary to the policies and rules governing AAA’s, according to the Executive at the Administration for Community Living (ACL).

Huntingdon County AAA is violating the [Powers, Duties, and Liabilities of a Guardian](#) as stated in Pennsylvania Statutes [Chapter 55, Section 5521](#):

“It shall be the duty of the guardian of the person to:

1. Assert of the rights and interests of the incapacitated person.
2. Respect for the wishes and preferences of the incapacitated person to the greatest extent possible.
3. Participate, where appropriate, in the development of a plan of supportive services to meet the person's needs; and
4. Encourage the incapacitated person to participate to the maximum extent of his or her abilities in all decisions that affect him or her, to act on his or her behalf when he or she is able to do so, and to develop or regain his or her capacity to manage his or her personal affairs to the maximum extent feasible.”

Mr. Italiano’s guardian- the Huntingdon County AAA – placed him in [Embassy at Loyalsock](#), a nursing home, against his wishes. Mr. Italiano does not meet eligibility criteria for nursing facility admission. This admission violates federal regulations and constitutes Medicaid fraud.

RTFCIL staff maintained contact with Mr. Italiano and vigorously advocated for his right to obtain his medical records. Shortly after this right was finally granted, the HCAAA retaliated by restricting Mr. Italiano’s

communication with RTFCIL who were working with Mr. Italiano on a plan to move him from institutionalize care back to his community. Preventing Mr. Italiano from living in his home community is a gross violation of his civil rights under the Americans with Disabilities Act (Olmstead ruling) and in violation of Pennsylvania's guardianship statutes.

The COVID pandemic carries significantly higher medical risks to people who are institutionalized. It is critical that Mr. Italiano be given safer living options. In order to restrict Mr. Italiano from speaking to RTFCIL, Staff at [Embassy at Loyalsock](#), at the instructions of Mr. Italiano's guardian went so far to confiscate his personal cell phone on TWO occasions, once, in the middle of a conversation!

Mr. Italiano has consistently requested that RTFCIL advocates be able to participate in his care planning, but his current court appointed attorney, Mr. Ray Ghaner, in collusion with Huntingdon County AAA, forbid him from having an advocate at his virtual hearing in January 2021.

Mr. Italiano's guardian has denied their client access to his phone and the ability to have private, unmonitored phone calls, as well as his right to participate in a person-centered care plan to exercise his wish to choose a guardian. The Huntingdon County AAA refuses to communicate with RTFCIL on behalf of their client, stating falsely that participation by RTFCIL creates a duplication of services.

On or after 2/20/21, Mr. Italiano was moved from [Embassy at Loyalsock](#) to another institution, ostensibly to prevent further contact between Mr. Italiano and his preferred advocates who have vigorously defended his rights in the past. Currently, the signers of this letter cannot locate his whereabouts or establish his safety and well-being. Huntingdon County has essentially 'disappeared' Mr. Italiano.

Please use every power at your disposal to obtain the whereabouts of Mr. Italiano, determine his safety/well-being and ensure that his rights under the law are being protected.

Sincerely,